



MUJER.

*Panamá*

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## SHADOW REPORT

### SITUATION OF WOMEN HUMAN RIGHTS IN PANAMA

*“Monitoring of the Convention on the Elimination of All  
Forms of Discrimination Against Women” (Cedaw)  
(Law N°4, May 22 of 1981, Republic of Panama)*

Presented by:

Latin American and the Caribbean Committee for the Defense of  
Women’s Rights – CLADEM Panama

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Subscribed by the following organizations:

APLAFA

Campaña por una Convención de DD SS y RR

CEASPA - CODIM - CONAMUIP

Foro Mujer y Desarrollo

FUNDAGÉNERO - Red Contra la Violencia

## Executive Summary

### **I: Articles 1, 2 and 3**

#### **Legal politics and rules to eliminate discrimination and assure total development and advancement for women**

##### ***Fulfillment of the obligations of the State***

The 24<sup>th</sup> and 25<sup>th</sup> of March 2008 as part of the 92<sup>nd</sup> session, the Human Rights Committee examined the third periodic report of the Panamanian State, in virtue of which April 4<sup>th</sup> of the same year the respective recommendations were admitted, among which is solicited to the State to give in one year a report about three specific themes of human rights, conditions of personal privacy and liberty, the situation of refugees, and violence against women.

After one year of submitting the recommendations, the Panamanian State has not presented the corresponding reports in advance.

##### ***Public Politics***

The Law of Equality of Opportunities (Law 4 of 1999) has not been effectively applied. One of the most severe problems that face the Law of Equality of Opportunities is the Executive Decree no.52 of June, 2002 that regulates it to not establish mechanisms of effective control for part of the Ministry of Social Development that is the entity rector of its fulfillment.

The Executive Decree neither determined the creation or incorporation of structures destined for presentation and investigation of denouncements for cases of discrimination against women, adding to the ability to determine the existence of these discriminatory practices, does not consider the sanctions that must be applied

##### ***Violence against women***

Murder of *women* is not separately classified as a crime, neither exists a Law of prevention coinciding with the proclaimed advances in gender equality, as this phenomenon is going to increase in our society.

All year long and before the end of the month of November 2009, there have been 70 registered cases of deaths of women; around 68% of them were linked to domestic violence or for reasons of gender. This increase is significant in comparison to 2008 which ended with a total of 42 deaths.

##### ***Women deprived of liberty***

Several similar problems exist in the country's three female rehabilitation centers, and almost no studies exist about the conditions that lead to the crime which complicates the effective fulfillment of the principle of rehabilitation, the deprived women do not have access to full time gynecological services. Crowded conditions are common in the majority of the penitentiary centers of the country.

### **II. Article 4 and 15**

#### ***Temporary measure to accelerate the equality between men and women, and equality under the Law.***

The Panamanian Constitution prohibits in its 19th article the establishment of exempt or privileged persons, and the discrimination for reasons of race, birth, handicapped, social class,

sex, religion, or political ideas. In the same form the State is the signer of international treaties on the subject of human rights and there exists an abundance of legislation that presumes to seek to guarantee human rights to the people, nevertheless one of the biggest difficulties of the country is to pass the established formal terms in the documents to genuine practice in search of guaranteeing these rights.

In this sense, you can add that Panama doesn't have frequent practice of adoption of temporary measures to accelerate the equality between men and women, everything included in the implementation of the Law of equality of opportunities regarded.

### **III. Article 5**

#### ***Submission of women to sexual roles and sexist stereotypes***

The incipient action in practice of the Law of Equality of Opportunities, even though 10 years have passed since its enactment it constitutes one of the principal elements of the difficulty to surpass, the submission of women to prejudices and sexist stereotypes, the State has not followed through with creating and stimulating measures that favor the socialization and practice of equality. There is not a sustained Law and high coverage that permits the elimination of gender roles and sexist stereotypes neither in the education programs nor in the parental development, and much less in the training of institutional staff.

### **IV. Article 6**

#### ***Traffic and prostitution of women***

The situation of Panama stands as a corridor of transit for the traffic and trade of people, not only subsisting but to get worse.

The sexual commercial exploitation that is also suffered by female minors is not easy to identify because one of the many modes between them occurs as an exchange of economic favors to the families of the victims to compensate their needs. The sexual exploitation of women that are misled in their countries persists, and upon entrance to Panama they are submitted as slaves to owners of establishments that are dedicated to give "sexual favors".

### **V. Article 7 and 8**

#### ***Participation of women en the public and political life, international representation***

With the beginning of the current government it is necessary to say with clarity that the political and public participation of women has suffered a great decline, because there are few holders of higher governmental hierarchy occupied by women, this is more evident in the executive branch. The difficulty to achieve the 30% participation is seen mostly in the case of holders of popular elections.

Evidence in respect to the situation of the international representation of women is the parliament, in where 22 seats that correspond to Panama including the ex-president and ex-vice president, only seven are occupied by women, in representation of a country where women make up 51% of the population.

### **VI. Article 10 and 11**

#### ***Women's rights to education and adequate employment***

Although it really persists, that overall in the rural area the girls have less access to education than males, the current situation in higher education demonstrates that it is the women who seek to access this type of education, however this is not reflected in the job market, because unequal salaries persist in favor of the men. (Vid. Supra)

About 95% of the domestic work positions are occupied by women, domestic child labor is on the rise and the majority is girls. This implicates a lack of fulfillment by the part of the country in their promises to eradicate child labor

The rules haven't been fulfilled for the protection of women under maternal exempt adding that "Panama has not ratified a series of conventions and recommendations on the subject of protection to the work of women, know that: Pact 103, 183 and recommendation 183 about protection of the maternity of the female worker and Pact 156, about equality of opportunities and equal treatment between male and female workers: workers with family responsibilities". (Vid. Supra)

The Panamanian State has not corrected the situation regarding the recommendation of the United Nations Committee of Human Rights to establish effective sanctions for not respecting the prohibition of solicitation of proof of pregnancy for the access of women to the job market.

## **VII. Article 12 and 16**

### ***Women's rights to health, and sexual and reproductive health in or out of marriage, and equal rights with men***

A direct relation exists between poverty and the health attention that women receive, and considering their role as caregivers of the family's health and the unemployment situation that they suffer, produces the consequent affect on their quality of life.

The termination of the project of The Law of Sexual Health and Reproductive Health of the assembly of delegates has signified a clear retreat, after 3 years of coordination and work of civil society and entities of the State.

There is a violation of the rights of the sexual and reproductive health attention for male and female adolescents, in spite of the existence of a favorable opinion given by Administration in the year 2004.

The Republic of Panama's Family Code, establishes in article 33 a difference between men and women for a minimum legal of marriage, marriage is prohibited for men less than 16 years of age and women less than 14 years of age.

## **VIII. Article 13 and 14**

### ***Women's rights for social and economic benefits, and the situation of rural, afro-descendent, indigenous women, and refugees.***

In Panama the major difficulties to access social and economic benefits are had by the rural and indigenous women, all of this is linked to the difficulties of educational access.

Although the existence is well known of a government program named "Network of Opportunities" dedicated to the families in the rural or indigenous areas, these programs are really far from being complete, therefore they end up only as a palliative.

The extreme poverty of indigenous and rural women not only has an effect on the whole enjoyment of their cultural, economic, and social rights, but also they conform part of the movements of urban settlements constituted for the flow of internal migration where there is a lack of basic services and they do not have the Red of Opportunities as a palliative. A large part of the population in these settlements is women refugees added because of the difficulties that they face to legalize their status, and for the character of their conditions which are causes of the discrimination is a direct repercussion to their economic condition, usually living in marginal urban areas.

Clara Gonzalez's report, indicates that the situation of the discrimination of the afro-descendent women in Panama are found to be involved in a supposed normality, but the same is clearly visible in simple and daily manifestations like the choice of work that is evident in specific economic activities.