



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
5 February 2010

Original: English

**Committee on the Elimination of Discrimination
against Women**
Forty-fifth session
18 January-5 February 2010

Concluding observations of the Committee on the Elimination of Discrimination against Women

Panama

1. The Committee considered the combined fourth, fifth, sixth and seventh periodic report of Panama (CEDAW/C/PAN/7) at its 922nd and 923rd meetings on 1 February 2010 (see CEDAW/C/SR.922 and CEDAW/C/SR.923). The Committee's list of issues and questions is contained in CEDAW/C/PAN/Q/7 and the responses of Panama are contained in CEDAW/C/PAN/Q/7/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined fourth, fifth, sixth and seventh periodic report, which followed the Committee's previous guidelines for the preparation of reports but it regrets that the report did not refer to the previous concluding observations or the Committee's general recommendations. It also regrets the absence of sufficient statistical data disaggregated by sex on the situation of women, in particular Afro-descendant and indigenous women, with respect to all areas covered by the Convention. The Committee appreciates the frankness of the report in assessing challenges to the implementation of the Convention. It regrets, however, that the absence of regular reports during the period under consideration made it more difficult to monitor progress towards the achievement of gender equality.

3. The Committee commends the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed orally by the Committee.

4. The Committee commends the State party for its delegation headed by the Vice-Minister of Social Development, which included representatives from the National Institute for Women and the Ministry of Government and Justice, and for the open and constructive dialogue that took place between the delegation and members of the Committee.

Positive aspects

5. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention in 2001.

6. The Committee also welcomes the adoption of Law No. 4 of 29 January 1999, which established equal opportunities for women and is based on, inter alia, the principles of the prohibition of discrimination on the grounds of sex and gender, equality before the law and the condemnation of any kind of violence against women.

7. The Committee further welcomes the adoption of a number of legislative measures aimed at promoting the advancement of women and gender equality, including legislative amendments in the areas of electoral law, penal law, employment and education. It also welcomes a number of programmes, policies and plans, including the National Plan for Preventing and Addressing Domestic Violence and for Civil Coexistence, aimed at promoting the advancement of women.

8. The Committee commends the establishment, in 2009, of the National Institute for Women, whose mandate is to coordinate and monitor compliance with issues relating to equal opportunities for women and to encourage greater national awareness of the issue of gender inequality.

9. The Committee welcomes the ratification by the State party, in 2004, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Principal areas of concern and recommendations

10. While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding observations to all relevant ministries and other Government structures at all levels, Parliament and the judiciary in order to ensure their effective implementation.

Parliament

11. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of the Government and invites the State party to encourage its national Parliament, in line with its mandate and procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

Legal framework for equality, non-discrimination and a definition of discrimination

12. The Committee welcomes Law No. 4 of 1999 and the incorporation into domestic law of a definition of discrimination in line with the Convention. The Committee also welcomes the large number of laws that have been put in place in the State party to promote gender equality and non-discrimination. However, the Committee regrets that many of these laws have not been effectively implemented in practice. While welcoming further discussions about femicide in the State party, the Committee is concerned that it has not been sufficiently addressed in criminal and other laws and that there is no reliable data on femicides in the State party.

13. The Committee recommends that the State party take all necessary measures and allocate sufficient resources to implement, both de jure and de facto, all legal measures aimed at guaranteeing gender equality and non-discrimination. In this regard, it calls upon the State party to allocate sufficient financial and human resources to monitor and evaluate the implementation of these legal measures. The Committee also urges the State party to take measures to address femicide in the Criminal Code and other relevant laws within a clear time frame, and to collect reliable data on femicides.

Visibility of the Convention and Optional Protocol

14. While noting the progress achieved by the State party in strengthening gender equality and women's rights in Panama, particularly by enacting anti-discrimination legislation, the Committee regrets the insufficient information provided on women's use of existing complaints mechanisms and the insufficient knowledge of the Convention and the Optional Protocol among all branches of the Government, the judiciary, law enforcement officers and women themselves.

15. The Committee calls upon the State party to undertake all necessary measures to ensure that the provisions of the Convention are sufficiently known and applied by all branches of Government and the judiciary as a framework for all laws, court decisions and policies on gender equality and the advancement of women. It recommends that the State party raise awareness of the Convention among women themselves, particularly rural and indigenous women. The Committee also recommends that the State party make the Convention an integral part of the legal education of public officers, to ensure that the spirit, objectives and provisions of the Convention become well known and regularly used in judicial processes. It further recommends that the State party take all appropriate measures to make the provisions of the Convention and the Optional Protocol part of the educational system, at all levels and available in the different indigenous languages, so that they are accessible to all women and girls.

Temporary special measures

16. The Committee is concerned that temporary special measures are not systematically used in the State party as a necessary strategy for accelerating the achievement of de facto equality between women and men in all areas of the Convention. The Committee is also concerned that the lack of a clear understanding of temporary special measures and the reason for their application in line with

article 4, paragraph 1, of the Convention, which is directly applicable in the State party, is hindering the realization of women's de facto equality with men.

17. The Committee encourages the State party to introduce specific legislation providing for the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 in order to accelerate the realization of women's de facto equality with men in areas in which women are underrepresented or disadvantaged. The Committee recommends that the State party raise public awareness about the direct applicability of article 4, paragraph 1, of the Convention, as well as about the importance of temporary special measures in accelerating the process of achieving gender equality.

National machinery for the advancement of women

18. The Committee welcomes the establishment of new institutional structures and mechanisms for the advancement of women such as the National Institute for Women, the National Directorate of Women and the National Women's Council, which have responsibility for promoting equality and addressing multiple forms of discrimination. However, it is concerned about the level of coordination of the work of these different bodies and the possible overlap in their work. The Committee is also concerned that the national machinery for the advancement of women may not have sufficient human and financial resources for its effective functioning.

19. The Committee recommends that the State party strengthen the existing machinery for gender equality by providing it with adequate visibility, power and human and financial resources at all levels, in order to increase its effectiveness and enhance its capacity to coordinate and monitor actions at the national and local levels for the advancement of women and the promotion of gender equality. It also recommends that the State party establish clear functions for each of the institutions in charge of promoting gender equality and the advancement of women.

Non-governmental organizations

20. While welcoming the presence of an active civil society in the State party, the Committee is concerned about the limited cooperation of the authorities with non-governmental organizations, in particular women's associations, in the implementation of the Convention. The Committee expresses concern at the apparent lack of understanding on the part of the State party about the key role of these organizations with respect to the implementation of the Convention and the promotion of gender equality.

21. The Committee urges the State party to cooperate more effectively and in a systematic manner with non-governmental organizations, in particular women's associations, in the implementation of the Convention. The Committee further recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report.

Stereotypes

22. The Committee reiterates its concern about the persistence of traditional stereotypes regarding the roles and responsibilities of women and men in the family

and society, which represents a significant impediment to the implementation of the Convention and constitutes a serious obstacle to women's enjoyment of their human rights. Furthermore, the Committee is gravely concerned that, as acknowledged by the delegation, certain groups of women, in addition to being affected by gender stereotypes, face multiple forms of discrimination and violence on grounds such as sexual orientation and gender identity. In this regard, the Committee notes that the communication media in the State party reinforce images of women as sex objects and also contribute to different ethnic prejudices.

23. The Committee urges the State party to increase its efforts to design and strengthen comprehensive awareness-raising programmes to foster a better understanding of, and support for, equality between women and men at all levels of society. Such efforts should aim to modify stereotypical attitudes and cultural norms about the responsibilities and roles of women and men in the family, workplace, political life and society, as required under articles 2 (f) and 5 (a) of the Convention. The Committee also urges the State party to transform its recognition of the problem of multiple forms of discrimination into an overall strategy for eliminating gender stereotypes relating to women in general and, in particular, to discrimination against women as specified in paragraph 22. This strategy could include awareness-raising programmes in school curricula, the training of teachers and the sensitization of the media and the public at large, including actions specifically targeting men and boys.

Women in prison

24. The Committee is concerned at the difficult situation faced by women in prison, particularly with regard to their access to adequate health facilities and services. The Committee notes with concern that many women deprived of liberty face the harmful consequences of overcrowding, which limits the effective realization of their basic rights. It is deeply concerned at the discrimination faced by these women and at allegations of physical, verbal and sexual abuse committed against them by police officers.

25. The Committee urges the State party to ensure the provision of adequate health facilities and services for all women deprived of liberty in the country. It also calls upon the State party to take all appropriate measures to protect women against the negative effects of overcrowding in prisons and to step up its efforts to provide professional training and conduct awareness-raising campaigns for all professionals working with women deprived of liberty. The Committee also calls upon the State party to investigate cases of abuses committed by police officers and punish the perpetrators of such crimes.

Violence against women

26. The Committee welcomes the National Plan for Preventing and Addressing Domestic Violence and for Civil Coexistence, in place since 2004, as an instrument for overcoming legal, institutional and sociocultural barriers and addressing the multiple dimensions of domestic violence. It also welcomes the recent approval of modifications to the Criminal Code and the Criminal Procedure Code that provide new protective measures relating to domestic violence, and appreciates that the current Administration is committed to preventing and addressing the problem of domestic violence. However, the Committee is concerned at the high prevalence of

cases of violence against women in the State party and at the lack of adequate services and protection for victims of violence, the lack of reporting mechanisms available to victims and the absence of awareness campaigns to educate women about their rights.

27. The Committee urges the State party to step up its efforts to effectively implement existing legislative measures and address all forms of violence against women, including domestic violence, taking into account the Committee's general recommendation No. 19. It also urges the State party to undertake educational and public-awareness programmes through the media to convey the message that all forms of violence against women, including domestic violence, are unacceptable.

28. The Committee also notes with concern that girls are unprotected from corporal punishment and abuse when such conduct is considered to represent a disciplinary measure.

29. The Committee, in line with the recommendations of the Committee on the Rights of the Child, urges the State party to include in its legislation the prohibition of all forms of corporal punishment of children, particularly of girls. It also recommends that the State party raise awareness of the negative consequences of disciplinary measures on the psychosocial development of girls.

Trafficking and sexual exploitation

30. The Committee, while welcoming the efforts made by the State party to investigate the factors, fundamental causes and repercussions associated with trafficking in persons and the exploitation of female prostitution, notes with concern the large number of trafficked women and girls in the State party and the very low number of perpetrators who have been prosecuted and punished. The Committee regrets a lack of data from the State party regarding trafficking and sexual exploitation of women and girls and is concerned about the comprehensiveness of the new legal framework and its implementation.

31. The Committee calls on the State party to intensify its efforts to combat all forms of trafficking in women and girls. It also calls on the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, ensure the protection of the human rights of trafficked women and girls and provide for their rehabilitation. The Committee further calls on the State party to ensure that trafficked women and girls receive adequate support so that they are able to testify without fear against their traffickers. It encourages the State party to develop awareness-raising programmes, widen research on the root causes of trafficking, provide comprehensive training to, inter alia, judges, lawyers, criminal justice officers, health-care providers and law enforcement officials in all matters concerning sexual exploitation and trafficking, and strengthen bilateral and multilateral cooperation with neighbouring States. The State party is requested to report on the implementation of the new legislation on trafficking, especially with respect to the prosecution of traffickers.

Political participation and participation in public life

32. While welcoming Law No. 22 of 14 July 1997, which amended the Electoral Code and established, inter alia, that 30 per cent of elective positions be held by women, the Committee is concerned that the steps required to ensure that political parties comply with this quota have not been implemented. It is also concerned at the apparent lack of awareness and interest of political parties in including more women.

33. The Committee recommends that the State party increase its efforts to effectively implement Law No. 22 and encourage women's participation in political life. The Committee also suggests that the State party establish leadership training programmes for women and carry out awareness-raising campaigns on the importance of women's participation in decision-making.

Education

34. The Committee, while welcoming efforts by the State party to eliminate illiteracy, including through campaigns such as "Muévete por Panamá", notes with concern the high level of illiteracy among rural women speaking indigenous languages. The Committee also notes with concern that higher education choices continue to reflect stereotypical notions of appropriate fields of study for women.

35. The Committee encourages the State party to strengthen its efforts to eradicate illiteracy, in particular among rural women speaking indigenous languages, taking into account the plurality of languages in the country. It also urges the State party to take measures and carry out studies with a view to addressing the root causes of gender discrimination and stereotypical gender roles in the field of education, and encourages the State party to strengthen its efforts to promote the inclusion of women in non-traditional careers.

36. The Committee is concerned at the large number of girls who drop out of school as a result of early pregnancies and at the lack of surveys or studies relating to this problem. It also regrets that, although there is a legal provision (Law No. 29) mandating the continuation of education for girls during and after pregnancy, there is no effective mechanism in place to ensure compliance with this law.

37. The Committee recommends that the State party carry out studies or surveys to analyse the main causes of early pregnancies in the country and implement programmes or plans to promote the continuation of studies for girls who become pregnant. It also recommends that a strategy for monitoring compliance with Law No. 29 be implemented in the short term to make it easier for pregnant girls to complete their schooling.

Employment

38. The Committee notes with concern that, despite the high level of education in Panama, many women continue to suffer from higher rates of underemployment and unemployment, including in rural areas, and that women are segregated in employment sectors with low wages. The Committee is further concerned at the persistence of a salary gap in the private sector and at insufficient understanding of the principle of equal pay for work of equal value, despite the efforts made by the State party to strengthen the institutional capacity for gender mainstreaming. The Committee also notes with concern that the legal protection of pregnant workers and

those facing sexual harassment is inadequate and is also concerned at the high level of child labour among girls in the State party.

39. The Committee calls on the State party to take the necessary measures to eliminate discrimination in employment and occupational segregation. The Committee urges the State party to enact appropriate legislation and measures that will guarantee the principle of equal pay for work of equal value, in line with article 11 (d) of the Convention and Convention No. 100 of the International Labour Organization. The Committee requests that the State party include in its next periodic report sex-disaggregated data on child labour, wages, and pension and social security rights. The Committee also urges the State party to introduce efficient measures to combat sexual harassment and guarantee maternity rights.

Health

40. The Committee is concerned at the State party's insufficient recognition and protection of women's sexual health and reproductive rights, in particular with regard to the delay in the debate over draft law No. 442 on sexual and reproductive health. It regrets the lack of access to information on health-care services provided to adolescent girls, particularly in rural areas, as well as the high number of early pregnancies. Furthermore, the Committee is concerned at the lack of a holistic and life-cycle approach to the health of women in the State party.

41. The Committee urges the State party to take the necessary steps to overcome the stalemate surrounding draft law No. 442 and to promulgate it as soon as possible. The Committee also urges the State party to improve family planning and reproductive health programmes and policies designed to give women and adolescent girls, in particular in rural areas, effective access to information on health-care services, including reproductive health-care services and contraception, in accordance with the Committee's general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action. The Committee also recommends that the State party step up its efforts to incorporate age-appropriate sex education in school curricula and organize information campaigns aimed at preventing teenage pregnancies. It further recommends that the State party undertake a holistic and life-cycle approach to women's health that includes an intercultural focus.

42. The Committee notes with concern the high rate of maternal mortality in the State party, caused mainly by the lack of provision of appropriate medical care, in particular to rural and indigenous women and adolescents girls. The Committee is further concerned that, owing to difficulties in enforcing existing legislation in the State party, many women are unable to obtain a legal abortion and are therefore forced to resort to an illegal abortion. The Committee is also concerned at the lack of programmes that include measures to raise victims' awareness of the importance of seeking medical treatment after a sexual assault and reporting the incident.

43. The Committee urges the State party to improve access to health services for all women and in particular for the most vulnerable groups of women, such as indigenous, Afro- and Asian-descendant women. It also urges the State party to adopt without delay effective measures to resolve the problem of the high rate of maternal mortality by guaranteeing adequate prenatal, childbirth, and post-natal care and ensuring access to health-care facilities and medical

assistance provided by trained workers in all parts of the country, particularly in rural areas. The Committee urges the State party to adopt regulations aimed at enforcing existing legislation on women's right to abortion and to give women access to high-quality services for the treatment of complications resulting from unsafe abortions. It invites the Ministry of Health to undertake a thorough investigation or study of unsafe abortions and their impact on women's health, in particular those resulting in maternal mortality, which will serve as the basis for legislative and policy action. It also urges the State party to facilitate a national dialogue on women's right to reproductive health, including on the consequences of restrictive abortion laws. It further recommends that the State party establish programmes that include measures aimed at raising victims' awareness of the importance of seeking medical treatment after an assault and reporting the incident.

44. The Committee regrets the lack of information available on the issue of HIV/AIDS, as well as on the apparent feminization of the disease in the State party, particularly among rural and indigenous women and girls.

45. **The Committee calls on the State party to address the spread of HIV/AIDS, including as a result of the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls about ways of protecting themselves from HIV/AIDS, particularly in rural areas. The Committee also urges the State party to ensure that women and girls are accorded equal rights and access to HIV/AIDS detection and related health-care and social services. The Committee requests the State party to provide information and gender-disaggregated data on the issue of HIV/AIDS in its next periodic report.**

Vulnerable groups of women

46. While welcoming the State party's initiatives and social programmes aimed at empowering women living in extreme poverty, the Committee is concerned at the persistence of high levels of poverty and the social exclusion of women in Panama, especially rural and indigenous women, as well as obstacles preventing them from enjoying basic rights.

47. **The Committee urges the State party to strengthen initiatives aimed at encouraging women's economic empowerment, keeping in mind the specific situations of different groups of women. The Committee also encourages the State party to establish mechanisms to monitor regularly the impact of social and economic policies on women.**

48. The Committee regrets the lack of detailed information in relation to vulnerable groups of women, such as refugee women, rural women, older women, women with disabilities and other women facing multiple forms of discrimination.

49. **The State party is invited to provide comprehensive information and statistical data, in its next periodic report, on the situation of vulnerable groups of women, including refugee women, rural women, older women, women with disabilities and other women facing multiple forms of discrimination.**

Family relations

50. The Committee is very concerned that the Civil Code continues to contain provisions that discriminate against women in the area of family relations, in particular with respect to the minimum age of marriage. The Committee regrets that the State party has not yet modified the very low minimum age of marriage, which continues to be set at 14 for girls and 16 for boys, in contradiction with article 16, paragraph 2, of the Convention, the Committee's general recommendation No. 21 and article 14 of the Convention on the Rights of the Child. It is also concerned that the equal sharing of marital property upon divorce relates only to tangible property (movable and immovable) and does not include intangible property such as pension and savings funds.

51. In line with the recommendations of the Committee on the Rights of the Child in its concluding observations on Panama at its thirty-sixth session (CRC/C/15/Add.233), the Committee calls upon the State party to eliminate discriminatory legal provisions in matters relating to family and marriage in order to bring its legislation into line with the Convention. In particular, the Committee urges the State party to raise the minimum age of marriage for both men and women to 18, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation No. 21 and article 14 of the Convention on the Rights of the Child. It also recommends that the State party take the necessary legislative measures to recognize intangible property, such as pension and savings funds, as part of marital property.

Data collection and analysis

52. The Committee welcomes the national efforts to improve the system of data collection and update gender indicators. However, it regrets that these are not fully integrated at the institutional level and that there are still gaps regarding the analysis and use of statistics on gender in the State party. The Committee also regrets the lack of statistical information disaggregated by sex in many areas covered by the Convention.

53. The Committee recommends that the State party step up its efforts to establish a comprehensive and unified system of sex-disaggregated information in all areas covered by the Convention. The Committee also recommends that the State party include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of measures taken and results achieved in order to illustrate more comprehensively the situation of women in several areas, in particular with respect to the issue of violence. The Committee invites the State party to give special attention to the collection of data in respect of the most vulnerable groups of women, including rural and indigenous women, migrant women and domestic workers, particularly girls.

Beijing Declaration and Platform for Action

54. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

55. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

Ratification of other treaties

56. **The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the State party to ratify the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

Dissemination of the concluding observations

57. **The Committee requests the wide dissemination in Panama of the present concluding observations in order to make the people, including Government officials, politicians and parliamentarians, and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

Follow-up to concluding observations

58. **The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13 and 41 above. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate, for implementation of the above recommendations.**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Date of next report and reporting guidelines

59. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in February 2014.

60. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 60-80 pages.
