



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

Distr.: General  
9 September 2008  
English  
Original: Spanish

---

**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Fourth, fifth, sixth and seventh periodic reports of States parties**

**Panama\***

---

\* The present report is being issued without formal editing.



## General Introduction to the Republic of Panama

1. The Republic of Panama covers an area of 75,512 km<sup>2</sup>, divided into 9 provinces, 5 indigenous regions (comarcas), 75 districts and 521 municipalities.
2. According to the XVI Population and Housing Census of 2000, Panama at that time had a population of 2,839,177, with males (51%) outnumbering females (49%). Population density averaged 37.6 inhabitants per km<sup>2</sup>, varying from 116.2 inhabitants per km<sup>2</sup> in Panama province to 3.4 inhabitants per km<sup>2</sup> in the province of Darién. Almost half (49%) of the population lives in the metropolitan region, mainly in Panama City, the capital, and surrounding areas, while in the interior the distribution of the population is more heterogeneous.
3. By 2006, the population was estimated to have increased to 3,283,959, of whom 50.44% are men and 49.56% women. There are therefore 102 men for every 100 women.
4. GDP in 2006 totalled B/.15,141.9 million,<sup>1</sup> with a growth rate that year of 8.1% GDP per capita was B/.5,206.00. In third quarter 2007, GDP grew by approximately 11.3%.
5. Although the Panamanian population as a whole is almost equally divided between men and women, the same is not true of the economically active population (EAP), in which males account for 62% of the total and females 38%. The working population, equal to 93.7% of the EAP (1,357,059 inhabitants), comprises 37% women and 63% men. Men account for 48% of the unemployed population of 91,473, and women 52%. Another relevant statistic is that, of the so-called non-economically active population (861,231), 72.7% are females.
6. Women are principally engaged in wholesale and retail trade (104,145), domestic service (73,297), manufacturing (48,508), hotels and restaurants (47,883), and teaching (47,723).
7. According to the Living Standards Survey of 2003, 20.2% of the Panamanian population lives in poverty and an additional 16.6% lives in extreme poverty (so the total poverty rate is 36.8%). One fifth of the urban population is poor, including 4.4% living in extreme poverty. In non-indigenous rural areas, the poverty rate is 54%, including 32% extreme poverty.
8. Almost all (98.4%) of the indigenous population is poor, including 90% living in extreme poverty. The provinces with the highest poverty rates are: Bocas del Toro, Coclé, Darién and Veraguas.
9. Poverty is accompanied by other conditions that are both a cause and a consequence of it: illiteracy, for instance. According to the most recent census by the Office of the Comptroller General, 168,140 persons aged 10 or older are illiterate, that is to say 7.6% of the population. Of them, 78,411 (3.6%) are male and 89,729 (4%) are female.
10. The indigenous population is hardest-hit on a number of counts. The extreme poverty rate in that segment of the population is 89.7% (compared to the national rate of 16.7%); the overall malnutrition rate is 21.5% (for Panama as a whole it is 6.8%); the mortality rate for children under 5 years of age is 73 per one thousand

---

<sup>1</sup> B/Balboa 1/1 with USD.

live births (nationwide it is 22.1%); and the maternal mortality rate per 100,000 is 725.6 (compared to the national rate of 69.7). In all these indicators, the situation of the indigenous population is far worse than the national average.

11. Panama's social structure has been changing, in ways that are reflected in the major social indicators. In 2005, life expectancy averaged 74.74 years (for women it was 77.36 years and for men it was 72.25 years). In urban areas, where life expectancy averaged 76.50 years, women had a life expectancy of 79.12 years, while for men it was 74.01 years. In rural areas, the life expectancy figures were 72.14 (average for both sexes), 74.48 years (women) and 69.91 years (men). The median age of the population is 26 years (27.6 in urban areas and 22.8 in rural areas).

12. As for the age structure of children and youth, according to data furnished by the Office of the Comptroller General of the Republic, based on estimation of the population at July 1, 2006, 11% of the population comprises boys and girls under the age of five, 30 percent are under the age of 15, and 26% are young people aged from 15 to 29. Among children, adolescents, and young people, there are more males than females. For instance, in the indigenous regions girls and female adolescents account for only 28% of the total population.

## **Part I**

### **Article 1**

*For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

### **Response**

13. Panama has made substantial efforts to eliminate discrimination, reflected in progress toward the goal of guaranteeing that women enjoy the rights contemplated in the various human rights instruments that our country has adopted, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

14. In 1995, as part of the State modernization process, government and civil society, especially women's organizations, worked together to achieve the establishment, within the Ministry of Labour and Social Welfare, of the National Directorate of Women (DINAMU) as well as the creation of the National Council of Women (CONAMU), the consultative body responsible for issuing guidance, advice, and top-level public policy proposals for the integral advancement of women.

15. The Ministry of Youth, Women, Children and the Family (MINJUMNFA) was established in 1997 by Law No. 42 of 19 November 1997 and DINAMU became part of its administrative structure.

16. Later, MINJUMNFA was restructured under Law No. 29 of 1 August 2005 and absorbed into the Ministry of Social Development (MIDES).

17. Law No. 4 of 29 January 1999 is the instrument regulating and establishing the policy governing the Panamanian State's treatment of women, based on the principle of "no discrimination on the basis of sex, equality before the law, equity, protection of human rights, equal opportunity and treatment, and condemnation of all forms of violence"; as mandated by the regional and international instruments on the subject ratified by our country:

- CEDAW (Convention on the Elimination of All Forms of Discrimination against Women)
- Belém do Pará (Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women)
- Convention on the Rights of the Child
- Universal Declaration of Human Rights
- and others.

18. Each chapter of the Law establishes measures for eliminating discrimination against women in different spheres of activity:

- Human and economic development
- The exercise of power and political participation
- Legal equity
- The family
- Work
- Violence against women
- Health
- Housing
- Education and culture
- The media
- The environment
- Special interest groups

19. Executive Degree No. 53 was issued in 2002 to regulate the application of Law No. 4, "which instituted equal opportunities for women," rendering its concepts operational and establishing the institutional mechanisms and procedures needed to implement it.

#### **Article 2**

*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

*(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*

(b) *To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*

(c) *To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*

(d) *To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*

(e) *To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*

(f) *To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*

(g) *To repeal all national penal provisions which constitute discrimination against women.*

### **Response**

20. The principle of equality is enshrined in the Political Constitution of the Republic of Panama as a fundamental guarantee of the individual; Article 19 establishes: *“there shall be no discrimination on the grounds of race, birth, social class, sex, religion, or political ideas.”*

Thus, in the period covered by these reports, a number of specific legislative measures were adopted to reduce and eliminate discrimination against women. They are:

#### **LAW N° 3 OF 17 MAY, 1994 – “APPROVING THE FAMILY CODE”**

21. This legal instrument comprises four books, the first of which deals with family relations and contains the basic and general principles governing the subject, provisions on kinship, marriage, legal separation, filiation, maternity, paternity, adoption, custody or parental relationship, child emancipation, alimony, foster care or substitute home, guardianship, and family assets or estate .

#### **LAW N° 9 OF 20 JUNE, 1994- “ESTABLISHING AND REGULATING THE ADMINISTRATIVE CAREER”**

22. This law established the system governing personnel recruitment and management, post evaluation, and the grading of candidates for administrative career positions. One of its provisions includes sexual harassment as grounds for instant dismissal.

#### **LAW N° 12 OF 20 APRIL, 1995, RATIFYING THE INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT, AND ERADICATION OF VIOLENCE AGAINST WOMEN. BELÉM DO PARÁ.**

23. Ratification of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, adopted by acclamation at the twenty-fourth regular session of the General Assembly of the Organization of American States on June 9, 1994 in Belém do Pará, Brazil.

**LAW N° 27 OF 16 JUNE 1995**

24. Defines crimes related to domestic violence and mistreatment of minors. It also ordains the establishment of entities specializing in care for the victims of those crimes. Various articles are either amended or added to the Criminal and Judicial Code, among other measures.

**LAW N° 7 OF 5 FEBRUARY 1997 – “CREATING THE OFFICE OF THE OMBUDSPERSON (LA DEFENSORÍA DEL PUEBLO)”**

25. The Office of the Ombudsperson investigates acts or omissions by the authorities and civil servants involving violations of established rights; conducts studies or research aimed at incorporating international human rights provisions in the domestic legal system; attends to complaints and situations detrimental to human rights; and attempts to persuade the competent authority to remedy the conditions that prevent people from enjoying the full exercise of their rights.

**LAW N° 22 OF 14 JUNE 1997- “AMENDING THE ELECTORAL CODE AND ADOPTING OTHER PROVISIONS”**

26. Under this Law, women are guaranteed a 30% quota among candidates for positions within political parties and among candidates for positions whose incumbents are elected by popular vote.

**LAW N° 31 OF 28 MAY 1998- “ON PROTECTION FOR VICTIMS OF CRIME”**

27. This law accords the victims of crime an essential role in criminal proceedings by fully recognizing their right to file a criminal suit against the accused, as well as a criminal indemnification action for damages resulting from the crime.

28. To provide urgent support for victims, it establishes the Department of Cost-free Legal Counselling for Victims of Crime, attached to the Supreme Court. That department comprises attorneys appointed by the Fourth General Business Division (*Sala Cuarta de Negocios Generales*) of the Supreme Court of Justice, who defend victims' rights and provide legal advice and representation to persons entitled to cost-free legal aid.

29. The Law also establishes a fund to provide immediate partial, total, or supplementary medical or economic assistance to victims of bodily or mental harm as a result of serious crimes, or when the person responsible for the victim has become physically or mentally incapacitated as a result of the crime.

**EXECUTIVE DECREE N° 3 OF 28 JANUARY 1999**

30. This decree contains provisions regarding the establishment and operations of day care centres, homes, and shelters for the elderly.

**LAW N° 4 OF 29 JANUARY 1999, ESTABLISHING EQUAL OPPORTUNITIES FOR WOMEN**

31. This Law is based on the principles of prohibition of discrimination on the grounds of sex; equality before the law and the other individual and social rights; condemnation of any kind of violence against women; protection of the human rights and fundamental guarantees of girls and boys; equity; justice; and respect for human life. The paramount objective of the law is to develop public policy against discrimination based on sex and/or gender.

**EXECUTIVE DECREE N° 23 OF 24 JUNE 1999.**

32. This decree establishes the National Council for the Elderly, as a civic, autonomous and collegiate body, whose principal objective is to bring about a change of cultural mindset in the Panamanian population regarding ageing and old age.

**LAW N° 42 OF 27 AUGUST 1999, ESTABLISHING COMPARABLE OPPORTUNITIES FOR PERSONS WITH DISABILITIES.**

33. This Law proclaims, as a matter of social concern, the integral development of the population with disabilities, on equal terms with respect to quality of life, opportunities, rights and duties as the rest of society, with a view to their achieving personal fulfilment and complete social integration.

**LAW N° 54 OF 7 DECEMBER 1999- "ON REFORM OF THE VOLUNTARY INSURANCE SYSTEM OF THE SOCIAL SECURITY FUND IN ORDER TO INCORPORATE PERSONS DEDICATED TO CARING FOR THEIR FAMILY"**

34. Under this Law, adults, as well as minors recognized as bearing the responsibilities of adults (*los/as emancipado/as*), who are dedicated exclusively to caring for and looking after their family, are entitled to join the voluntary social security system.

35. Article 2 of the Law states: "*Eligible for voluntary insurance are all persons who, within a family relationship, perform biological reproductive functions, such as procreation, birth, and breast-feeding, and/or socialization, education, and care of their offspring, and/or socially productive work, such as the maintenance and management of the home.*"

36. Such persons shall be entitled to medical and financial benefits, but occupational hazards will not be covered.

**EXECUTIVE DECREE N° 33 OF 24 APRIL 2000, DECLARING MARCH TO BE "WOMEN'S MONTH".**

37. March is established as "women's month": a month of nationwide promotional academic, artistic, cultural and social activities in connection with International Women's Day.

**LAW N° 6 OF 4 MAY 2000- "ESTABLISHING THE OBLIGATION TO INCORPORATE A GENDER PERSPECTIVE IN THE LANGUAGE, CONTENTS AND ILLUSTRATIONS OF SCHOOL PLAYS AND TEXTBOOKS"**

38. "*It is hereby declared obligatory to use, in all school plays and textbooks, language, contents and illustrations that help to eradicate discriminatory practices based on gender that deny equality between men and women.*" (Article 1)

39. Likewise, publishing companies, authors of plays, schoolbooks and teaching materials, producers and distributors of videos, documentaries, slides, and any other kind of methodological tool are obliged to incorporate a gender perspective in the language, contents and illustrations so that, whenever the contents of the work refers to or illustrates a generic concept, the masculine and feminine genders are given, without altering the rules in effect of the Royal Academy of the Spanish Language.

40. Establishes that an appropriate methodology must be developed for activities geared to dissemination, training and sensitization with respect to the use of language containing a gender perspective.

**EXECUTIVE DECREE N° 99 OF 20 NOVEMBER 2000- “ESTABLISHING THE NATIONAL COMMISSION FOR DRAFTING THE NATIONAL PLAN AGAINST DOMESTIC VIOLENCE AND POLICIES FOR HARMONIOUS RELATIONS BETWEEN CITIZENS”**

41. This Commission draws up the National Plan of actions that could have a direct impact on our customs and the cultural patterns shaping our upbringing and the way we live together, in order to counteract the problem of domestic violence.

**LAW N° 17 OF 28 MARCH 2001- “ADOPTING THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN”**

42. This law examines individual cases or extensive violations of women’s human rights, thereby becoming a mechanism for the correction and denunciation of practices that in any way infringe the rights protected under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This legal instrument reaffirms and secures the conditions for women’s equal rights and the legislative measures required for effective action by the bodies women can resort to in the event of a violation of their fundamental rights or other forms of discrimination.

**EXECUTIVE DECREE N° 31 OF 16 APRIL 2001- “ESTABLISHING THE NATIONAL GENDER TRAINING SYSTEM (SNCG)”**

43. The National Gender Training System (SNCG) is an agency attached to the Ministry of Social Development. Its purpose is to strengthen, through training and sensitization in gender issues, the capacity of both governmental and nongovernmental institutions to incorporate — in the short, medium, and long term — the gender perspective in the formulation, implementation, monitoring and evaluation of public policies, programs and projects for their respective target populations.

**LAW N° 38 OF 10 JULY 2001- “WHICH AMENDS AND ADDS ARTICLES TO THE CRIMINAL AND JUDICIAL CODE ON DOMESTIC VIOLENCE AND MALTREATMENT OF ADOLESCENTS, REPEALS CERTAIN ARTICLES OF LAW NO. 27 OF 1995 AND ISSUES OTHER PROVISIONS”**

44. Law 27 of 16 June 1995 addressed, for the first time in our legislation, the categorization of cases of violence that, because they occur in the family, were ignored by the authorities who felt they were disqualified from interfering in domestic affairs.

45. Law 38 of 2001 was designed to address innumerable situations against which Law 27 of 1995 provided no protection or else left the victim of domestic violence defenceless. Thus, with the enactment of the new law on domestic violence, the phrase “family members” was discarded and protection provided in cases involving, for instance: marriages; de facto unions; couples together for fewer than five years when there is evidence that their intention is to remain together; kinship through consanguinity, affinity or adoption; minor children not in common, whether or not they live under the family roof; and persons who together have procreated a child.

The new Law provides protection in these circumstances even if they terminated when the aggression occurred.

46. The Law also authorizes the judge in a case to order community service to be performed under the supervision of the competent authority in the corregimiento in which he resides.

47. Law 38 of 2001 also classifies sexual harassment as a crime, punishable with between one (1) and three (3) years imprisonment.

48. A major feature of this Law is that it establishes fourteen (14) protection measures:

- (a) Ordering the temporary detention of the aggressor for up to 24 hours;
- (b) Ordering the alleged aggressor to leave the residence shared with the surviving victim, regardless of who owns it.
- (c) Conducting a search in order to save or succour a surviving alleged victim of violence, in accordance with constitutional and legal guarantees.
- (d) Authorizing the surviving victim, if requested by the victim, to live provisionally in a residence other than the shared home, in order to provide protection from future acts of aggression, and respecting the confidential nature of that new address.
- (e) Banning the introduction or keeping of weapons in the shared home, as well as confiscating them in order to ensure that they are not used to intimidate, threaten or cause harm.
- (f) Forbidding the alleged aggressor from going to the shared residence or the place where the surviving victim is living, as well as the workplace or place of study or other place the surviving victim usually frequents.
- (g) Returning a victim to the shared home which she or he had to leave, if she/he so requests, in which the measure referred to in subparagraph 1 of this Article should be applied immediately.
- (h) Suspending the alleged aggressor's custody or upbringing of his or her minor children, based on the seriousness of the acts of violence and/or harm or direct or indirect danger to which the minors were exposed. The competent authority may as a first option grant custody of the child or adolescent to the non-aggressor parent.
- (i) Suspending the alleged aggressor's visitation rights, based on the seriousness of the acts of violence and/or harm or direct or indirect danger to which the minors were exposed.
- (j) Notes ordering the migration and embarkation authorities to prevent minors of the parties from leaving the country.
- (k) Drawing up an inventory of movable goods in the shared residence, in order to protect the shared pool of assets.
- (l) Granting the victim of aggression exclusive use of the movable goods needed to ensure that the family home functions as it should.

(m) Immediately notifying the competent authority so that it can provisionally establish the surviving victim's alimony, where warranted, in accordance with protection measures applied.

(n) Ordering the alleged aggressor, if serious evidence of his or her liability exists, to defray the cost of reparation of property or medical care. That cost shall be discounted, in the event of a civil case sentence.

**EXECUTIVE DECREE N° 443 OF 5 NOVEMBER 2001- ON ARTICLE NO. 491 OF LAW NO 3 OF MAY 1994.**

49. Article 491 of Law No. 3 of 1994 (Family Code), orders the Ministry of Education to implement educational policies designed to guarantee the continuity and completion of pregnant minors' education in government and private educational establishments in Panama.

50. One of the principles espoused by the Ministry of Education is that education is a "*right and duty of human beings*," so that education cannot be based on measures constituting social discrimination.

51. This Executive Decree establishes that all educational institutions are obliged to adopt the measures needed to protect the health of a pregnant woman and of the child she is expecting. It also stipulates that once the doctor attending to a pregnant student has determined the likely date on which she will give birth and she is unable to attend classes, she must be able to receive instruction through a module system that her educational establishment – in the person of the Director and the student's teachers – are responsible for devising.

**LAW N° 68 OF 19 DECEMBER 2001- "ESTABLISHING JOINT TITLING AS A FORM OF PURCHASING LAND AND MODIFYING ARTICLES IN THE AGRARIAN CODE"**

52. This Law constitutes a major step forward toward advancing women's rights to own land, because it establishes that spouses or partners in a de facto union of persons legally entitled to marry may legitimately purchase land and that it is incumbent upon the State to promote joint titling of land and to develop, through the National Agrarian Reform Directorate, the mechanisms needed to ensure that this form of legalizing land ownership can be extended to other forms of acquisition and adjudication, including possessory rights.

**LAW N° 29 OF 3 JUNE 2002- "GUARANTEEING THE HEALTH AND EDUCATION OF PREGNANT ADOLESCENTS"**

53. The purpose of this Law is to guarantee for pregnant adolescents the right to receive comprehensive health care, to remain in the educational system, and, where necessary, to receive legal protection.

**EXECUTIVE DECREE N° 53 OF 25 JUNE 2002 –"IMPLEMENTING REGULATIONS FOR LAW NO. 4 OF 29 JANUARY 1999, ESTABLISHING EQUAL OPPORTUNITIES FOR WOMEN"**

54. These regulations, issued by the Executive through the Ministry of Youth, Women, Children and the Family, are designed to guarantee effective implementation of the provisions of Law No. 4 on Equal Opportunities.

**EXECUTIVE DECREE N° 89 OF 20 NOVEMBER 2002- NETWORK OF GOVERNMENT AND CIVIL INSTITUTIONS PRODUCING AND USING STATISTICS FOR THE INCORPORATION OF A GENDER PERSPECTIVE IN NATIONAL STATISTICS.**

55. The purpose of the network is to contribute to the development and improvement of national statistics from a gender perspective by facilitating the formulation, implementation, monitoring and evaluation of public policies imbued with a gender perspective.

**LAW 39 OF 6 MAY 2003, AMENDING AND ADDING ARTICLES TO THE FAMILY CODE REGARDING RECOGNITION OF PATERNITY.**

56. The Civil Registry (Provincial Directorate) will be specifically responsible for notifying the alleged biological father by means of a ticket. If the alleged father is notified and acknowledges paternity within 10 days, the child shall be registered with the father's family name; if he refuses to recognize paternity, the registry official shall draw up a report placing that refusal on record and shall consider the alleged father notified of the request to proceed with the corresponding legal proceedings. This process must be initiated within one year of the birth of the child.

**LAW N° 16 OF 31 MARCH 2004, CONTAINING PROVISIONS FOR THE PREVENTION AND CATEGORIZATION OF OFFENSES AGAINST SEXUAL INTEGRITY AND LIBERTY, AND AMENDING AND ADDING ARTICLES TO THE CRIMINAL AND JUDICIAL CODES**

57. The fundamental objective of this Law is to protect minors from sexual exploitation of any kind and in all its manifestations, by establishing preventive and punitive provisions in accordance with the best interest of children and adolescents, their comprehensive protection, and the guiding principles of the Political Constitution, Book Three of the Code governing the Family and Minors, and the international treaties and agreements on the subject adopted and ratified by Panama. The provisions of this Law are public and mandatory for natural and juristic persons, companies, and establishments located or to be established on Panamanian territory.

**EXECUTIVE DECREE NO. 103 OF 1 SEPTEMBER 2004**

58. This Decree established the National Secretariat for the Social Integration of Persons with Disabilities (SENADIS), which provides advice and intersectoral coordination by the Executive aimed at promoting the efficient institution of public policies for the full social inclusion of persons with disabilities and their families.

**LAW 14 OF MAY 2007, ADOPTING THE NEW CRIMINAL CODE**

59. This Law is a complete re-write of the Criminal Code. Key new features are:

- Previously, homicides were considered aggravated when the aggressor was a relative of the victim. Now, under the new Criminal Code, prison sentences are also longer for a person who murders another in an act of domestic violence.
- Likewise, an aggressor causing bodily harm to another is liable to a more severe punishment in cases of domestic violence.
- Previously, the crime of domestic violence was punished with between one and three years imprisonment. Under the new Civil Code, the sentence has risen to between two and four years in prison and in some cases to between four and six years imprisonment.

- Although a sentence of imprisonment for domestic violence can be commuted to therapeutic treatment, under the new Criminal Code, the aggressor who fails to complete such treatment will immediately be sent to prison to serve his or her sentence.

### **Article 3**

*States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

### **Response**

60. Our country has governmental and nongovernmental authorities to guarantee the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

61. It is important to point out that in 1994 the candidates for the Presidency of the Republic signed an agreement with the Women's Movement of Panama based on commitments made, such as the establishment of the National Directorate of Women (DINAMU) by means of Executive Decree No. 77 of 30 August 1995 and the creation, by Executive Decree No. 70, of 27 July 1995, of the National Council of Women (CONAMU).

62. CONAMU is a consultative agency, which sets guidelines, provides counsel, and puts forward proposals at the highest level regarding public policies for the comprehensive advancement of women. The Council comprises representatives of the State and of civil society. The National Directorate of Women serves as the Technical Secretariat for CONAMU.

63. DINAMU is a technical consultative body, engaged in planning and counselling, as well as promoting and executing actions, projects and programs to develop women's participation in the public, social, cultural, economic, ethical and legal life of the country.

64. Thus, in the process of creating the National Mechanism for the Advancement of Women, key measures were achieved with the enactment of Law No. 4 of 29 January 1999, "instituting equal opportunities for women," and the First and Second Plan for Equal Opportunities for Women, which laid the foundations for the promotion of women's issues.

65. In order to guarantee the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men, in October 2002, the Government of Panama, the European Commission and nongovernmental Panamanian women's organizations joined forces to launch the Project to Promote Equal Opportunities in Panama (PROIGUALDAD), aimed at creating the conditions for improving gender relations and fostering equal opportunities in Panama.

66. PROIGUALDAD focused largely on incorporating a gender perspective in the institutional work of government bodies (ministries, educational establishments, and municipalities), civil society entities (NGOs, rural and indigenous organizations, professional associations and the media), on the assumption that altering discriminatory notions and practices standing in the way of equitable development and equal opportunities for men and women would first require a process of awareness-building and education.

#### **Article 4**

(a) *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

(b) *Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

#### **Response**

67. As recommended by CEDAW, the Government of Panama has adopted measures to bring about equal opportunities for women.

#### ***Special measures to enhance the participation of women in politics***

68. According to Law No. 4, “instituting equal opportunities,” the State must “*establish the obligation of governments to guarantee the participation of at least thirty percent (30%) of women as ministers, vice-ministers and directors of autonomous and semi-autonomous authorities and other government entities.*”

69. Law No. 22 of 14 July 1997 amended the Electoral Code and included other measures. It established that no fewer than 30% of elected positions had to be held by women.

70. According to the last ECLAC Country Report, between the last electoral period in Panama (1999-2004) and the current one (2004-2009), the percentage of women parliamentarians has almost doubled, from 9.86% to 18.30% (13 principal deputies and 34 alternates out of a total of 71 seats today). A similar trend can be observed in the growing percentage of women mayors and municipal representatives.

71. One of the latest legal provisions is the Law on Public Funding of Elections (Law No. 6 of 17 December 2002), which establishes the obligation “to allocate at least ten per cent of said funding to the training of women.” In addition, with the amendment of Law No. 60 of 29 December 2006, women secretaries of the political parties have been placed in charge of overseeing electoral quotas.

#### ***Special measures aimed at protecting maternity***

72. Article No. 68 of the Political Constitution of the Republic of Panama stipulates that a working woman who is pregnant may not be separated from her public or private employment for that reason. For a minimum of six weeks prior to giving birth and eight weeks thereafter, she is entitled to rest with the same remuneration that she was receiving and her job shall be kept for her, as well as all the rights inherent in her contract. Upon returning to work, the mother may not be dismissed for one year, except in special cases prescribed by law, which shall in addition regulate the special working conditions of the pregnant working woman.

73. The Labour Code also establishes in Chapter II of Title Three of the First Book rules governing the hiring of women workers and defines maternity privileges,

breastfeeding rights during working hours, and the construction of day-care centres in public institutions, as well as other provisions.

74. Moreover, Law No. 50 of 23 November 1995, which protects and encourages breastfeeding, establishes that:

*Article 3. Health system institutions, other ministries and entities shall promote the practice of exclusive breastfeeding during the first six months of life and shall recommend continuing breastfeeding thereafter, with complementary foods, until the child is two years old.*

*Article 30. All working mothers in public or private employment shall be given the necessary facilities to pump milk and keep it in an appropriate place until the end of her shift. This provision shall apply during the first six months of breastfeeding.*

75. At the same time, Law No. 4 on equal opportunities for women also establishes that the State must implement services that allow for an equitable distribution of family responsibilities in couples, such as:

(a) *Studying the impact for the female population of looking after the family and performing the domestic chores; fostering analysis of different ways to change socio-cultural behaviour patterns that induce society to overburden women with a large and disproportionate share of domestic work; and establishing programs of actions aimed at ensuring that the tasks of caring for and bringing up children are undertaken jointly by both parents.*

(b) *Fostering the establishment of day-care centres and nursery schools in order to increase the provision of those services in hours adapted to the couple's work schedules. Such facilities must meet minimum requirements guaranteeing the quality of their services and appropriate training of staff. Promoting family care alternatives specifying care and assistance services of both members of a working couple. Conducting awareness campaigns, through advertising and promotional material, regarding routinely equal sharing of roles and responsibilities by the men and women in the family. Those campaigns shall underscore compliance with the principle of an appropriate balance of family and professional life and leisure time and they shall stress the benefits for young children of being looked after by both father and mother.*

(c) *Designing appropriate statistical tools that reveal the amount of work performed by women in the home.*

(d) *Making it possible for children, when they reach the age of majority, to alter the order of their surnames, so that the mother's comes first.*

***Special measures aimed at guaranteeing the social protection of women***

76. The Ministry of Social Development (MIDES) promotes the establishment of day-care centres for children, so that mothers can work and/or pursue academic activities for their own advancement.

77. The first pilot project for building and equipping Child Guidance Centres (COIF) got underway in 2006 in residences in the districts of Panamá, Arraiján and La Chorrera, as a joint initiative of the Ministry of Housing and the Ministry of Social Development. The main purpose of the project is to recover wasted public areas that have either fallen into disuse or are underused and to equip them with community social infrastructure for young children and youths. They also free

women to engage in educational activities, take on jobs, or pursue other opportunities.

78. Nationwide, there are currently 108 COIF, including some in the indigenous districts, which benefit communities with high poverty and extreme poverty rates.

79. In addition, Law No. 54 of 7 December 1999 amended the Voluntary Insurance Scheme of the Social Security Fund to include persons responsible for looking after their family. That law makes voluntary social security insurance available for adult men and women, as well as children with adult responsibilities (*emancipados y emancipadas*), who are devoted exclusively to looking after their family.

#### **Article 5**

*States Parties shall take all appropriate measures:*

*(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*

*(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

#### **Response**

80. Mechanisms have been established for eliminating violence against women, such as that established by Executive Decree N° 99 of 20 November 2000, which created the National Commission on the Development of a National Plan for Curbing Domestic Violence and for Civil Coexistence, comprising the Ministry of Youth, Women, Children and the Family (MINJUMNFA), the Ministry of Health, the Attorney General's Office (*Ministerio Público*), the Ministry of the Interior and Justice, the Worker's Sector, the Ministry of Education, the Ministry of Economy and Finance, the National Police and civil society, with a view to diminishing the increasing violence in Panamanian society.

81. The National Plan for Preventing and Addressing Domestic Violence and for Civil Coexistence has been in place since 2004, as an instrument for overcoming socio-cultural, institutional and legal barriers and addressing the multiple dimensions of the problem of domestic violence. It also envisages actions designed to provide the population with specialized human resources and adequate services for comprehensive, timely, high-quality, and sensitive care.

82. The Plan is based on a set of ethical principles, upheld by both national and international law and driven by concern for the human rights of the victims of domestic violence, the practice of universal ethical and moral values, promotion of equality, quality care, and the comprehensive and sustainable nature of efforts undertaken in this field. Underlying the approaches adopted in the Plan are a cross-cutting gender perspective, commitment to human rights, a life-cycle perspective, and an awareness of the intergenerational transmission of domestic violence. Drafting of the Plan was completed in 2004. It is now in the process of being implemented.

83. The aforementioned Plan is structured around five main areas for action: promotion, prevention, detection, care and rehabilitation. That approach is designed to address the problem of violence in a coordinated and comprehensive manner through the sectoral and intersectoral organization of all those involved in health, education, and legal, police, and social activities.

84. Another program has arisen along the same lines, called “Strengthening Local Domestic Violence Prevention and Care Activities.” It supports local initiatives, based on the conviction that local actions enjoy a comparative advantage when it comes to implementing programs to curb violence and assist its victims.

85. This initiative led to the establishment of local networks to combat domestic violence, prepare and execute local plans for preventing and addressing domestic/intrafamily violence, and provide comprehensive responses, by governmental, nongovernmental, and community bodies, to the complex problem of domestic violence.

86. The local networks comprise authorities in the health, judicial, police, and educational sectors, as well as organized civil society, striving to establish a local model for preventing domestic violence and addressing the problems associated with it.

87. The Ministry of Social Development’s National Directorate of Women (DINAMU) provides training to managers, administrative staff, and operatives in the various competent bodies dealing with violence against women, gender-based violence, human rights, masculinity, strategic planning, social project monitoring and evaluation, and domestic violence prevention and care issues, among others.

88. These local plans focus primarily on the victims (generally, women, children, persons with disabilities, and the elderly) and on the aggressors. They were designed as an organized and consensus-based response to the problem as a result of the work done by the governmental, nongovernmental and community sectors.

89. Within four years (2002-2006), this model had become a successful response to the problem of domestic violence besetting the municipalities of San Miguelito and Soná, the pilot communities where the project was first implemented, and it helped trigger similar initiatives in other districts and communities in Panama.

90. Thus, in 2006, two local networks were established in the municipalities of Chepo and La Chorrera; and in 2007 four more were installed in the municipalities of Arraiján, Colón, Las Minas and Las Tablas.

91. The current government administration (2004-2009) is committed to preventing and addressing the problem of domestic violence. Hotlines have been set up and publicized in MIDES (147) and in the Attorney General’s Office (800-0014), for free and confidential receipt of domestic violence complaints. The Government has assumed full responsibility for managing the Shelter-Home for Surviving Victims of Domestic Violence, with personnel trained in psychology, social work and legal counselling. It also provides board and lodging and clothes for the women victims and their children. The Guidance and Comprehensive Care Centre in MIDES also offers counselling for women.

92. The second Shelter-Home will start operating in Chiriquí province to assist victims of domestic violence and young women who are pregnant or socially at risk.

93. In addition, campaigns on the elimination of violence against women have been produced and disseminated nationwide on television, radio, and in the printed press. In the academic sphere, it is now possible to obtain a Master's Degree in Gender and Development and another in Domestic Violence Prevention and Assistance with a Gender Perspective.

94. As for statistics on gender violence, the Government of Panama intends to constitute a single data registration system. To that end, in 2006, the National Directorate of Women of MIDES and the Directorate of Statistics and Census of the Office of the Comptroller General of the Republic engaged in joint efforts to ensure that the institutions attending to and striving to prevent domestic violence reached agreements on registering data on both victims and aggressors all along the critical route view a view to avoiding overlapping and lacunae; the idea being that public policies and actions should be shaped by the realities shown in up-to-date statistics.

#### **Article 6**

*States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

#### **Response**

95. In recent years, for the first time, an effort has been made to investigate the factors, fundamental causes, and repercussions associated with trafficking in persons and the exploitation of female prostitution, and to analyze the modus operandi of those engaged in such practices.

96. Regarding the legal aspects, Panama has legal provisions criminalizing those practices, such as those contained in Articles 228, 229 and 231 of the Criminal Code, which deal with pimping, forced prostitution and trafficking in persons.

97. Article 228 establishes a sentence of 2 to 4 years imprisonment for anyone who, for profit or to satisfy third party desires, promotes or facilitates the prostitution of persons of either sex, while Article 229 addresses an aggravated form of such criminal conduct and, notably, increases the sentence to between 3 and 5 years in prison if the victim is a female under 12 years of age or a male who has not yet turned 14.

98. For its part, Article 231 establishes a punishment of 2 to 4 years imprisonment for anyone who promotes or facilitates the entry into, or departure from Panama, of a person for his or her prostitution.

99. Another criminal offence contemplated in our criminal law is corruption of minors, which entails committing sexual acts with a child, performing such acts in the presence of a child, or inducing them to perform acts of a sexual nature. This category of criminal offence is not directly and expressly related to prostitution, but is a form of sexual abuse or mistreatment.

100. In addition, Article 226 of our Criminal Code refers to the corruption of minors, as follows:

*“Anyone who corrupts or facilitates the corruption of a minor under 18 years of age, by performing an indecent act with that person or inducing that person to perform it, shall be liable to 2 to 4 years imprisonment.”*

101. It is important to point out that the Republic of Panama recently adopted a new Criminal Code, entering into force in May 2007. Numerous articles in it specifically address punishment for both forced prostitution and trafficking in persons, including the following:

*Article 19. Panamanian Law shall apply to crimes, even if they are committed abroad, against humanity, against the legal capacity of the State, against public health, against the national economy and against public administration, **as well as the crimes of forced disappearance of persons**, trafficking in persons, and falsification of Panamanian public credit documents, official stamps and seals, the Panamanian currency and other currencies that are legal tender in Panama if, in this last case, they were brought into, or were intended to be brought into, the national territory.*

*Article 248. Whoever, whether personally or through an intermediary, receives, deposits, negotiates, transfers, or converts money, instruments, securities, assets, or other financial resources, reasonably suspecting that they derive from activities related to international bribery, offences against author's and related rights, against industrial property rights, or against humanity, or drug trafficking, conspiracy to commit drug-related crimes, aggravated fraud, financial offences, illegal arms trafficking, **trafficking in persons**, kidnapping, extortion, embezzlement, murder for payment or a reward, crimes against the environment, corruption of public servants, illicit enrichment, acts of terrorism, financing of terrorism, pornography and corruption of minors, trafficking of persons and commercial sexual exploitation, theft or international trafficking in vehicles, with a view to hiding, covering up, or dissimulating their illicit origin, or helps elude the legal consequences of such punishable acts shall be punished with a sentence of between five and twelve years' imprisonment.*

*Article 323. When three or more persons make arrangements among themselves to commit offences, each of them shall be punished for that fact alone with between three and five years in prison.*

*The sentence shall be for between six and twelve years' imprisonment if the association was to commit felonious homicide, murder in the first degree, kidnapping, extortion, robbery, theft of cars and car parts, crimes related to drug trafficking, money laundering, financial crimes, rape, child pornography, **trafficking in persons**, terrorism or arms trafficking.*

*Article 324. Those who constitute or form part of a gang shall be sentenced to between four and six years in prison. The sentence shall be between seven and fourteen years in prison if the gang's purpose is to commit murder, kidnapping, extortion, robbery, theft of cars and car parts, **crimes related to drug trafficking, money laundering, financial offences, rape, trafficking in persons**, child pornography, terrorism, or arms trafficking.*

*Article 432. Whoever commits, in a generalized manner and systematically, the following deeds against a civilian population, or, having the means to do so, does not prevent them, shall be sentenced to between 20 and 30 years in prison, when those deeds result in:*

- (a) Aggravated homicide;
- (b) Extermination of a person;

- (c) *Slavery;*
- (d) *Deportation or forced displacement of the population;*
- (e) *Grave deprivation of physical liberty in violation of the guarantees or fundamental provisions of international law;*
- (f) ***Torture;***
- (g) ***Rape, sexual slavery, forced prostitution, forced pregnancy, or sterilization without consent;***
- (h) *Racial segregation practices;*
- (i) *Forced disappearance of a person;*
- (j) *Illicit persecution of a community for political, ethnic, racial, cultural or gender-related reasons.*

**Article 439.** *Whoever violates the provisions regarding lodging for women or families or regarding special protection for women and children set forth in international treaties to which the Republic of Panama is a party, and, in particular, whoever recruits or enlists minors under 18 years of age or uses them to take an active part in hostilities; and whoever induces or forces prostitution or any other form of indecent assault or offence against sexual freedom; induces or causes a forced pregnancy or forced sterilization; violates parliamentary immunity or unlawfully detains members of Parliament or any of the persons accompanying them, or personnel pertaining to the Protectorate or body replacing it, or members of the International Fact-Finding Commission; or whoever robs a corpse, wounded person, sick person, shipwrecked person, prisoner of war or interned civilian, shall be punished with between 10 and 12 years' imprisonment.*

102. It must be pointed out that the Criminal Code that came into force in 1982 made the virginity of victims of over 14 years of age and less than 18 years of age a prerequisite for configuration of the crime of forcible rape (*estupro*), as defined in Article 219.

103. The new Criminal Code of the Republic of Panama, adopted by Law No. 14 of 2007 and scheduled to enter into force in May 2008, eliminated the virginity requirement and redefined the offence as follows:

**Article 173.** *Whoever uses a position of advantage to have sexual intercourse with a person of more than fourteen years of age and under eighteen years of age, even if the latter consents, shall be punished with between two and four years' imprisonment.*

*The punishment shall be increased by between one third and half the maximum sentence:*

*When the perpetrator is a priest or pastor, a close relative, a guardian, an educator, or is, in any capacity, responsible for the custody, education, or temporary care of the minor.*

*If the victim becomes pregnant or infected with a sexually transmitted disease.*

*If, as a result of the offence, the victim has to drop out of school.*

*When a deceitful promise of marriage was made to obtain the victim's consent.*

*The punishments provided for in this Article shall not apply if it is duly proven that the two persons involved were in a longstanding relationship as a couple and provided that that age difference does not exceed five years.*

104. The New Criminal Code also defines the crime of rape (violación) differently, as follows:

**Article 171.** *Whoever, through violence or intimidation, has intercourse with a person of either sex, using his genital organs, shall be punished with between five and 10 years' imprisonment.*

*The same punishment shall be imposed on whoever induces intercourse to be performed on himself or herself under the same conditions.*

*The same sentence shall apply to whoever, without the consent of the affected person, performs oral sex or inserts, for sexual purposes, any object or non-genital part of his/her body into the anus or vagina.*

*The sentence shall be between eight and twelve years' imprisonment if any of the following circumstances apply:*

- (a) When the rape causes psychological harm to the victim.*
- (b) When the deed causes the victim physical harm resulting in a disability lasting over 30 days.*
- (c) If the victim becomes pregnant.*
- (d) If the deed was perpetrated by a close relative or guardian.*
- (e) When the perpetrator is a priest or pastor, educator, or was, in any capacity, responsible for the custody, education, or temporary care of the victim.*
- (f) If the deed was performed through abuse of authority or breach of trust.*
- (g) When the deed was committed with the participation of two or more people or in front of observers.*
- (h) When intercourse was performed by humiliating or degrading means.*

*The sentence shall be between 10 and 15 years if the rape is committed by a person who knows that he or she is infected with or a carrier of an incurable sexually transmitted disease or HIV.*

105. It should be pointed out that, towards the end of 2007, the National Directorate of Women conducted an international internship program in the Dominican Republic, during which participants were able to learn about the facilities for interaction among key players in the Dominican Republic for dealing with and promoting discussion of smuggling and illicit trafficking in women. They were also able to collect materials on laws and protocols for preventing, suppressing, and punishing trafficking in persons, especially women.

## Part II

### Article 7

*States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

*(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

*(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*

### Response

106. In elections held between 1948 and 1994, 602 parliamentarians were elected. Only 33 were women, which meant that, over a 50-year period, women accounted for just 5.5% of the members of the Chamber of Deputies.

107. That prompted the Panamanian women's movement to press for the promulgation of Law No. 22 of 14 July 1997, which amended the Electoral Code and, among other provisions, established that 30 percent of elective positions be held by women.

108. In the elections in Panama of 2 May 1999, a total of 1,549 positions were to be filled by popular vote, 465 of which should have gone to women, according to the 30% electoral quota for women. However, women only managed to achieve 9.9% of that quota.

### Number of women and men, by position to which they were nominated as candidates or elected in 1999

<i>Position</i>	<i>Men</i>	<i>Women</i>	<i>Women (%)</i>
Elected town councillors	511	64	12.52
Elected mayors	64	10	13.51
Nominations for election to the legislature	486	79	13.98
Legislators elected	64	7	9.86

*Source:* Electoral Tribunal. 1999 elections.

In the National Assembly for 2004-2009, of the 72 seats for representatives, 12 (or 18.3%) are held by women.

**Percentage of women nominated as candidates and/or elected in 1999 and 2004, by position**

	1999 (%)	2004 (%)
Elected town councillors	12.52	12.0
Elected mayors	13.51	17.0
Nominations for election to the legislature	13.98	19.09
Legislators elected	9.86	18.30

Source: Electoral Tribunal. 1999 elections, and UNDP. (2007) *Mapping the Participation of Women – Panama*, UNDP-AECI (Spanish International Cooperation Agency), Panama.

109. As regards democracy, at the Fourth World Conference on Women in Beijing in 1995, our country committed to contributing to the definitive eradication of any form of discrimination or obstacle to the full advancement of women, on an equal footing with men, by taking proactive steps to enable women to attain the position that men have traditionally occupied in this society. That commitment materialized with the reform of the Electoral Code through Law N° 22 of June 1997, which established the legal obligation to guarantee that at least 30% of political party candidates are women.

110. For its part, Law N° 6 of 17 December 2002, established the obligation “to earmark at least 10% of [... public funding for elections] for training women,” to be awarded to each political party’s Female Secretary in charge of monitoring the use of those funds, pursuant to Law 60 of 29 December 2006.

111. In the Judiciary, women’s participation is greater than it is in the other branches of government. Of the 278 positions for judges, magistrates, and or court-appointed attorneys, 129 are held by women (46.4%), even though this is a sphere traditionally dominated by men.

112. The following Table shows the number of women occupying ministerial positions in the Executive:

**Number of female ministers by ministry, in each presidential term**

Period	Total number of ministries	Female ministers	Ministries
1994-1999	14	2 (14.28%)	Ministry of Social Development (MIDES) and Ministry of Health (MINSa)
1999-2004	13	4 (30.76%)	Ministry of the Presidency, Ministry of Education (MIDUCA), Ministry of Agriculture and Livestock (MIDA), and MIDES
2004-2009	13	4 (30.76%)	Ministry of Housing (MIVI), MIDES, MINSa and Ministry of the Interior and Justice

Source: UNDP 2007. *Mapping the Participation of Women – Panama*, UNDP-AECI, Panama.

113. In 1999 to 2009, women held 30.76% of the ministerial positions, thereby meeting the 30% female representation quota required by Law No. 22 of 14 July 1997.

114. Currently there are five female vice-ministers and 311 women in executive governmental positions (accounting for 42 percent of the total for government institutions).

#### Number of female vice-ministers, by ministry, 2007

<i>Ministry</i>	<i>Total number of positions</i>	<i>Female Vice-Ministers</i>
Of the Presidency	1	-
Trade and Industry	2	1
Agriculture and Livestock	1	-
Economy and Finance	2	2
Education	1	1
Interior and Justice	1	-
Social Development	1	1
Public Works	1	-
Foreign Affairs	1	-
Health	1	1
Labour	1	-
Housing	1	-
<b>Total</b>	<b>14</b>	<b>6</b>

Source: UNDP 2007. *Mapping the Participation of Women – Panama*, UNDP-AECI, Panama.

#### Women and men in executive positions, by ministry, 2007

<i>Ministry</i>	<i>Total number of positions</i>	<i>Director</i>		<i>Women %</i>
		<i>Women</i>	<i>Men</i>	
Of the Presidency	22	6	16	27
Trade and Industry	19	4	15	21
Agriculture and Livestock	34	8	26	23
Economy and Finance	12	5	7	41
Education	49	31	18	63
Interior and Justice	23	7	16	30
Social Development	39	32	7	82
Public Works	27	4	23	15
Foreign Affairs	13	6	7	46
Health	31	14	17	45
Labour	21	8	13	38
Housing	21	6	15	29
<b>Total</b>	<b>311</b>	<b>131</b>	<b>180</b>	<b>42%</b>

Source: UNDP 2007. *Mapping the Participation of Women – Panama*, UNDP-AECI, Panama.

**Article 8**

*States parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

**Response**

115. The following Table illustrates the part played by women in the Panamanian Foreign Service:

**Panamanian women in the Foreign Service****2004-2007**

<i>Position</i>	<i>Quantity</i>
Foreign Service officers	9
Consul general	17
Consular affairs	9
Honorary consuls	9
Embassy staff	88
Consular staff	24
<b>Total</b>	<b>156</b>

**Article 9**

*States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

*States parties shall grant women equal rights with men with respect to the nationality of their children*

**Response**

116. Panamanian women enjoy equal rights with men to acquire, change or retain their nationality. According to the Constitution, Panamanian national is acquired:

(a) **By birth:** whether for those born in the national territory or for offspring of a father or mother who is Panamanian, either by birth or by naturalization, even if born outside the territory of the Republic.

(b) **By naturalization:** for aliens with five years of continuous residence within the territory of the Republic, who declare their intention to become naturalized and establish that they have a command of the Spanish language and an elementary knowledge of Panamanian geography, history and political organization, or for aliens with three years of continuous residence with the territory of the Republic of Panama, who have children born in the national territory of a Panamanian father or mother, of who have a spouse of Panamanian citizenship, provided they make the statements and submit the evidence referred to above, and

for nationals by birth of Spain or any Latin American nation provided they fulfil the same requirements necessary in their country of origin for the naturalization of Panamanians.

117. Pursuant to the Constitution, all persons who, before their seventh birthday, were legally adopted by Panamanian nationals, establish their domicile in the Republic of Panama, and, no later than one year after they become of legal age, state their intention to elect Panamanian citizenship may also opt to become Panamanian nationals by naturalization.

118. Panamanian nationality by origin or acquired by birth cannot be lost, but express or implied renunciation of it suspends citizenship. Panamanian nationality derived from or acquired by naturalization shall be lost for the same reasons.

119. Marriage shall not alter a person's nationality.

### **Part III**

#### **Article 10**

*States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*

*(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*

*(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*

*(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*

*(d) The same opportunities to benefit from scholarships and other study grants;*

*(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*

*(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*

*(g) The same Opportunities to participate actively in sports and physical education;*

*(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

**Response**

120. Public education policy is one of the most important areas of social investment in Panama. Educational level indicators over the past 10 years show roughly equal male/female ratios. There are slight differences in literacy rates between men and women: 7.4% and 8.7%, respectively. The illiteracy rate for the population as a whole fell from 10.7% in 1990 to 7.8% in 2000.

121. In Panama, the Constitution stipulates that all have the right to an education and the responsibility to become educated. The State organizes and directs national education as a public service and guarantees parents the right to participate in the process of their children's education.

122. Education is based on science, uses its methods, promotes its growth and dissemination, and applies its results in order to ensure the development of the human person and of the family, and equally to ensure the affirmation and strengthening of the Panamanian nation as a cultural and political community. Conscious of that, the authorities adopted the commitments made at the Beijing Conference and incorporated them into the 10-year Strategy (Educational Development Project – PRODE/Ministry of Education – MEDUC/Inter-American Development Bank – IDB).

123. As regards the educational system and the incorporation of girls in it, the statistics show an increase in the number of girl pupils, although some gaps persist, especially among the indigenous population. According to the Second Report on the Millennium Development Goals (2005), a comparison of 2000 and 2003 enrolment statistics shows the same trend in the boy-girl pupil ratio.

124. The 2003 data show 93 girls for every 100 boys enrolled in primary school. In secondary education there are 102 girls for every 100 boys and in higher education the entrance gap between female and male students has narrowed slightly from 164.1 female students for every 100 male students in 2000 to 150 female for every 100 male students in 2003.

125. Panama is experiencing a feminization of university enrolment. According to the October 2005 Study on the Status of Gender Equity in the University of Panama, conducted by the Women's Institute and the Office of the Vice-Rector for Research and Postgraduate Studies, enrolment figures for the University of Panama, broken down by head office, faculty, and location, showed a total of 23,746 men and 49,003 women.

126. For instance, in the Public Administration, Education Sciences, Economics, Pharmaceutical and Humanities faculties, for every three enrolled students, one is a man and two are women. A similar distribution can be found in the Nursing and Dentistry Faculties.

127. Such figures could lead one to think that women face no barriers to access to higher education. However, analysis of the programs in which women students predominate suggests that there are still cultural limitations preventing women from choosing certain non-traditional programs.

128. It is important to add the part women play in science, technology and innovation, specifically by looking at the figures for human resource advancement through scholarships provided by the Institute for Training and Progress in Human Resources – IFARHU.

129. According to a report by IFARHU, women receive more scholarships than men at every level: primary, secondary and/or university. In 2005 to 2006, 55,026 women were awarded scholarships, compared to 40,452 men.

**National scholarships awarded by IFARHU in the Republic of Panama,  
by level and sex**

**2000-2005**

Year	Total		Primary		Secondary		University	
	Male	Female	Male	Female	Male	Female	Male	Female
<b>Total</b>	<b>40 452</b>	<b>55 026</b>	<b>16 730</b>	<b>19 185</b>	<b>21 738</b>	<b>32 637</b>	<b>1 084</b>	<b>3 204</b>
2000	5 547	7 730	2217	2 454	3 109	4 902	221	374
2001	8210	11 726	3553	4 005	4 261	7 049	376	872
2002	10 932	14 881	6350	6 477	5 196	7 765	375	639
2003	6 860	9245	2540	2 826	3 946	5 778	374	639
2004	5 259	6623	2105	2 311	2 926	3 895	228	317
2005 (P)	3 653	4921	965	1 110	2 278	3 248	410	563

Source: IFARHU Statistics Department.

(P) Preliminary figures at 30 September.

130. Furthermore, with respect to innovative steps taken in the education sector, the Ministry of Education's Intercultural Bilingual Unit has implemented the indigenous women's literacy program.

**Article 11**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*

(a) *To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*

(b) *To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*

(c) *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*

(d) *To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

3. *Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*

#### **Response**

131. Article 63 of the Political Constitution of the Republic of Panama establishes:

*“A like wage or salary shall always be paid for like work under identical conditions, irrespective of the person who performs it, without taking into account sex, nationality, age, race, social standing, political or religious ideologies.”*

132. Taking into consideration the recommendations contained in International Labour Organization (ILO) Conventions 100 and 111, Article 43 of Executive Decree No. 53 regulating the implementation of Law No. 4 on equal opportunities for women establishes that the Planning Office of the Ministry of Labour shall prepare mechanisms and procedures based on technical and merit-related criteria in order to evaluate the tasks associated with a particular post, free of any gender bias. Specifically, Article 10 of Law No.4 stipulates in respect of labour that:

*“Ensuring women’s participation in the labour market poses a challenge calling for across-the-board, coordinated and innovative responses to facilitate the appropriate development of the human resources they embody and which are underutilized... Women are at greater risk of being unemployed or inadequately paid, of losing their jobs, of being sexually harassed in the workplace and of being confined to the informal sector of the economy.”*

133. Pilot training and guidance courses were launched in 2008, in the Veraguas, Chiriquí and Comarca Ngobe Buglé regions, to prepare young female leaders for entry into the labour market, as part of the actions undertaken by the Regional Women’s Economic Agenda (AGEM) Project, which includes the National Women’s Mechanism.

134. Certain specific measures stand out, such as the establishment in May 2007 of the Labour Ministry’s Gender and Work Commission to foster institutional capacity for gender mainstreaming at work, with a view to achieving equal opportunities in practice.

135. The following actions were planned as this report was drawn up:

- An agreement between the Ministry of Social Development (MIDES) and the Labour Ministry (MITRADEL) to establish a Gender Office in MITRADEL;
- National and international technical assistance with preparation of the survey on how women distribute their time between paid and unpaid labour (a commitment undertaken at the Conference on Women held in Ecuador in 2007);
- A comparative diagnostic assessment of the salary gap between men and women in the public sector;
- Coordination with MITRADEL's Employment Directorate to schedule training and gender mainstreaming activities.

136. Although Panama does not have laws specifically targeting sexual harassment, there are laws that punish such activities, including:

- Law No. 9 of 1994 on the Civil Service (Articles 2, 138, 152)
- The Labour Code (Articles 127, 128, 138, and 213, included in the Code by Law No. 44 of 12 August 1995)
- Rules of Procedure governing the Judicial Investigation Career in the Office of the Attorney General (Article 121)
- Law No 4 of 1999 on equal opportunities
- Rules of Procedure of the Ministry of Health
- Rules of Procedure of the National Police
- Law 38 of 10 July 2001, which includes the crime of sexual harassment in our criminal code and punishes it with between one and three years in prison

137. In addition, any pregnant worker enjoys a mandatory six weeks' rest prior to giving birth and eight weeks' rest thereafter, that is to say for a period of no fewer than 14 weeks. However, if the birth is delayed, the worker shall be entitled to receive paid leave for the eight weeks following delivery.

138. During the aforementioned period, an employer may not initiate, adopt, or notify the worker of any of the measures, sanctions, and actions contemplated in the Labour Code. Expiry and prescription deadlines favouring the employer are thereby suspended.

139. As regards the maternity allowance, Article 107 of the Labour Code stipulates that the employer must defray the difference between the allowance granted by the Social Security Fund and the wages to which the pregnant worker is entitled, or the entire amount if the Social Security Fund is not obliged to cover that allowance.

140. An employer whose orders entail functional or horizontal mobility for a worker must bear in mind that such a move needs to be compatible with the position, rank, strength, aptitude, qualifications, and skills of the worker concerned and should not involve a drop in his or her remuneration or wages nor a loss of the worker's dignity or self-esteem. In the case of workers covered by maternity

regulations, mobility must not entail work during special hours or in shifts rotating between different periods.

141. Government entities are subject to the Civil Service Law (Law No. 9 of 20 June 1994), the purpose of which is to “*regulate the rights and duties of civil servants, especially those in the administrative career service, in their relations with public administration, and to establish a human resource management system for devising merit and efficiency-oriented procedures and regulations applicable to civil servant.*”

142. Although the principles adduced in support of the law do not allude, directly, to equal pay, the law does emphasize equal treatment and equal opportunities for the economic, social, and moral development of all civil servants, without discrimination of any kind.

143. In the Administrative Career, remuneration should be construed as the retribution corresponding to a particular post, meaning the salary, representation expenses, overtime, compensation, bonuses, and any other allowances for civil servants, provided that they correspond to services rendered. The law also stipulates that remuneration must take into account the classification of a position, the current state of government finance, and labour market condition, in accordance with public sector fiscal policy.

144. That precept suggests that there is no regulation guaranteeing wage stability for civil servants, because that could help foster wage discrimination based on fluctuations in labour market conditions.

145. In short, those are the measures that government entities have adopted to promote objective evaluation of work, free of discrimination. Such measures are intended to ensure merit-based recruitment and equal pay based on the job itself, rather than on personal characteristics of the worker performing it.

#### **Article 12**

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*

2. *Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

#### **Response**

146. The Political Constitution of the Republic of Panama establishes that health care is a right and Chapter VII of Law No. 4 of 1999, on Equal Opportunities for Women, sets forth the public policy that the State shall pursue to promote equal opportunities with respect to health.

147. In Panama health care is conceived as a comprehensive set of activities for promotion, prevention, cure and rehabilitation to enable individuals to lead a healthy life and to facilitate the empowerment of men and women on the basis of more equal relations between them. Panama’s Ministry of Health (MINSA) is the body

responsible for health policies to guarantee public health activities and universal access of the population.

148. Article No. 719 of the Panamanian Family Code establishes that pregnant women providing public or private enterprises with paid services shall benefit from maternity rights. Moreover, community health services must register the pregnant women in each area and provide assistance, education and periodic care services, especially to expectant mothers who are unemployed or have no family support. (Article 720)

149. In the same vein, Article 699 of the Family Code establishes that: *“In all population centres, the State shall provide medical and public health services free of charge to expectant mothers and during childbirth and the puerperium, if the mother cannot pay for them, as well as a food subsidy if she is unemployed or without the means to take care of herself.”*

150. As regards medical care, and in order to ensure equal access to it by men and women, Panama has Law No. 50 of 23 November 1995, “protecting and fostering breastfeeding.”

151. The purpose of this Law is to encourage breastfeeding, primarily through education, in such a way that the child being breastfed is guaranteed a safe and efficient source of nutrition and the mother and child can both enjoy complete physical, mental, and social well-being. In one of its articles, the Law stipulates that *“health sector personnel shall promote breastfeeding and eradicate any practices that, directly or indirectly, postpone the start of it or hinder its continuation.”*(Article 10)

152. With respect to progress made with sexual and reproductive health policy in Panama, the following developments deserve mention:

1. The decline in the overall fertility rate from 2.7 in 1990-1999 to 2.4 3 in 2004;
2. The establishment of a sexual and reproductive health section in the Ministry of Health’s organizational and functional structure;
3. The incorporation of a Population Program in the basic education curriculum;
4. The drafting of the National Sexual and Reproductive Health Plan (1999);
5. The instalment of the National Sexual and Reproductive Health Commission;
6. The existence in Panama of a UNAIDS (Joint United Nations Programme on HIV/AIDS) Thematic Group;
7. The existence of the Inter-Agency Thematic Group on Health; and
8. The consolidation of the NGO and HIV/AIDS Network and the organization and development of the religious sector’s network for HIV/AIDS prevention.

153. MINSA also has a Family Planning Programme, the general purpose of which is *“to provide the population with abundant information and quality services to enable it to achieve its reproductive ideals.”* (Comprehensive Health Care for Women Programme, 2002).

154. Executive Decree No. 2 of 9 February 1999 established Panama's National Sexual and Reproductive Health Commission, comprising the institutions involved in that area: the Ministry of Health, the Ministry of Education, the Ministry of Social Development, the Office of the First Lady, the Social Security Fund, the National Secretariat for the Social Integration of Persons with Disabilities, the University of Panama, various NGOs working in this field, the Coordinating Agency for the Integral Development of Women, the Parents Federation, the Senior Citizens Federation, the Kuna Yala Community, the Ngobe Buglé Community, the Panama National Youth Council, and the Ecumenical Council and Diocese of Panama.

155. The members of the National Sexual and Reproductive Health Commission have met each month since 2005 to prepare a draft Framework Law on Sexual and Reproductive Health. This proposal is currently at the consultation stage.

156. It is worth noting that the 2005 Report on Women's Health in Panama identifies the five leading causes of death among women as: upper respiratory tract infections, influenza, skin and subcutaneous tissue infections, diarrhoea, and urinary system diseases.

157. As regards the health of adolescent girls, the aforementioned Report indicates that gender bias attributes most responsibility for pregnancies to them, ignoring any responsibility on the part of men or society in general. The same Report states that 29.1% of pregnant adolescents receive pre-natal care. Their attendance rate for medical check-ups is low, according to health care services records for girls aged ten and over. This is an indicator that they are at great risk, considering that studies show that 35% of both male and female adolescents start having sex when they are between 14 and 16 years old, when they have not yet acquired the necessary physiological, emotional or social maturity.

### **Article 13**

*States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

- (a) *The right to family benefits;*
- (b) *The right to bank loans, mortgages and other forms of financial credit;*
- (c) *The right to participate in recreational activities, sports and all aspects of cultural life.*

### **Response**

158. In Panama, family benefits were established by Decree Law No 9 of 1962 and Decree Law No 14 of 1954, and their respective amendments with respect to old age pensions and disability allowances. Spouses and partners, and children under 18 years of age or with disabilities, are defined as CSS (Social Security Fund) beneficiaries.

159. As for bank loans, mortgages and other forms of financial credit, Law No. 4 on Equal Opportunities for Women establishes that credit unions and retail co-operative societies must be fostered in order to create a support network, above all for women in rural areas.

160. Equal Opportunities Plan II (2002-2006) likewise states that programmes must be designed and implemented to raise the level of rural and indigenous women's participation in rural economic enterprises. Individually run business projects need to be generated, in both urban and rural areas, so that women have more access to credit or bank loans, in coordination with other bodies such as Banco Nacional de Panamá, the Association of Small and Medium-Sized Enterprises, and the Panamanian Co-operative Movement Institute.

161. The Panamanian Co-operative Movement Institute is responsible for formulating, directing, planning and executing government policy on co-operatives. It was established by Law No. 24 of 21 July 1980. Encouraging results have been achieved through the Autonomous Co-operative Institute, IPACOOOP, including greater sensitivity to a gender perspective among the members of co-operatives, more than 50 of which now have a full-fledged Gender Committee.

162. These co-operatives are essentially saving and loan associations, for which there is a strong demand in the provinces, where poverty among women is even more in evidence. According to data provided by the Institute, women predominate in and accounted for 592 of them at 30 September 2007. Work is also being done on the establishment of the Schoolchildren's Programme, which caters to boys and girls belonging to 11 co-operatives all over Panama, developing school vegetable gardens, poultry projects and arts and crafts in rural areas.

163. As regards the participation of women in the entrepreneurial sector, between 2000 and February 2007, 14,842 women's businesses were registered, mainly in commerce, services, and manufacturing.

### **Enterprises registered by women**

#### **2000-February 2007**

<i>Year</i>	<i>Number of enterprises registered</i>
2000	14
2001	1 863
2002	2 115
2003	1 184
2004	3 046
2005	4 002
2006	2 505
2007	113
Total	14 842

Source: Panamanian Business Information System of the Micro, Small and Medium-sized Enterprise Authority – AMPYME.

**Women registered in the Panamanian entrepreneurial sector, by type of economic activity**

**2000-February 2007**

<i>Economic Activities</i>	<i>Women Registered</i>
Commerce	6 502
Arts and crafts	985
Services	3 668
Tourism	397
Agriculture	981
Manufacturing	1 279
Other	1 030
<b>Total</b>	<b>14 842</b>

*Source:* Panamanian Business Information System of the Micro, Small and Medium-sized Enterprise Authority – AMPYME.

**Article 14**

1. *States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.*

2. *States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*

(a) *To participate in the elaboration and implementation of development planning at all levels;*

(b) *To have access to adequate health care facilities, including information, counselling and services in family planning;*

(c) *To benefit directly from social security programmes;*

(d) *To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*

(e) *To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*

(f) *To participate in all community activities;*

(g) *To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

(h) *To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

## Response

164. The rural policy guidelines promoting activities for the advancement of women are for the most part contained in Equal Opportunities for Women Plan II (PIOM II) for 2002-2006; in Law No. 4 instituting equal opportunities for women; and in Executive Decree No. 53, which establishes the regulations for implementing that Law.

165. The Ministry of Social Development, through the National Directorate of Women, which is responsible for coordinating public policy on equal opportunities for women, oversees the Network of Governmental Mechanisms for Women, in which MIDA's Rural Women Programme plays an active part.

166. For its part, the Agricultural and Livestock Development Directorate of the Agriculture Ministry is responsible for following up on policies addressing rural women's issues. In 2005-2007, the Directorate's records show that there were 123 rural women's organizations nationwide.

167. In addition, there are national-level projects geared to the social and economic inclusion of persons with disabilities, with 496 women and 305 male beneficiaries, in commerce, agriculture, and services.

168. Another initiative is the so-called "With You Rural Woman" (*Contigo Mujer Rural*) project, which grants micro-credits (totalling B/.164,613.91 at 31 December 2006) to women in rural and indigenous communities (355 women beneficiaries). The loans approved support livestock, agricultural, commercial, services, and manufacturing activities.

169. In addition, 982 women and 405 men have received training in human development, in sex-gender-related issues, self-esteem, business management and project formulation, and technical counselling on family vegetable gardens.

170. From 2005 to 2006, the Ministry of Social Development's provincial and regional directorates conducted a series of activities:

1. Training courses in leadership, self-esteem, gender and human rights (for 300 women beneficiaries)
2. Monitoring of MIDA's Rural Women Programme
3. Fora on Gender and Economics in the provinces of Chiriquí (Alanje district), Los Santos, Veraguas and Herrera (236 women beneficiaries), organized jointly with the Foundation for the Advancement of Women (FUNDAMUJER).

171. Likewise, there are two large-scale social inclusion programmes for people living in poverty and extreme poverty:

- **The "Get Ahead for Panama" (*Muévete por Panamá*) Literacy Campaign**, a program benefiting both men and women, mainly those excluded from the formal education system; and
- **The Opportunities Network Programme**, which seeks to strengthen poor families' capacities by guaranteeing health care and education services to improve their standard of living.

172. Between April 2006 and July 2007, 33,758 households living in extreme poverty (44% of all such households in Panama) were brought into the Opportunities Network Programme. The indigenous regions (comarcas) received 100% coverage, which benefited more than 130,000 indigenous people.

173. The Programme has led, among other achievements, to a 39% increase in visits to doctors/health centres, a 2% decline in the school dropout rate, and an 11.5% increase in pre-school enrolment. It has had a direct impact on the quality of life of rural and indigenous women, particularly since a conditional monetary allowance of B/. 35.00 is granted to women heads of household to ensure that they look after their health and keep their sons and daughters in the educational system.

174. According to the Sixth Agriculture and Livestock Census (of April 22 to 29, 2001), only 15% of all women farmers are engaged in agriculture or livestock farming as their principal activity. For both male and female farmers, agriculture is more important for them than livestock farming (80% in the case of men, 68% in the case of women).

175. The Rural Women's Network (REMAPUR) was installed in 2007, bringing together women from all over the country, including the Kuna and Ngöbe Buglé districts. Some 65 of REMAPUR's district delegates shared their experiences with projects executed by different organizations and were given official status as representatives, a legal instrument that will enable them to obtain financing for national and international projects. REMAPUR groups together 3,228 women in 269 community organizations.

176. The Office of the First Lady, for its part, runs the United Families Programme for families living in extreme poverty. It focuses on family unity and lends support in the form of health care, nutrition, education and housing, directly benefiting rural women.

## **Part IV**

### **Article 15**

1. *States Parties shall accord to women equality with men before the law.*
2. *States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

### **Response**

177. Since 1995, some progress has been made in our country regarding women and their rights in civil and family matters, thanks to promulgation of the Family Code.

Currently, progress made with the elimination of discrimination against women in our legislation has been substantial, in the sense that there is no legal impediment to women administering their own property and disposing of it according to their needs or convenience. In addition, they have full legal capacity, as subjects of both rights and duties.

#### **Article 16**

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

*(a) The same right to enter into marriage;*

*(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*

*(c) The same rights and responsibilities during marriage and at its dissolution;*

#### **Response**

178. With respect to marriage and family relations, women, like men, may freely choose their spouse and may enter into marriage by their own free will. However, males under the age of 16 and girls under the age of 14 are not allowed to enter into marriage.

179. Furthermore, as for rights and responsibilities in a marriage, we can point out that, according to the Family Code, they are based on the principle of the equal rights and duties of the spouses, whereby they are obliged to live together, to be faithful to one another, and to honour and protect one another. Both the husband and the wife are obliged to help pay for the costs of feeding the family and other expenses, each in proportion to their financial means.

180. As for the economic rights of parties to a marriage, they must be stipulated by the spouses in a marriage contract, otherwise they shall be governed by a profit sharing regime whereby each of the spouses acquires the right to participate in the profits made by the other during the period to which that regime applied. It shall be understood that there are profits provided that the asset or assets, with the contribution or work of either spouse, has/have maintained the value it or they had before the regime entered into force.

181. Any stipulation contrary to law or morality or that constitutes a limitation on the equality of rights and duties of the spouses is considered null and void.

#### **Optional Protocol**

(a) If the State party has ratified or acceded to the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance giving rise to the communication does not recur.

(b) If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, a

report should include details of any measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

### **Response**

182. Our country ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women through Law No. 17 of 28 March 2001.

183. At this time, it is unknown whether any communication in connection with said Protocol has been received.

### **Measures to implement outcomes of United Nations conferences, summits and reviews**

(a) In the light of paragraph 323 of the Beijing Platform for Action, adopted at the Fourth World Conference on Women, in September 1995, initial and subsequent reports of States parties should contain information on the implementation of the actions to be taken in regard to the 12 critical areas of concern identified in the Platform. Reports should also contain information on the implementation of the further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first century," in June 2000.

(b) Taking into account the gender dimensions of declarations, platforms and programmes of action adopted by relevant United Nations conferences, summits and special sessions of the General Assembly (such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), reports should include information on the implementation of specific aspects of these documents which relate to specific articles of the Convention in the light of the subjects with which they deal (for example, migrant women or older women).

### **Response**

184. Since the Fourth World Conference on Women, held in Beijing in 1995, the Republic of Panama has made certain commitments and accepted the obligation to follow through on them through various different governmental bodies and political organs.

185. Pursuant to the Platform for Action (PAM/95), they have taken a number of public policy steps against domestic violence; a governmental structure has been institutionalized to ensure continuity in plans and programs for the development of women's human rights and comply with the international commitments taken on in the 1995 and 2000 Platforms for Action, respectively, by establishing agencies specializing in women's issues and through the dissemination and promulgation of three reports (1996, 1999 y 2001) on the status and condition of women in Panama, known as the "Clara González National Report."

186. It is important to underscore the significant steps taken to forge and execute an agenda against racism, racial discrimination, xenophobia, and related forms of intolerance. The most noteworthy actions in this area include:

**Law No. 9 of 30 May 2000.**

(a) This law declared 30 May as a day of civic celebration and commemoration of Panama's black ethnic group (*Día Cívico y de Conmemoración de la Etnia Negra Nacional*), throughout the territory of the Republic, as a way of highlighting the values of the black population and their contributions to culture and development of the country.

(b) Law 16 of April 10, 2002, regulating the right to admission to government establishments and establishing the National Commission against Discrimination as a forum in which civil society and the Government can jointly discuss cases of discrimination and propose remedies.

(c) Also in 2002, the Panama District Mayor's Office promulgated Mayoral Decree 631, ordering the removal of all signs at the entrances to government establishments saying "Right of Admission Reserved."

(d) The *First National Meeting of Afro-Panamanian Leaders* was held in October 2003 to discuss that sector's political platform, preparation of a bill on equal job opportunities in Panama, and the outline of a *National Master Plan for the Sustainable Development of Afro Panamanians*.

(e) Law 11 of 27 April 2005 prohibited job discrimination on grounds of race, birth, disability, social class, sex, religion, or political ideas. It also prohibited the publication, dissemination or transmission by any medium of offers of paid employment requiring that only people in a specific age range apply. That law was passed thanks to the efforts of Afro-descendants, seeking to avoid discriminatory employment practices.

(f) Executive Decree No. 124 was issued on 27 May 2005, ordering the establishment of the "*Special Commission for Establishing a Government Policy for Full Inclusion of the Afro-Panamanian Ethnic Group*."

(g) The Ministry of Education promulgated Executive Decree N° 89 of 8 May 2006, establishing the Commission to organize the cultural activities celebrating Black Ethnic Community Day.

(h) Through Executive Decree No. 116 of 29 May 2007, the Ministry of the Presidency established the National Council of the Black Ethnic Community, as a consultative and advisory body attached to it for promoting and developing mechanisms for the recognition and integration of the black community on an equal footing in view of its standing as an important segment of Panamanian society. There is also a Special Commission, comprising distinguished Afro-Panamanian leaders, as well as representatives of government entities, who drew up a Policy and Plan for the Full Inclusion of the Afro-Panamanian Ethnic Group to guarantee that community equality and equity in Panama's and Panamanian society's development processes, as envisaged in the "*Declaration and Programme of Action of the Third World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance*", held in Durban and approved by the member states of the United Nations, including Panama. That Plan was by the Special Commission, in a public act, to the Executive on 30 May 2007. A government body was established to execute and monitor government policy for achieving the full inclusion of the Black Ethnic Group, entitled National Secretariat for the Development of Afro-Panamanians (SENADAP), to report directly to the Office of the President of the Republic. That body's job is to coordinate everything related to the implementation of that Plan.