



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-fifth session

Summary record of the 923rd meeting

Held at the Palais des Nations, Geneva, on Monday, 1 February 2010, at 3 p.m.

Chairperson: Ms. Gabr

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Convention (*continued*)

*Combined fourth, fifth, sixth and seventh periodic report of Panama
(continued)*

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth, fifth, sixth and seventh periodic report of Panama (continued) (CEDAW/C/PAN/7; CEDAW/C/PAN/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Panama took places at the Committee table.*

Articles 1 to 6 (continued)

2. **The Chairperson** invited the delegation of Panama to continue replying to the questions posed at the previous meeting.

3. **Ms. Montenegro de Herrera** (Panama) said that the definition of discrimination against women contained in article 3 of Act No. 4 of 29 January 1999 was almost the same as, but not identical to, the definition contained in the Convention. In spirit, however, as well as in terms of its application, it was understood to be based on equality between men and women. Moreover, article 1 of Act No. 4 clearly set out the principles underpinning the Act, while article 19 provided the constitutional framework for non-discrimination. Essentially, all State policies must be based on respect for human rights, gender equality and non-discrimination.

4. The discrepancy between the de jure situation and the de facto situation in Panama was largely due to the androcentric nature of Panamanian society and the persistence of sexist stereotypes. The National Institute for Women was working to change that by elaborating a public policy on equal opportunity.

5. The Government had taken note of the temporary special measures recommended by the Committee and would work to implement them as part of its efforts to combat femicide and other forms of violence.

6. **Ms. Horzelda Williams** (Panama) said that the police and the judiciary alike received ongoing training. Most police officers learned about human rights and gender-based violence as part of their basic training at police academies. The judicial college, meanwhile, had its own gender office. From March to June 2010, immigration officials, investigative police, border police and refugee organizations, among others,

would participate in an online course on human trafficking.

7. **Ms. Vergara** (Panama) said that the role of the Office of the Ombudsman was twofold. On the one hand, it collected information on the evolution of human rights from civil society organizations, which in turn collected such information from women. On the other hand, its women's office provided a place where women could make their voices heard. Training efforts were continuous and included initiatives to disseminate the Convention and raise awareness of human rights in civil society and the Government.

8. **Ms. Montenegro de Herrera** (Panama) said that, while the number of temporary special measures that had been implemented was lower than hoped, the Government was at least now aware of the implementation gaps and of the problems facing Panamanian women. It had taken note of the Committee's comments and would draw up policies and strategic objectives aimed at addressing those issues, with a view to ensuring full respect for Panamanian women's rights.

Articles 7 to 9

9. **Ms. Rasekh** said that, while women's participation in political life had improved, Panama had a long way to go before it met the 30-per-cent female representation quota. In that connection, she asked what had been done to increase the number of women in elected office and how many Panamanian ambassadors were women.

10. **Ms. Belmihoub-Zerdani** said that, although Panama had ratified the Convention quickly and had adopted a number of laws aimed at ensuring its implementation, results on the ground were disappointing. For example, almost 13 years had passed since the adoption of Act No. 22 of 14 June 1997 amending the Electoral Code, yet political parties were far from meeting the requirement that women must account for at least 30 per cent of candidates for party positions or positions subject to popular vote. Why was that so? She also wondered how many Afro-Panamanian women held positions of responsibility.

11. **Mr. Falcón Moreno** (Panama) said he agreed that States must not only ratify but also implement the Convention. Fortunately, that was being done in Panama. By way of illustration, he said that the posts of President Pro Tempore of the Council of Ministers

for Women of Central America and President Pro Tempore of the Council of Social Integration of the Department of Central American Social Integration were currently held by Panamanian women; all but two Government ministries had female heads of international technical cooperation; and Panama's recent nominees for the Committee on the Rights of the Child and the International Criminal Court, though not elected, had both been women. The posts of President of the Supreme Court of Justice, Minister of Education and Secretary-General of the Ministry of the Interior and Justice, meanwhile, were currently held by Afro-Panamanian women.

12. He did not know how many Panamanian ambassadors were women but he could obtain that information if the Committee so wished.

13. **Ms. Montenegro de Herrera** (Panama) said that the National Institute for Women strongly believed that women's political empowerment hinged on equal representation. She admitted that that goal was a long way off. Political parties and civil society organizations were currently studying why the many laws adopted in Panama since the Convention's ratification had not yielded more results in that respect. One problem was that, while Act No. 6 of 17 December 2002 provided that at least 10 per cent of public funding for elections must be allocated to the training of women, there was nothing in the law to ensure that such funds were actually used.

14. Another problem concerned women's insufficient economic resources. There was no shortage of educated Panamanian women who were interested in participating in political life. Furthermore, political parties had come to recognize the importance of women's participation in political life and of their inclusion on electoral slates. It was during the elections themselves that female candidates encountered problems, because they lacked the economic resources needed to mount a proper campaign. Without money, it was very difficult to get elected in Panama.

15. **Ms. Luque** (Panama) said that the number of female voters in Panama was almost the same as the number of male voters. The failure of women candidates to win elections implied that Panamanian women were not voting for them. It was important to find out why. The State and political parties could make every effort to promote women's participation in political life but ultimately the electorate decided.

Articles 10 to 14

16. **Ms. Bailey** asked what was being done to eliminate gender stereotyping in education; whether there were any plans to develop a national public policy on equal opportunity for indigenous groups; whether a supervisory mechanism was in place to ensure compliance with the guarantee, in Act No. 29 of 3 June 2002, that pregnant teenagers could continue their education by means of a modular system or other appropriate arrangement; and what steps were being taken to address Panama's high child labour rate, particularly as it related to the completion of education.

17. **Ms. Patten** asked what was being done to improve women's participation in the labour market; how the substantial wage gap between men and women was being addressed; and whether wage structures in female-dominated professions had been reformulated.

18. **Mr. Bruun** said that he would be interested to know more about the implementation in the workplace of article 175 of Act No. 14 of 18 May 2007, which criminalized sexual harassment, and about current child labour rates in Panama.

19. **Ms. Rasekh** asked how many of Panama's 918 health-care facilities were located in rural and indigenous areas and what steps were being taken to tackle the significant educational and cultural barriers that hampered rural and indigenous women's access to health-care services.

20. **Ms. Arocha Domínguez**, noting that Panama's report was descriptive rather than analytical in nature, said that future reports should make greater use of available indicators and should disaggregate data by population group. The Afro-Panamanian population was particularly invisible in the current report. Furthermore, she asked why the draft framework law on sexual and reproductive health had stalled and how the legislative branch and other institutions could be convinced of its importance.

21. **Ms. Pimentel** said that it was clear from Panama's teenage pregnancy statistics that its sex education policy was not working. The same conclusion had been reached by the Committee on the Rights of the Child, which had expressed concern, moreover, about the rise in sexually transmitted infections (STIs) and HIV/AIDS among Panamanian teenagers and children. Against such a backdrop, the

draft framework law on sexual and reproductive health was extremely important.

22. **Ms. Patten** enquired about Government efforts to ensure rural and indigenous women's full and equal participation in the formulation of macroeconomic and social policies, to promote economic opportunities and equal access to productive resources for rural and indigenous women, to address rural and indigenous women's needs, and to promote programmes and policies for rural and indigenous women based on full participation and respect for cultural diversity. She also asked whether the Government collected gender- and age-disaggregated data on economic activity in rural areas.

23. **Ms. Awori** asked what prevented rural and indigenous women from enjoying their rights.

24. **Mr. Flinterman** requested more information about the strategic social plan mentioned at the previous meeting.

25. **Ms. Montenegro de Herrera** (Panama) said it was a matter of great concern to the Government that, in higher education, men continued to favour traditionally "male" programmes and women continued to favour traditionally "female" programmes. The Women's Institute of the University of Panama was investigating why that was so and devising a new university curriculum.

26. The fact that women entering the labour market were, generally speaking, more qualified than their male counterparts did not mean they enjoyed equal conditions. Pay gaps persisted between equally qualified men and women engaged in the same type of work. It was not enough, therefore, to educate women. Panamanian society and employers alike must recognize the principle of equal pay for equal work, as enshrined in the Constitution and the Labour Code. For its part, the National Institute for Women was promoting the identification of good labour practices in an effort to encourage companies to increase opportunities for women.

27. Although the Government had not introduced a policy of equal pay for women, it had introduced a single minimum wage for men and women. As a result, pay rates for domestic work — the area employing most women — had increased. Indirectly, then, Government policy had resulted in better pay for women.

28. School curricula were currently under review. Many parents were concerned about plans to give their children's education a gender component, particularly as it related to sexual and reproductive rights. The National Sexual and Reproductive Health Plan itself had important education-related components. The National Institute for Women was taking steps to strengthen the gender and education office, which played an important role in that regard.

29. **Ms. González Ruiz de Varela** (Panama) said that, as a result of the *Muévete por Panamá* ("Get Ahead for Panama") campaign, over 45,000 adults — 60 per cent of them women — had received literacy training. The campaign had been extremely successful and would continue, with a particular focus on the indigenous population.

30. Recently, a free Internet service had been launched nationwide, including in Panama's five indigenous areas (*comarcas*), with a view to ensuring that the most vulnerable people had access to technology. In the coming weeks, all children attending State primary schools and preschools would receive textbooks, uniforms and grants. The aim was to ensure that the entire population had access to a good education. The Government was also planning to introduce stimulation, nutrition and safe drinking water programmes for under-six-year-olds. Such programmes played an important role in reducing school dropout rates and combating poverty.

31. Poverty reduction efforts focused on Panama's indigenous areas, which lagged the furthest behind in attaining the Millennium Development Goals, particularly those relating to child hunger and malnutrition. The Government measured progress on the Goals closely. As a result of various programmes, including the Opportunities Network Programme, extreme poverty had fallen in Panama.

32. **Ms. Horzelda Williams** (Panama) said that, generally speaking, schools did ensure that pregnant teenagers could continue their education by means of a modular system or other appropriate arrangement, in accordance with Act No. 29 of 3 June 2002. School principals were responsible for supervising the progress of pregnant teenagers, while the National Secretariat for Children, Adolescents and the Family, established in January 2009, was responsible for ensuring that the law was implemented. In addition, the

National Sexual and Reproductive Health Plan contained a provision for educating young parents.

33. Lastly, both the National Commission on HIV/AIDS and the STI/HIV/AIDS multisectoral strategic plan played an important role in raising young people's awareness of HIV/AIDS.

34. **Ms. Vergara** (Panama) said that, in order to be involved in the country's economic development, Panamanian women must have access to credit. Considerable progress had been made in that regard. Previously, the only recourse available to people with no credit rating and no guarantor had been a special guarantee fund made up of a percentage of every commercial loan taken out in the country. A few months earlier, the law had been changed and such people could henceforth obtain credit from the Micro-, Small and Medium-sized Enterprise Authority directly. Just one week earlier, the Authority had granted loans worth almost \$200,000 to micro-, small and medium-sized enterprises — most of them owned by women — in the western part of the country. The Authority hoped to grant some \$20 million in loans in 2010. NGOs and other such entities could also obtain credit from the Authority. Lastly, statistics showed that women paid back loans much more promptly than men.

35. **Ms. Luque** (Panama) said that the Labour Code prohibited sexual harassment against men and women but provided for only administrative penalties. With the entry into force of the new Criminal Code, sexual harassment had been classified as a crime. Unfortunately, the application of the new Criminal Code was being undermined by the delayed entry into force of the Code of Criminal Procedure. The President had requested that resources and personnel should be made available to ensure that the Code of Criminal Procedure entered into force in 2010. The Code would make cases of sexual harassment much easier to prosecute.

36. **Ms. González Ruiz de Varela** (Panama) said that the Government was very concerned about Panama's high child labour rate. The National Institute for Women was working to address the issue in cooperation with the International Labour Organization, the Ministry of Social Development, NGOs working in the country and a private foundation that had provided funding. The Government had adopted a serious and consistent policy to eradicate child labour in Panama.

37. As for the draft framework law on sexual and reproductive health, she said that the Government was currently evaluating content proposed a few years earlier and, following the necessary consultations with experts, civil society and Government entities, would propose new content. In that regard, she clarified that only certain educational materials on sexual and reproductive health, not the draft framework law itself, had been discussed thus far in Panama.

38. **Mr. Falcón Moreno** (Panama) said that Panama's indigenous areas enjoyed a large network of health-care facilities. The *comarca* of Ngöbe Buglé had 12 health centres, 90 health posts and 1 sub-centre. The *comarca* of Kuna Yala had 2 hospitals, 6 health centres, 6 health posts and 2 sub-centres. The *comarca* of Emberá Wounaan and the province of Darién, meanwhile, had 62 health-care facilities, including 48 health posts and 6 health centres.

39. Even so, the Government was working to improve health-care services in indigenous areas. State health policy had been reformulated to give it a stronger focus on Panama's indigenous groups, and the number of medical personnel in indigenous areas had been increased. In areas with few health-care facilities, the Ministry of Health conducted campaigns aimed at preventing common illnesses such as influenza as well as more serious diseases such as HIV/AIDS. In fact, the Government's influenza A (H1N1) vaccination programme had been launched in such areas and was only now being extended to the rest of the country.

40. The Government was also working to identify and address gaps in health-care services in rural and indigenous areas. In response to Executive Decree No. 53 of 25 June 2002, it had decided to conduct a needs assessment in rural and indigenous areas. Among other aims, the Government hoped to increase the percentage of rural and indigenous women who gave birth with the assistance of skilled attendants.

41. **Ms. Vergara** (Panama) said that international cooperation assistance to Panama had been used, inter alia, to conduct diagnostic studies on the economic and social situation of Panamanian women. Since 2007 and as part of the Women's Economic Agenda project, the Government had been evaluating Panamanian women's integration into the labour market and their contribution to gross national income. The results, to be presented shortly, would be used to generate

specific projects aimed at eliminating the obstacles to women's participation in economic and social life.

42. In cooperation with the University of Panama and the Women's Economic Agenda project, the Government had designed a series of training courses aimed at helping Panamanian women draw up proposals for submission to banking and credit entities and thereby improving their chances of obtaining credit.

43. Lastly, for the past few years the Office of the First Lady had overseen a project aimed at generating employment for rural and indigenous women, inter alia through the provision of microcredit.

44. **Ms. González Ruiz de Varela** (Panama) said that the Government had realized that the granting of a monetary allowance alone was not enough to change the lives of women living in rural and indigenous areas. Under the strategic social plan for 2009-2014, community organization in such areas would be increased through the training of community outreach workers and the distribution of educational materials on topics such as child and maternal health. Other initiatives included the establishment of a system of territorial networks to encourage people to set up small cooperatives which would be eligible to apply for microcredit from the Micro-, Small and Medium-sized Enterprise Authority and the drafting of a housing plan to improve people's living conditions and health. The aim was to encourage poor men and women themselves to overcome the poverty in which they lived, while fully respecting their cultures and traditions.

45. The strategic social plan was closely linked to the early childhood development programme, which covered children up to the age of 6. The Government had focused on children in that age group ever since a survey conducted in 2008 had shown them to be Panama's poorest population group.

46. Every effort would be made to include more indicators in the next report. The May 2010 population and housing census would provide a good opportunity to assess the impact of the programmes currently being promoted by the Government.

47. Lastly, she would provide the Committee with health statistics on the indigenous population at the earliest opportunity.

Articles 15 and 16

48. **Ms. Halperin-Kaddari**, referring to Panama's response to question 33, said that she would like to know why Panama had no plans to raise the minimum age at marriage for girls and why no measures or initiatives had been taken to prevent or eliminate the practice of early marriage.

49. According to paragraph 180 of Panama's report, the economic rights of married persons, when not stipulated by the spouses in a marriage contract, were governed by a profit-sharing regime whereby each of the spouses acquired the right to share in the profits made by the other during the period to which that regime applied. The delegation should explain what was meant by "profits" and whether the regime applied to women in de facto unions as well as to married women.

50. Lastly, she wished to know how custody disputes were settled in Panama.

51. **Ms. Šimonović** said that she would be interested to know whether many Panamanian girls married at 14 and, if so, what was being done to address the issue. She asked how Panama had responded to the various recommendations made by the Committee on the Rights of the Child and the Human Rights Committee in recent years.

52. **Ms. Luque** (Panama) said that, in cases where a contract stipulating the division of property in the event of divorce had been drawn up at the time of marriage, property was divided in accordance with that contract. Where no such contract existed, property was divided equally between the spouses. The term "profits" referred to tangible property.

53. Either spouse could file for divorce. A husband accused of abusing his wife or children was removed from the family home immediately.

54. The courts considered many factors when deciding on the issue of custody. Generally speaking, the wife was granted custody of the couple's children. Occasionally the husband was granted custody, either as a temporary measure while allegations of abuse against the wife were investigated or on a permanent basis in the rare cases where such allegations proved to be true.

55. A divorced woman who had never been gainfully employed received maintenance payments until such

time as she remarried or moved in with another man. In addition, she was entitled to receive child support for children up to the age of 18 or, if they attended university, 25. In cases where both spouses were employed, the courts used their respective income levels to calculate the percentage of child support that each spouse should pay.

56. De facto unions were recognized in Panama. A couple that could prove they had lived together continuously for five years could have their union registered in the Civil Registry. They then enjoyed the same rights as married couples, including in the event of separation. Even a woman who could prove that she had been in a relationship with a man for a certain amount of time and that she depended on him financially could request maintenance when the relationship ended.

57. **Ms. Montenegro de Herrera** (Panama) said that early marriage, though common in many cultures, was not particularly prevalent in Panama. The delegation was grateful to the Committee for bringing the issue to its attention, had taken note of the Committee's comments and, upon returning to Panama, would work quickly to hold consultations and, if necessary, to amend the Family Code. Regrettably, issues were sometimes overlooked, either because of changes in Governments and their policies or because other more urgent issues came to the fore. She assured the Committee, however, that Panama was fully committed to implementing the various human rights treaties to which it was a party, including those relating to women. For example, it had established a National Secretariat for Children, Adolescents and the Family and was conducting a five-year plan on children in cooperation with the United Nations Children's Fund.

58. **Ms. Pimentel** said that she hoped the new draft framework law on sexual and reproductive health would take into account the Committee's general recommendation No. 24 on women and health. In view of the information provided concerning de facto unions, she asked whether any steps had been taken to legalize same-sex marriage.

59. **Ms. Montenegro de Herrera** (Panama) said that the Government would of course take the Convention into consideration in reformulating its draft framework law on sexual and reproductive health.

60. **Ms. Luque** (Panama) said that Panamanian legislation currently provided for marriage between a

man and a woman only. Same-sex marriage was not really an issue yet in Panama.

61. **The Chairperson** said that, while Panama should be commended for the considerable progress it had made since 1998, problems remained in terms of implementation and monitoring of implementation. She urged Panama to improve its follow-up mechanisms in that regard.

62. The Committee had been pleased to receive Panama's report but hoped that civil society would be more involved in the preparation of future reports. The Committee also hoped that women's mechanisms would be given a role in monitoring the implementation of legislation and that they would be consulted during the development of policies and legislation.

63. Temporary special measures were urgently needed in such areas as political participation, education, health and rural women. In addition, more attention should be paid to indigenous and Afro-Panamanian women. The fact that a few such women had reached positions of responsibility was not enough.

64. The Committee was also concerned about extreme poverty and its impact on women, human trafficking and the exploitation of poor and indigenous women.

65. She hoped that the delegation would discuss the Committee's comments with lawmakers, civil society and the media with a view to eliminating negative stereotypes in Panama and ensuring that all Panamanian women enjoyed all their rights.

66. **Ms. González Ruiz de Varela** (Panama) said that she was grateful to the Committee for its many questions and comments. The Government was aware of the challenges that lay ahead and fully intended to implement the legislation in force. Moreover, in view of the various studies and statistics mentioned by the Committee, the National Institute for Women was keen to develop new initiatives in consultation with women, particularly indigenous women. On returning to Panama, the delegation would begin consultations with a view to launching programmes in those areas where women's rights were still not fully respected or promoted.

The meeting rose at 5.20 p.m.