



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
3 November 2009
English
Original: Spanish

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-fifth session

18 January-5 February 2010

Responses to the list of issues and questions with regard to the consideration of the combined fourth, fifth, sixth and seventh periodic reports

Panama*

The pre-session working group considered the combined fourth, fifth, sixth and seventh periodic reports of Panama (CEDAW/C/PAN/7).

General

1. *Please provide information on the process of preparing the report. This information should include which Government departments and institutions were involved in the preparation and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was adopted by the Government and submitted to the Parliament.*

The report covers the period 1994-2008 and follows the guidelines set out in Act No. 4 of 29 January 1999, on equal opportunities for women, and the related regulations contained in Executive Decree No. 53 of 2002.

The above legislation provides the framework within which the various government bodies provide information on programmes, initiatives and activities designed to eliminate discrimination against women in politics and public life in Panama and, in particular, to guarantee the participation of women on an equal footing with men, as provided for in the Convention on the Elimination of All Forms of Discrimination against Women.

The information was mostly prepared by reviewing the reports, websites and analyses produced by the following: the Ministry of Labour and Labour Development, the Ministry of Health, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Economy and Finance, the Ministry of the Presidency,

* The present report is being issued without formal editing.

the Public Prosecutor's Office, the Ministry of the Interior and Justice, the Ministry of Social Development, the Ministry of Trade and Industry, the Ministry of Housing, the Ministry of Agricultural Development, the Office of the Comptroller-General, the judiciary, the legislature, the Office of the Procurator-General, the Electoral Tribunal, the Criminal Investigation Directorate, the National Institute for Women, the Women's Institute of the University of Panama, the Technological University of Panama, the National Secretariat for Science, Technology and Innovation, the Micro, Small and Medium-sized Enterprise Authority, the Institute for Human Resources Training and Development, the Office of the Ombudsman and the National Institute of Vocational Training for Human Development.

The report was also checked and endorsed by the National Council for Women, which includes representatives of the three branches of government and civil society organizations.

Account should be taken of the accomplishments of the national mechanism for the advancement of women — the National Directorate for Women — in consolidating its position as the advisory agency for the planning, evaluation and implementation of measures, projects and programmes aimed at increasing women's participation in the public, social, cultural and economic life of the country. The National Directorate for Women (now the National Institute for Women) was established in 1995 within the Ministry of Labour and Social Welfare and became part of the Ministry of Youth, Women, Children and the Family in 1997. Subsequently, it became part of the Ministry of Social Development, which was established pursuant to Act No. 29 of 1 August 2008 as part of the move towards a more socially oriented institutional framework.

As a result of this whole process, the national mechanism for the advancement of women was upgraded to the status of an institute (by Act No. 71 of 23 December 2008). It is thus a decentralized public body with legal personality, its own assets and administrative, budgetary, financial, technical and managerial autonomy. It coordinates and implements national policy on equal opportunities for women in accordance with its objectives, role and functions.

2. The report contains very limited statistical data disaggregated by sex on the situation of women in areas covered by the Convention. Please provide information on the status of data collection and analysis in the country in general and to what extent such data are collected on a sex-disaggregated basis. Please indicate how the Government intends to improve the collection of data disaggregated by sex pertaining to all the areas of the Convention and how such data are used in policy and programme development and in monitoring progress towards the achievement of de facto equality of women and men.

The National Statistics and Census Institute (INEC — formerly the Statistics and Census Directorate, in the Office of the Comptroller-General) is the national agency responsible for collecting statistical data.

More specifically, in order to compile and analyse statistics from a gender perspective and pursuant to Executive Decree No. 89 of 13 November 2002, a network was set up of government and civil institutions producing and using statistics for the incorporation of a gender perspective in national statistics. The aim of the network is to improve the collection of national statistics from a gender

perspective. Its membership consists of 43 public bodies and 9 civil society organizations which supply the information needed.

Thanks to the network, it has been possible to set up the Panamanian system of gender-based indicators (SIEGPA), a database that supplies information disaggregated by sex. The indicators used were updated in 2006 and 2007 to cover vital statistics, work, social security, health, education, families and sustainable development.

The Office of the Comptroller-General provides data disaggregated by sex on its website. Such data can then be analysed by subject area and institution.

Aspects of the compilation and analysis of data from a gender perspective that need to be improved include the links between the various institutions with access to SIEGPA and the lack of flexibility of the virtual platform. A proposal has been made that would provide many cutting-edge technologies for data storage and the generation of complex graphics.

The National Statistics and Census Institute conducts ongoing communication and coordination activities to ensure that a gender perspective is reflected in all national statistics. These activities are supported by international organizations such as the United Nations Population Fund, the United Nations Development Fund for Women and the Spanish International Cooperation Agency for Development. The National Investment Scheme (SINIP) of the Ministry of Economy and Finance, which pre-evaluates public-sector investment projects, requests institutions to explain how they incorporate a gender perspective in the projects they submit to it for consideration. SINIP is also responsible for giving technical approval for State investment projects.

In 2008, the National Institute for Women (INAMU — formerly the National Directorate for Women, of the Ministry of Social Development) submitted a report on gender-based statistical analysis. The Institute's tasks, under article 4 of the law establishing it, include the following:

- (a) Prepare, promote and coordinate the implementation and monitoring of policies on the advancement of women and equal rights and opportunities for men and women;
- (b) Coordinate national development policies pursued by public bodies to ensure that they promote equal opportunities for men and women;
- (c) Prepare and implement plans, programmes and projects that the Institute itself considers necessary if it is to achieve its aims;
- (d) Coordinate the work being undertaken by bodies within the Administration to boost the status of women and promote gender equity;
- (e) Provide legal advice and guidance for all State institutions so that they can perform their work without discriminating between women and men.

Constitutional, legislative and institutional framework

3. *Please clarify the legal status of the Convention in Panama and, in particular, if its provisions are directly applicable in the courts. If so, please provide information on whether the provisions of the Convention have been invoked in national courts and provide examples of any pertinent case law.*

The Convention on the Elimination of All Forms of Discrimination against Women has been incorporated in the Panamanian legal system and has the status of law following its adoption through Act No. 4 of 1980. It is thus applicable in courts of justice.

Examples of cases in which the judge took account of the Convention in her decision

- Appeal submitted by defence lawyer Jorge Lezcano on behalf of Carlos Antonio Florez Morales against judgement No. 15-P.I. of 10 August 2004. Rapporteur: Esmeralda Arosemena de Troitiño. Panama, 14 August 2007.
- Appeal in the trial of Tereso Ortega for the aggravated homicide of María Wong. Rapporteur: Esmeralda Arosemena de Troitiño. Panama, 23 January 2009.
- Appeal submitted by defence counsel for Miguel Angel Alvarez Hernández, convicted of the aggravated attempted homicide of Noemí Edith Alfaro de García. Rapporteur: Esmeralda Arosemena de Troitiño. Panama, 2 June 2009.

Under articles 17 and 19 of the Constitution, the authorities must fully protect people living in the national territory. These articles clearly define and sanction discrimination, stipulating that “there shall be no rights or privileges by reason of race, sex or political ideas, inter alia”.

In exercising its prosecution function in pretrial investigations and in bringing criminal proceedings before the courts, the Public Prosecutor’s Office applies the precepts set out in the Convention.

Domestic violence — a form of gender-based violence — is an example of a violation of the human rights of women, who are the usual victims of this offence. Victims are therefore protected under Act No. 31 of 1998, Act No. 38 of 2001 and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (the “Convention of Belém do Pará”). Panama’s investigating agencies comply with national and international standards of protection by taking precautionary measures based on the Convention, its Optional Protocol and other international instruments.

Experience in processing cases of domestic violence, as set out in legal writings, shows that this is an offence that mainly affects women. It is a type of male behaviour that perpetuates gender inequality, and therefore entails discrimination against women. To uphold the principle of equal rights for men and women, the investigating officer takes great care to apply the rules as regards both protective measures and the statements in the prosecution’s submission and in appeal and transfer documents during the trial.

Trial courts have sometimes failed to recognize the rights accorded to women under the Convention with regard to the defence and protection of their right to compensation for the harm caused by the offence and the aggressor’s obligation to defray the costs of any treatment needed by the woman. However, appeals courts have recognized these rights where the trial court failed to apply correctly the legislative provisions that recognize women’s rights.

4. *In its previous concluding observations, the Committee recommended that the State party revise all its legislation to provide expressly for the elimination of*

discrimination against women. The report refers to different laws and measures that have been adopted to reduce and eliminate discrimination against women. Please provide detailed information on the efforts carried out by the Government for the effective implementation of these laws and measures in the whole country during the period under review.

Panama has adopted a variety of measures to promote and strengthen women's rights, including the following laws and executive decrees.

Act No. 4 of 29 January 1999 on equal opportunities for women, regulated by Executive Decree No. 53 of 2002

The Act provides that public-sector institutions must establish bodies to be responsible for ensuring the incorporation of a gender perspective in the work of all State entities. In line with this legal requirement, offices, programmes and gender liaison units have been set up in both central and decentralized ministries and agencies. They are all in the process of improving their technical and operational capacity through training on gender issues, and have been provided with the financial and human resources needed to make a real impact on policy design while becoming more closely integrated in the institutions to which they belong.

Act No. 7 of 5 February 1997, establishing the Office of the Ombudsman

Under Ombudsman's Decision DS No. 004/2004 of 19 January 2004, the National Women's Office became the Directorate for Women's Rights and an integral part of the Office of the Ombudsman, with a view to channelling additional human and logistical resources to the activities and projects of the Directorate and placing women's rights on the same footing as human rights in general, while drawing attention to the need for better protection by the Ombudsman.

The Office of the Ombudsman was responsible for setting up the first Gender Violence Monitoring Centre in Panama, which is now in the start-up phase.

Act No. 22 of 14 June 1997, reforming the Electoral Code and introducing other measures

This law was brought about mainly as a result of pressure from civil society movements, through the Forum for Women in Political Parties (which is represented on the National Council for Women). These bodies have played a role in implementing Act No. 6 of 17 December 2002, which amended the Electoral Code and introduced other measures. A minimum of 25 per cent of the State subsidy provided for by the Act must be devoted to training, of which at least 10 per cent must be used to train women, and to implementing the change introduced by Act No. 60 of 29 December 2006 whereby the women's secretariats of the political parties are given responsibility for overseeing electoral quotas.

Act No. 31 of 28 May 1998 on protection for crime victims

A number of bodies have been set up to ensure implementation of this Act. They include the Department of Legal Aid for Crime Victims and the Victim Support Centre in the Office of the Procurator-General.

Executive Decree No. 3 of 28 January 1999, on the opening and operation of day-care centres and homes and shelters for older persons

This decree lays down a single set of internal regulations for public and private day-care centres, homes and shelters for older persons (Ministry of Youth, Women, Children and the Family, Decision No. 59 of 30 August 1999).

Under the related implementing regulations, family protection institutions have been set up. These are monitored and assessed by the Ministry of Social Development.

Executive Decree No. 23 of 24 June 1999, establishing the National Council for Older Persons

Since 1997, pursuant to Act No. 42, the National Directorate for Older Persons, a technical body responsible for taking care of older persons, has been part of the Ministry of Youth, Women, Children and the Family. The Directorate has now been incorporated into the National Social Policy Directorate of the Ministry of Social Development.

Act No. 42 of 27 August 1999 on equal opportunities for persons with disabilities

Executive Decree No. 103 of 1 September 2004 established the National Secretariat for the Social Integration of Persons with Disabilities, with a view to promoting the effective development of policies to enable persons with disabilities and their families to play a full part in society.

Act No. 6 of 4 May 2000, on the obligation to incorporate a gender perspective in the language, contents and illustrations of school materials and textbooks

A number of initiatives have been undertaken to implement this Act, including the production of curriculum guides to the application of the cross-cutting theme of “education and gender” at the seventh, eighth and ninth primary-school grades. There is also a guide for teachers working with pupils from preschool level to sixth grade.

Executive Decree No. 99 of 20 November 2000, establishing the National Commission on the Development of a National Plan to Combat Domestic Violence and Promote Civil Harmony

The purpose of this Commission was to develop the National Plan to Combat Domestic Violence and Promote Civil Harmony, which is now being implemented.

Executive Decree No. 31 of 16 April 2001, establishing the National Gender-Awareness Training Scheme

Under Executive Decree No. 36 of 26 June 2009, certain provisions of Executive Decree No. 31 of 16 April 2001 establishing the National Gender-Awareness Training Scheme have been amended or repealed in order to adapt the system to the new institutional framework.

Act No. 38 of 10 July 2001 on amendments and additions to the Criminal and Judicial Codes as regards domestic violence and child abuse, repealing and substituting provisions of Act No. 27 of 1995

Among the advances in tackling domestic violence and child abuse is the establishment of special prosecution services to deal with family and children's cases.

Act No. 16 of 31 March 2004, on the prevention and definition of crimes against sexual integrity and sexual freedom, amending and supplementing the Criminal and Judicial Codes

The National Commission for the Prevention of Commercial Sexual Exploitation is a technical and administrative body set up to examine ways of preventing and eradicating commercial sexual exploitation. There is also a national strategic plan to combat the commercial sexual exploitation of children. The plan calls, inter alia, for intersectoral alliances for the sake of effectiveness and efficiency in dealing with this problem.

To ensure effective implementation of the special measures to improve the participation of women in politics, and with a view to protecting motherhood and guaranteeing the social advancement of women, the Government of Panama has taken a range of affirmative measures, including through the following:

- *Second Equal Opportunities Plan for Women (PIOM II)*: the plan covers 12 subject areas within the competence of various public institutions. This facilitates the incorporation of the gender perspective into the work of the public agencies responsible for human and economic development, power-sharing and participation, equality before the law, family matters, employment, violence against women, health, housing, education and culture, the media and the environment.
- *Gender and Justice Unit*: this is an administrative unit set up within the judiciary to develop, implement and promote institutional policies for securing access to justice for vulnerable groups and to equip the judiciary with a permanent body able to guarantee equal access to the courts for children, women and persons with disabilities.
- *Gender Violence Monitoring Centre (Office of the Ombudsman)*: the centre is intended, inter alia, to draw attention to the phenomenon of gender violence and its impact on the country's development, to contribute to the collection, processing and coordination of statistics on gender violence in Panama, and to promote and support inter-agency coordination and communication among the bodies dealing with victims of gender violence.
- *National Institute for Women*: this is a decentralized public body with legal personality, its own assets and administrative, budgetary, financial, technical and managerial autonomy. It coordinates and implements national policy on equal opportunities for women, in accordance with its objectives, role and functions.

5. *The report refers to Act No. 4 of 29 January 1999 as the instrument regulating and establishing the State party's treatment of women, based on the principle of "non-discrimination". Please provide additional information on Executive Decree*

No. 53, issued in 2002 to regulate the application of the Act and on how it has brought equal opportunities for women, as stated in paragraph 19 of the report. Kindly provide more detailed information on the institutional mechanisms and procedures that, according to the report, have been established for its implementation.

Some of the provisions of the Convention have been incorporated into national law through the framework Act No. 4 of 29 January 1999 on equal opportunities for women. The Act forms the groundwork for a public policy of equity and equality, in providing for the affirmative action being taken by the special mechanisms set up in each and every area of government. The Act is regulated by Executive Decree No. 53 of 25 June 2002, on the practical application of the principles of prohibiting all forms of discrimination on grounds of sex; equality before the law and other individual and social rights; the condemnation of violence of all kinds against women; the protection of children's rights and fundamental freedoms; and equity, justice and respect for human life. The Act also spells out the steps to be taken by government and non-governmental agencies and by private sector entities.

New government initiatives in this area will promote policies to bring about equal opportunities for women.

A network of governmental mechanisms was set up in 2001 to promote equal opportunities in Panama. In principle, it consists of 423 public institutions linked through offices for women's or gender issues or through coordinating units or programmes for women.

Executive Decree No. 52 of 25 June 2002 requires public institutions to establish, by decree, administrative decision or an amendment to their internal regulations, specialized bodies to promote policies on equal opportunities for women. These bodies are expected to ensure that a gender perspective is incorporated, as a matter of course, into all the plans, programmes, projects and strategies pursued by the institutions within their respective areas of competence. The decree also sets out the regulations governing the working methods and the organizational and professional profiles of staff working for these bodies.

Executive Decree No. 31 of 16 April 2001, introducing the National Gender-Awareness Training Scheme, governs the coordination and planning of policy initiatives from a gender perspective.

Awareness-raising and training programmes are provided for members of the network of governmental mechanisms, covering the topics of planning, developing and evaluating projects; public policy; human rights; domestic violence; and gender violence. All these topics are approached from a gender perspective.

Executive Decree No. 89 of 13 November 2002 established a network of government and civil institutions producing and using statistics for the incorporation of a gender perspective in national statistics.

A network of governmental mechanisms to promote equal opportunities in Panama was established under article 148 of Executive Decree No. 53 of 25 June 2002, regulating Act No. 4 of 29 January 1999, which officially established equal opportunities for women. The network was established to enhance the financial, technical and political capacity of women, to coordinate institutional action and to monitor implementation of Act No. 4 and its regulations.

There are currently 22 of these mechanisms, located in the following institutions: the Ministry of Public Works, the Ministry of Trade and Industry, the Ministry of the Interior and Justice, the Ministry of Health, the Ministry of Economy and Finance, the Ministry of Agricultural Development, the Panamanian Institute for Cooperative Movements, the National Institute of Culture, the Panamanian Institute of Labour Studies attached to the Ministry of Labour and Labour Development, the National Sports Institute, the Panama Maritime Authority, the Panamanian Institute of Special Education, the Panama Canal Authority, the Institute for Human Resources Training and Development, the Social Security Fund, the National Police, the National Environment Authority and the University of Panama.

6. *In its previous concluding observations, the Committee noted with concern the failure to disseminate and publicize the Convention at various levels of Panamanian society and recommended that a major campaign be mounted to disseminate the principles of the Convention and provide education and training in this context, especially among judges, lawyers, journalists, teachers and Panamanian women. Please provide information on any campaign or any other initiatives carried out by the Government in order to disseminate the principles of the Convention. Please outline steps taken by the Government to provide adequate information and training for legal professionals, including lawyers, judges and prosecutors, and other actors responsible for the implementation of the Convention, on the State party's legal obligations under the Convention.*

A number of measures have been taken to publicize the Convention:

- Establishment of the National Gender-Awareness Training Scheme: between 2002 and 2004, 290 training activities were conducted for 9,982 people nationwide (3,407 men and 6,575 women), in keeping with public policies designed to create the conditions for the use of a gender perspective as a tool in the analysis of the national situation.
- Monitoring and evaluation of the second Equal Opportunities Plan for Women (PIOM II, 2002-2006) and dissemination of the plan (75 per cent complete) to ministers, directors-general and officials of institutions, provincial councils, technical bodies and civil society.
- Distribution of 5,000 copies of Act No. 4 of 29 January 1999 on equal opportunities for women, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol to government institutions and non-governmental and women's organizations.
- Television campaigns and radio spots to raise public awareness of domestic and sexual violence, commercial sexual exploitation and, in general, ill-treatment of children and older people.
- Training sessions and workshops for government institutions, non-governmental organizations and the general public on topics such as gender, self-esteem, leadership, human rights and domestic violence, attended by 11,426 persons nationwide between 2006 and 2008.
- Publication and distribution of 30,000 copies of the *Pocket Rule Book on Police Procedures for Dealing with Victims of Gender Violence*, 5,000 copies of the *Manual of Police Procedures for Dealing with Gender or Domestic*

Violence and Child Abuse and 4,300 copies of the *Manual of Legal Advice in Cases of Gender or Domestic Violence and Child Abuse*, which were circulated to the National Police and the Criminal Investigation Directorate.

The judiciary has organized several training events for its employees and for civil society to promote the principles established in the Convention and publicize the State's legal obligations in this regard, in order to encourage the incorporation of a gender perspective in the work of the courts.

The training department of the Public Prosecutor's Office has held training sessions on recognition of, and respect for, women's rights. The sessions accorded special importance to the application of national and international standards on women's rights by prosecutors and their co-workers. The department offered the following courses: training module on the manual of good practice; application of the law on domestic violence; workshop on gender, violence and the law; stigmatization of women and gender-based discrimination; women and justice; practical experience in establishing special courts for cases of violence against women; drafting a charter on the rights and obligations of victims of gender and domestic violence; improving the protection of victims of gender violence and their access to justice; gender violence; training for trainers on the protocol relating to the application of the law on domestic violence; victims of gender violence; workshop to prepare a comprehensive profile-based training programme for judicial officials dealing with victims of gender violence; key issues in legal proceedings relating to gender violence, identifying and raising awareness of the different factors affecting gender violence, and logical interpretation of the law.

It was not possible to organize further training activities, although the Government has organized various events to publicize the Convention.

National machinery for the advancement of women

7. Please provide detailed and additional information on the national machinery for the advancement of women in Panama, which is the Ministry of Youth, Women, Children and the Family, including its role in the governmental structure and its relations with other State mechanisms in terms of public policies. Please provide detailed information on its human and financial resources at all levels and on how the Government evaluates whether its budget is commensurate with its mandate.

Act No. 71 of 23 December 2008 established the National Institute for Women, which took over all the functions relating to the administration of policies, regulations and inter-institutional coordination, as well as operational plans and services assigned to the National Directorate for Women at the Ministry of Social Development.

The National Institute for Women assumed responsibility for all the technical, administrative and financial commitments and agreements entered into by the National Directorate for Women when, for administrative purposes, it was attached to the Ministry of Youth, Women, Children and the Family and, subsequently, to the Ministry of Social Development.

Regarding the budget for the new institution, for 2009, line items for investment and operations that had been allocated to the National Directorate for Women were transferred to it. The line items for both investment and operations in the 2010 budget are currently in the process of being approved. The National

Institute for Women has received authorization to implement six new investment projects in 2010. In addition, its staff is being increased so that it can achieve the goals and purposes for which it was created.

The increase in staff is necessary to deal with all the technical and administrative areas that the new institution will have to cover to fulfil its mandate in relation to public policies on equal opportunities for women in Panama.

For example, in 1995 the former National Directorate for Women had around 15 administrative and technical staff. Today (2009) the National Institute for Women has a staff of approximately 40, and that number is expected to increase by 27 per cent by 2010.

| | <i>National Directorate for Women, 2008</i> | <i>National Institute for Women, 2009</i> | <i>National Institute for Women, 2010 (forecast)</i> |
|-------------------------|---|---|--|
| Human resources | | | |
| No. of officials | 18 | 40 | 151 |
| Budget resources | | | |
| Operations (in balboas) | 197 262 | 435 945 | 5 288 761 |
| Investment (in balboas) | 368 800 | 380 000 | 955 000 |

The National Institute for Women runs two investment projects: a programme to disseminate information on equal opportunities for women and the National Plan against Domestic Violence. The 40 members of the administrative and technical team run the two projects and administer two shelters for women victims of domestic violence.

The government policies implemented by the National Institute for Women are in keeping with the proposals established in the 2007 National Development Pact, and more specifically with the mandate to achieve “more fairness, less poverty”.

Programmes and action plans

8. *The report refers to the National Plan to Combat Domestic Violence and Promote Civil Harmony, which has been in place since 2004. Please provide additional information on the National Plan, including detailed information on financial and human resources that are allocated to the Plan and on whether indicators, as well as time-bound targets, have been established to assess the implementation of this Plan in all regions of the country.*

The National Plan to Combat Domestic Violence and Promote Civil Harmony is implemented under a budget item allocated by the Government to social investment projects with a view to promoting efforts to combat domestic violence. Its aims are to help the victims of gender-based violence; to understand the problem in order to be able to take quick and effective action, and to involve the community by raising awareness of the issue and, at the same time, developing women’s capacity to take charge of their own advancement and empowerment.

In addition, funds are provided by the United Nations Population Fund, the Spanish International Cooperation Agency for Development and the Inter-American Development Bank. Financial resources are allocated to activities and programme

components aimed at implementing the guiding principles of the National Plan to Combat Domestic Violence and Promote Civil Harmony.

Eight administrative or technical staff (lawyers, social workers, psychologists, a secretary and an instructor) have been assigned to the National Institute for Women to coordinate and implement the National Plan to Combat Domestic Violence and Promote Civil Harmony.

The following indicators have been established to evaluate implementation of the plan:

Training and awareness-raising

- Number of women, men, young people, adolescents, children, organized community groups, community organizations and private companies

Networks combating domestic violence

- Number of women and men trained to interpret and monitor Act No. 38 on domestic violence

Implementation and monitoring of Act No. 38 of 10 July 2001 on domestic violence and child abuse

- Number of justices of the peace, councillors and court secretaries trained
- Number of national networks created to combat domestic violence
- Number of beneficiaries of the activities of the networks combating domestic violence
- Number of members of the networks combating domestic violence
- Number of institutions or organizations that are members of the national networks combating domestic violence

Programmes for victims of gender violence

- Number of complaints, according to the Criminal Investigation Directorate of the Public Prosecutor's Office
- Number of femicides (women murdered by their current or former partners, or by relatives, people they know, or people they do not know)
- Campaigns against gender violence in Panama (including number of analyses of gender violence and number of educational videos and manuals on domestic violence)

Comprehensive Security Programme

Promotion and prevention

- Organization of leaders, who establish partnerships and support promotional activities
- Number of outreach workers trained in issues related to domestic violence and civil harmony

- Number of townships (*corregimientos*) where awareness-raising activities have taken place
- Number of outreach workers trained to provide legal advice
- Number of directories printed and distributed
- Number of information kits for outreach workers who provide legal advice
- Prevention and promotion workshops in communities and schools in the district with the highest number of domestic violence cases
- Number of prevention and promotion campaigns in which all the key actors take part

Assistance

- Percentage of trained specialist staff assisting victims of domestic violence
- Number of women receiving assistance from the various agencies that help victims of domestic violence
- Number and type of institutions assessed that have and apply norms, protocols and regulations on comprehensive care for victims and perpetrators of domestic violence, and functioning self-help groups

Violence against women

9. *Please provide statistical information on how many cases of violence against women and girls have been reported during the period under consideration. Please also include detailed information on how many perpetrators of acts of violence against women have been prosecuted and punished during the same period. Please include statistical information on how many women have been murdered per year as a result of domestic violence during the period under consideration. The report refers to a project aimed at constituting a single data registration system for statistics on gender-based violence. Please provide information on the development of this project, between the National Directorate for Women in the Ministry of Social Development and the Statistics and Census Directorate in the Office of the Comptroller-General of the Republic.*

According to statistics for the period 2005-2009, Panama City's special prosecution services registered 17,067 complaints of violence against women and 1,198 complaints of violence against girls.

The Integrated National Crime Statistics System, established by Executive Decree No. 471 of 27 August 2007, is part of the Ministry of the Interior and Justice. Together with the Office of the Comptroller-General and other national bodies, it keeps updated statistics on gender violence.

Panama's National Police has a special unit to deal with domestic violence, and the Directorate of Police Investigations maintains a database on this issue.

Number of complaints of domestic violence, 2004-2006

| <i>Month</i> | <i>Year</i> | | |
|--------------|--------------|--------------|--------------|
| | <i>2004</i> | <i>2005</i> | <i>2006</i> |
| January | 84 | 128 | 205 |
| February | 101 | 96 | 144 |
| March | 108 | 144 | 169 |
| April | 97 | 120 | 166 |
| May | 106 | 97 | 165 |
| June | 129 | 131 | 148 |
| July | 130 | 113 | 138 |
| August | 119 | 139 | 138 |
| September | 97 | 135 | 129 |
| October | 98 | 138 | 129 |
| November | 84 | 151 | 97 |
| December | 75 | 121 | 70 |
| Total | 1 228 | 1 513 | 1 698 |

Source: Public Prosecutor's Office, Victim Support Centre.

Offences registered by the Criminal Investigation Service in Panama, 1997-2006

| <i>Offence</i> | <i>Total</i> | <i>1997</i> | <i>1998</i> | <i>1999</i> | <i>2000</i> | <i>2001</i> | <i>2002</i> | <i>2003</i> | <i>2004</i> | <i>2005</i> |
|-------------------|---------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Domestic violence | 11 041 | 35 | 876 | 911 | 824 | 1 164 | 1 920 | 1 874 | 1 623 | 1 811 |

Source: Crime Statistics Unit, using data from the division overseeing agencies, sub-agencies, sections and units.

According to a study on femicide in Panama in 2000-2006, during that period 2,362 homicides were recorded, of which 221 victims were women, accounting for 9.36 per cent of the total (see table).

Homicides of women, 2000-2006

| <i>Year</i> | <i>Homicides of women</i> |
|--------------|---------------------------|
| 2000 | 29 |
| 2001 | 22 |
| 2002 | 42 |
| 2003 | 29 |
| 2004 | 24 |
| 2005 | 35 |
| 2006 | 40 |
| Total | 221 |

Source: Report on Femicide in Panama, 2000-2006.

Information on femicide cases is very limited due to the different criteria, contents and formats of the records kept by the various entities producing statistics. As a result, many cases of non-intimate-partner femicides are classified under “unknown”, “unspecified”, “no information” or “insufficient information”.

With regard to Panama’s single data registration system, efforts are being coordinated with the National Statistics and Census Institute to ensure that the gender perspective is taken into account in all national statistics.

Moreover, great progress has been made in collecting data on gender violence from the various bodies concerned. In this regard, an agreement establishing Panama’s Gender Violence Monitoring Centre in the Office of the Ombudsman was signed on 21 May 2009. Under the agreement, the centre is to be a collaborative effort of the judiciary, the Office of the Procurator-General, the Office of the Ombudsman, the Ministry of the Interior and Justice, the Ministry of Social Development, the Ministry of Health, the Ministry of Education, the Ministry of Labour and Labour Development, the Ministry of Economy and Finance, the National Institute for Women and the Office of the Comptroller-General.

10. The report refers to the National Plan to Combat Domestic Violence and Promote Civil Harmony, which is structured around five main areas, including prevention, care and rehabilitation and including local-level programmes on the strengthening of local domestic violence prevention and care activities. Please provide information on the plans the Government has to extend the local networks to all areas of the country, including the indigenous and most deprived areas, as well as the provision of shelters. Also, please provide detailed information on how many women and girls, at the local level, have benefited from these protective measures during the period under review.

The Ministry of the Interior and Justice has designated equal-opportunities focal points and offices in the Ministry’s various divisions. The focal points are responsible for mainstreaming gender issues and the prevention of gender-based violence and disability into plans, programmes, regulations and laws at the institutional level. The following served as a basis for extending the local networks on domestic violence prevention:

- (a) The establishment of a government policy on domestic violence in 1994, under the slogan “Combating violence in all its forms”;
- (b) The “Bambito III” agreement, under which the demands of the Women and Development Plan were taken up as official policy, and which advocates the creation of women’s affairs offices within State agencies;
- (c) The 1998 launch of a campaign on “A life free of violence: your right”, promoted by the United Nations system: the campaign contributed to progress in combating domestic and family violence, and ran until 2001 in Panama;
- (d) The establishment in 1999 of the National Sexual and Reproductive Health Plan, setting out measures to counter violence, particularly sexual violence;
- (e) The establishment in 2000 of the network of governmental mechanisms to promote equal opportunities;
- (f) The establishment in 2001 of the National Gender-Awareness Training Scheme;

(g) The establishment on 13 November 2002 of the network of government and civil institutions producing and using statistics for the incorporation of a gender perspective in national statistics;

(h) The introduction in 2002 of Panama's system of gender-based indicators;

(i) The implementation of the second Equal Opportunities Plan for Women (PIOM II) in the period 2002-2006;

(j) The introduction in 2004 of the National Policy for Older Persons to help "build a society for people of all ages", and the National Strategic Plan for Children and Adolescents.

A notable initiative in this context is the programme for strengthening the local management of domestic violence prevention and response, which backs up local management initiatives, in the belief that there is a comparative advantage in implementing violence prevention and response programmes at the local level.

This initiative led to the creation of local networks to combat domestic violence and to develop and implement local gender violence prevention and response plans, in order to help governmental, non-governmental and community agencies to tackle this complex problem in a comprehensive manner.

The local networks involve the health sector, the courts, the system of administrative justice, the education sector and civil society, and receive technical support from the National Institute for Women. Their aim is to establish a local model for gender violence prevention and response.

The local plans focus mainly on the people affected by domestic violence (such as women, children, persons with disabilities and older women) and on action vis-à-vis the offender, through the health services. They represent a structured and consensual response based on the work of government, non-governmental and community agencies.

Such a plan was implemented and proved to be a successful way to address the issue of domestic violence in the municipality of Panama (Juan Díaz), San Miguelito (main town) and the district of Soná (Veraguas province), which were pilot communities for launching the project, thus helping to promote similar initiatives in other districts or communities in the country.

Local domestic violence prevention and response networks, 1995-2008

| <i>Year</i> | <i>District</i> | <i>Province</i> | <i>Comments</i> |
|-------------|-----------------|-----------------|--|
| 1995 | Juan Díaz | Panama | |
| 1996 | Pocrí | Los Santos | Action was taken simultaneously in the districts of Soná (Veraguas province), Portobello (Colón province), La Pintada (Coclé province) and Panamá Oeste (Panama province). |

| <i>Year</i> | <i>District</i> | <i>Province</i> | <i>Comments</i> |
|-------------|---------------------|---------------------|---|
| | | | An institutional plan on domestic violence prevention and response and on harmonious coexistence was initiated with the theme “Safe communities in the municipalities in the twenty-first century” by the Ministry of Health, for the period 1996-1998. |
| 2002 | San Miguelito | Panama | |
| | Soná | Veraguas | |
| 2006 | Chepo | Panama | |
| | Chorrera | | |
| 2007 | Arraiján | Panama | |
| | Colón | Colón | |
| | Las Minas | Herrera | |
| | Las Tablas | Los Santos | |
| 2008 | David | Chiriquí | |
| | Comarca Ngobe Buglé | Comarca Ngobe Buglé | |
| | Nole Duima | | |
| | Mironó | | |
| | Besikó | | |

Source: National Institute for Women, 2009.

The Soná local network maintains a centre which provides comprehensive services to victims of domestic violence, including guidance, social assistance and legal advice. The centre is known as a “centre for civil harmony and a culture of peace”, and was the result of coordination between the Ministry of Social Development, the Office of the Procurator-General and the municipality of Soná, which identified and provided the resources needed to set up the centre, which was inaugurated on 23 November 2005.

From October 2005 to June 2009, the centre, from which the network against domestic violence operates, conducted a range of activities, including the provision of guidance and assistance to about 1,500 victims of domestic violence — of whom 60 per cent were women and 40 per cent were men — in the district of Soná. The centre aims to provide guidance, advice and comprehensive care to victims of domestic violence.

The *Nueva Vida* (“New life”) shelter in Panama City aims primarily to provide temporary shelter to women and their children who are victims of domestic violence and who are at risk. It provides comprehensive care through an interdisciplinary team that offers psychosocial support and legal advice.

In 2005, the *Nueva Vida* shelter was run by a non-governmental organization and subsidized by the Ministry of Social Development, which took over the administration and running of the shelter in 2006, providing staff with expertise in psychology, social work, and legal advice and assistance. Since 2006, the shelter has provided assistance to 300 women and their children (283 girls and 242 boys). In addition, from 1994 to 2002 the Centre for Battered Women, which used to manage the *Nueva Vida* shelter, provided shelter to 546 women; it sheltered 68 people in the first four months of 2003.

Another shelter, the *Casa de la Mujer Joven* (“Home for young women”), in Chiriquí province, is currently being organized and equipped to receive women who are the victims of domestic violence: it will provide an institutional response to the plight of victims in need of comprehensive care.

11. *Please specify whether rape in marriage is considered a crime. If not, does the Government have plans to criminalize it?*

Rape in marriage is considered a crime in Panama and is punishable as a criminal offence, provided that it meets the definition in article 171 of the Criminal Code. Although the Criminal Code does not state outright that rape in marriage is a crime, article 171 does state that “anyone who uses violence or intimidation to have sexual intercourse with a person of either sex, using their genitals, shall be liable to a prison sentence of 5 to 10 years”. It then goes on to spell out aggravating circumstances that would raise the penalty to 8 to 12 years. Thus rape in marriage is punishable provided that the aggressor, whether male or female, uses physical violence or intimidation to have sexual intercourse with their spouse.

Trafficking and sexual exploitation of women

12. *The present report notes that 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 prostitution and to analyse the modus operandi of those engaged in such practices. However, the report does not provide information on the findings of such studies. Please provide information on commercial and sexual exploitation of women, girls and adolescents, including through trafficking, its incidence, causes and consequences. Please also provide information on any programmes or measures carried out to address this problem.*

As regards programmes or measures carried out to address this problem, the following points can be made.

Panama has taken a number of steps to combat commercial sexual exploitation, one of the most important being the promulgation of Act No. 16 of 31 March 2004, which amended and created categories of offences in keeping with the minimum requirements of international law so as to provide adequate punishment for the various forms of commercial sexual exploitation. The Act also outlines a policy for combating this type of social scourge and provides for the

creation of an inter-agency commission to be known as the National Commission for the Prevention of Sexual Exploitation.

By law, the National Commission is the lead agency for policies to combat this scourge; its first national plan has been drawn up and covers the three-year period from 2008 to 2010.

The four main objectives of this plan are as follows:

- To prevent the commercial sexual exploitation of minors
- To care for and safeguard victims, so that they can once again exercise all their rights
- To punish those responsible for the exploitation
- To strengthen the National Commission for the Prevention of Sexual Exploitation as the lead agency responsible for directing national efforts in this area

In a 2008 report on human trafficking, the Government noted that efforts to prevent human trafficking had been stepped up. In the past, foreign women were issued with an escort's visa (an *alternadora* visa), but the Government has done away with this category of visa as part of an immigration reform package that came into force in August 2008. Although foreign women can still apply for entertainment visas, the Government has stepped up its efforts to prevent human trafficking by drawing up a register of businesses that request such visas and introducing stricter conditions for issuing such visas. In 2008, it sought to raise awareness and worked with NGOs and international organizations on projects to prevent trafficking. In an effort to reduce demand for commercial sex acts, the Government ran media campaigns warning that sexual exploitation is a punishable offence.

As regards prosecution and punishment, efforts have been made to define the best practices or procedures for detecting, prosecuting and punishing such offences. An operations manual has been prepared for law enforcement personnel, judges and prosecutors in order to enhance the effectiveness of the measures and produce the best results.

In this context, the national legal framework is provided by Act No. 16 of 2004 and Act No. 14 of 2007, by which the current Criminal Code was adopted. Panama has a national plan for the prevention and elimination of the commercial sexual exploitation of children.

The National Commission for the Prevention of Sexual Exploitation — which is chaired by the Procurator-General — introduced this national plan for the period 2008-2010. There is also a guide to reporting the commercial sexual exploitation of children.

13. *The report refers to different provisions that punish criminal practices associated with trafficking in persons and the exploitation of prostitution. Please provide statistical information on how many persons have been prosecuted and sentenced for these crimes during the period under review, and on how many women are alleged to have been victims of trafficking and sexual exploitation. Please also specify the efforts that are being made to make women and girls aware of the importance of reporting trafficking and exploitation of prostitution.*

According to the Department of Social Statistics in the Office of the Comptroller-General, only one case of sexual trafficking was reported, in 2007, under the category of offences against decency and sexual freedom.

In order to prevent trafficking in persons and sexual exploitation, Panama has launched campaigns against commercial sexual exploitation. Likewise, the International Labour Organization's International Programme on the Elimination of Child Labour (ILO/IPEC) has campaigned against trafficking through posters and television spots.

The Government, through the National Secretariat for Children, Adolescents and the Family, has undertaken a number of initiatives relating to the commercial sexual exploitation of children, including the following projects and programmes:

- Project to help prevent and eliminate the commercial sexual exploitation of minors in Central America, Panama and the Dominican Republic, in cooperation with ILO/IPEC;
- Study on how to help prevent and eliminate the commercial sexual exploitation of minors in Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala and the Dominican Republic (conducted in 2009);
- The signing of an agreement with the Centre for Family Studies and Training, with technical and financial support from ILO/IPEC, which has led to a programme of action on caring for child victims of commercial sexual exploitation in the townships of Tocumen, 24 de Diciembre and Las Mañanitas. This programme covers some 40 children who were identified in the first phase of the programme and provides them with comprehensive care (treatment and follow-up to ensure that they remain within the educational system). It is coordinated with other State institutions and with Casa Esperanza, in partnership with the Ministry of Social Development, and with technical and financial support from ILO/IPEC.

The Ministry of Social Development, through the National Secretariat for Children, Adolescents and the Family, follows up complaints submitted by victims of commercial sexual exploitation by:

- Securing the participation of institutions such as the special prosecution services, the Criminal Investigation Directorate, ILO/IPEC and private organizations such as Casa Esperanza in the exchange of baseline information (indicators) and in efforts to improve intervention;
- Participating in the Third World Congress against Commercial Sexual Exploitation of Children, held in Rio de Janeiro from 25 to 28 November 2008.

As regards current activities to raise children's awareness of commercial sexual exploitation, the National Secretariat for Children, Adolescents and the Family is carrying out a project aimed at reducing and eradicating the personal, family- or community-related, and institutional or social risk factors that contribute to the commercial sexual exploitation of children in Panama.

14. *In its previous concluding observations, in 1999, the Committee expressed concern at the discriminatory treatment received by women engaged in prostitution in Panama, especially regarding the difficulties involved in seeking legal redress in*

the case of rape. Please provide information on any efforts or measures carried out to tackle these difficulties. Also, please specify whether any special unit has been established in this regard.

Pursuant to the principles of equality and inclusion, the judiciary in Panama has set itself the task of mainstreaming a gender perspective across the board and at all levels, inter alia through a sensitization and awareness-raising campaign designed to eliminate any discrimination against women using the justice system. Accordingly, Government Order No. 806 of 11 September 2008 established the Gender and Justice Unit to introduce and coordinate a policy of accessibility within the institution so as to enable persons whose rights are threatened to have effective access to justice.

Political participation and participation in public life

15. *According to the report, Act No. 4 “instituting equal opportunities”, which amended the Electoral Code, establishes the obligation of the Government to guarantee the participation of at least 30 per cent of women as ministers, vice ministers and directors of autonomous and semi-autonomous authorities and other government entities. Please provide detailed information on the measures taken in order to implement Act No. 4. Also, please provide information on any campaigns or training programmes that have been carried out to encourage participation of women in politics, decision-making positions and public life, following the previous recommendation of the Committee.*

Democracy has been further strengthened in Panama with the holding of transparent general elections in which the will of the people has been respected, as evidenced by the fact that those who obtained a majority of the votes were declared the winners under the system of proportional representation established in the Panamanian Constitution and electoral laws.

In Panama, 1992 can be viewed as the year when women’s groups (such as the Forum for Women in Political Parties) began seeking changes to the electoral laws so as to include rules that would guarantee women’s active participation in politics.

Such rules would ensure that women participated in the internal activities of political parties by requiring a minimum number of women candidates for party leadership positions and on the parties’ lists of candidates for election.

This legislative proposal, variously described as a “quota system”, a “minimum percentage of women participating in politics” or “affirmative action”, ultimately led to the electoral reform of 1997.

The rules applicable to women’s participation within political parties and in elected office are described below.

1. Electoral reform of 1997

Act No. 22 of 14 July 1997, amending the Electoral Code, included for the first time a requirement concerning the participation of women, or a system of quotas or affirmative action.

Essentially it was stipulated that, in internal elections, political parties should try to ensure that at least 30 per cent of the candidates for positions within the party or for positions whose incumbents were elected by popular vote were women.

However, the effectiveness of this provision was undermined by the addition of another rule which stated that if the number of women participants was lower than the figure referred to in the rule, political parties could fill the post with any other member running for election to the post.

The effectiveness of the 30 per cent minimum is said to have been undermined because the amendment did not stipulate what mechanism or internal authority of the collective body would set out the criteria to be used in determining whether women's participation had fallen below the minimum percentage referred to in the rule.

Another feature of the 1997 amendment to the Electoral Code was that it introduced, again for the first time, a direct government subsidy (public financing) for independent candidates and political parties.

With regard to the issue of women's participation, it was agreed that 10 per cent of the government subsidy received by political parties for training — which accounts for 25 per cent of the annual subsidy — should be used for training women.

1999 general election

A total of 763 elective offices and 910 alternate positions were up for election, distributed as follows:

| | <i>Elective offices</i> | <i>Alternate positions</i> |
|-----------------------------|-------------------------|----------------------------|
| President | 1 | 2 |
| Lawmakers | 71 | 142 |
| Mayors | 75 | 150 |
| Township representatives | 589 | 589 |
| Councillors | 7 | 7 |
| Central American Parliament | 20 | 20 |

The total number of officially registered candidates, running either as representatives of political parties or as independents, was 10,057.

Of that total, 4,670 were candidates for office, barely 626 of whom, or a scarce 13 per cent, were women.

Of the 5,387 candidates for alternate positions, 1,022, or 19 per cent, were women and 81 per cent were men.

The following table shows female candidates disaggregated by the type of office sought in the general election of 2 May 1999:

| | <i>Elective offices</i> | <i>Alternate positions</i> |
|--------------------------|-------------------------|----------------------------|
| President | 1 | 1 |
| Lawmakers | 90 | 299 |
| Mayors | 49 | 143 |
| Township representatives | 464 | 555 |

| | <i>Elective offices</i> | <i>Alternate positions</i> |
|-----------------------------|-------------------------|----------------------------|
| Councillors | 1 | 1 |
| Central American Parliament | 21 | 23 |

After the votes had been counted in the general election of 2 May 1999, the following numbers of female candidates were declared elected:

| | <i>Elective offices</i> | <i>Alternate positions</i> |
|-----------------------------|-------------------------|----------------------------|
| President | 1 | 0 |
| Lawmakers | 7 | 26 |
| Mayors | 10 | 24 |
| Township representatives | 61 | 77 |
| Councillors | 1 | 1 |
| Central American Parliament | 5 | 8 |

In summary, 85 of the women candidates for the 763 elective offices were elected. Only 136 of the 910 women candidates for alternate positions were elected.

Thus, in 1999, 11 per cent of candidates elected to office were women and 89 per cent were men, while 15 per cent of alternates elected were women and 85 per cent were men.

Despite the relatively low figures for women overall, for the first time in the history of Panama a woman was elected to the highest office in the land.

2. Electoral reform of 2002

Act No. 6 of 17 December 2002 further amended the Electoral Code, although no change was made to the 1997 rule on women's participation. The situation in the general election of 2 May 2004 is set out below.

2004 general election

A total of 800 elective offices and 954 alternate positions were up for election:

| | <i>Elective offices</i> | <i>Alternate positions</i> |
|-----------------------------|-------------------------|----------------------------|
| President | 1 | 2 |
| Lawmakers | 78 | 156 |
| Mayors | 75 | 150 |
| Township representatives | 619 | 619 |
| Councillors | 7 | 7 |
| Central American Parliament | 20 | 20 |

The total number of candidates, running either as representatives of political parties or as independents, who submitted applications to and were accepted by the Electoral Tribunal for election to office or as an alternate, was 12,124.

Of that number, 5,561 were candidates for office, barely 746 of whom, or 13.41 per cent, were women.

Of the 6,563 candidates for alternate positions, 1,163, or 17.72 per cent, were women.

The number of women candidates disaggregated by type of office sought in the general election of 2 May 2004 is shown in the following table:

| | <i>Elective offices</i> | <i>Alternate positions</i> |
|-----------------------------|-------------------------|----------------------------|
| President | 0 | 1 |
| Lawmakers | 74 | 233 |
| Mayors | 77 | |
| Township representatives | 565 | 709 |
| Councillors | 5 | |
| Central American Parliament | 25 | 32 |

Women were declared elected in the general election of 2 May 2004 as follows:

| | <i>Elective offices</i> | <i>Alternate positions</i> |
|-----------------------------|-------------------------|----------------------------|
| President | 0 | 0 |
| Lawmakers | 12 | 34 |
| Mayors | 7 | 32 |
| Township representatives | 61 | 86 |
| Councillors | 0 | 1 |
| Central American Parliament | 6 | 4 |

In summary, 86, or 10.75 per cent, of the 800 elective offices were won by women. Of the 954 alternate positions, only 157, or 16.45 per cent, were won by women.

3. Electoral reform of 2006

Act No. 60 of 29 December 2006 amended the Electoral Code and constitutes the current Electoral Code.

It establishes a 30 per cent minimum quota for women candidates for both internal party positions and public elective office. In addition, at least 10 per cent of the training subsidy provided to political parties (25 per cent of the total subsidy) must be allocated to training activities reserved for women.

The innovations introduced by the 2006 amendments include:

(a) Article 237 establishes for the first time that “political parties are required to inform the Electoral Tribunal of the results of their primary elections within 15 working days of the elections, calculated from the time of official proclamation of the result, and including the number and percentage of members

participating. After receiving notice of the result, the Electoral Tribunal shall publish it in the Electoral Bulletin within five days”.

Comments: This article, pursuant to article 92 of the new Electoral Act, requires political parties to establish a body responsible for the internal election process. It also establishes the obligation to identify the internal authority responsible for dealing with any dispute over the outcome, and the internal remedies available, which must be exhausted before an appeal can be lodged with the Electoral Tribunal. It can therefore be assumed that when a party informs the Electoral Tribunal of the results of its internal elections, any disputes over the outcome have already been resolved. A party member nevertheless has the right to appeal to the Electoral Tribunal within 10 working days of the date on which internal remedies were exhausted.

(b) Article 239, paragraph 3, provides that “in cases where women’s participation rate, as confirmed by the party’s Women’s Secretariat, is below the percentage set out in this law, political parties may add other candidates’ names for election to the offices in question”.

Comments: This provision identifies which internal body in a party is responsible for calculating and attesting to the fact that the number of women candidates is below the required minimum percentage. The article makes it clear that each political party must establish in its by-laws a Women’s Secretariat if it has not already done so and that one of the roles of the Women’s Secretariat is to ensure that the procedures and rules relating to members’ participation place women on an equal footing.

16. *The report also refers to Act No. 6 of 17 December 2002, which establishes the obligation “to allocate at least 10 per cent of said funding to the training of women”. Please provide detailed information on whether this obligation has been implemented and the results of such implementation.*

Act No. 22 of 14 July 1997 amending the Electoral Code provided, for the first time, for State funding of political parties and independent candidates.

The formula addresses pre-election needs in a fair and balanced way, and is subject to audit and follow-up by the Electoral Tribunal.

The post-election portion of the subsidy provided for in the Act is paid out over five years in order to cover the period between elections while minimizing the burden on public finances. Act No. 60 of 29 December 2006 subsequently amended the rules relating to pre-election and post-election public funding.

Under the current rules, public funding in Panama works as follows:

- Existing political parties receive an equal share of funding amounting to 20 per cent of the total.
- The basic amount provided to them is supplemented in proportion to the number of votes they receive for all elected offices (by type), in other words, votes obtained in elections for President, lawmakers, mayors and township representatives.

With regard to training for women, the rules governing public funding emphasize civic and electoral education, in particular education about democracy, the importance of the rule of law, the role of elected officials in a democratic society

and the principles and platforms of each party with regard to national economic, political, social and cultural issues and training.

The rules require that at least 25 per cent of the annual subsidy be allocated to training activities, of which at least 10 per cent must be allocated to activities aimed exclusively at training women. The Electoral Tribunal is responsible for regulating, supervising and auditing the allocation of public funding with a view to ensuring its effectiveness.

| <i>Party</i> | <i>Members</i> | <i>Men</i> | <i>Women</i> | <i>Men (as a percentage)</i> | <i>Women (as a percentage)</i> |
|--|----------------|------------|--------------|------------------------------|--------------------------------|
| Partido Revolucionario Democrático | 15 791 | 7 651 | 8 140 | 48 | 52 |
| Solidaridad | 7 150 | 4 170 | 2 980 | 58 | 42 |
| Partido Liberal Nacional | 917 | 213 | 704 | 23 | 77 |
| Unión Patriótica | 24 396 | 13 362 | 11 034 | 55 | 45 |
| Partido Panameñista | 5 152 | 2 940 | 2 212 | 57 | 43 |
| Cambio Democrático | 8 319 | 5 342 | 2 977 | 64 | 36 |
| Partido Popular | 1 787 | 1 186 | 601 | 66 | 34 |
| Movimiento Liberal Republicano Nacionalista (MOLIRENA) | 499 | 372 | 127 | 75 | 25 |

Note: Figures take into account training initiatives undertaken by the political parties during the five-year period from July 2004 to March 2009.

Education and stereotypes

17. *The report points out that, despite the feminization of university enrolment that the country is experiencing, analysis of the programmes in which women students predominate suggests that there are still cultural factors which prevent them from choosing certain non-traditional programmes. Please provide specific information on these programmes and on the efforts carried out by the Government to eliminate remaining stereotypes that discriminate against women in the field of education.*

It is fairly difficult at the present time to determine the parameters defining traditional university programmes in terms of women's access to them. In Panama there are no restrictions whatsoever on women's access to any university programme, but it is probable that cultural factors do produce situations of this kind. It is likely that part of Panamanian society still thinks that there are university programmes reserved for men, but this attitude is gradually dying out with regard to some of the programmes, and it is also likely that the increasing numbers of women enrolling in programmes traditionally regarded as reserved for men find that no such obstacle exists.

Panama has enrolment figures for 2005 for the country's 4 public and 26 private universities. Women accounted for 61 per cent of the total, and the male/female ratio averaged 63 men for every 100 women. In only four of the 30 universities (one public and three private) did male enrolment exceed female enrolment. In all three of these private universities the total enrolment was fewer than 200 students.

The Technological University of Panama, a public institution, had more men than women on its roll: 228 men for every 100 women. Only three of its 27 degree courses had a ratio of 100 or fewer men for every 100 women; the rest of the courses had ratios of between 120 and 2,850 men for every 100 women.

Despite the shortage of data, the enrolment for 2000 has been analysed for purposes of comparison. Women accounted for 63 per cent of the total enrolment, and the male/female ratio was 59 men for every 100 women.

In 2000, the Technological University of Panama had 230 male for every 100 female students. Only three out of 14 degree courses had fewer men than women. Five of the courses saw the ratio of men to women decline in the period 2000-2005, but male enrolment was still much larger than female enrolment. These courses were civil engineering, electrical technology, electronics technology, industrial engineering and mechanical engineering.

This brief analysis indicates a tendency for women to make inroads, although still timidly, in programmes previously regarded as reserved for men.

18. *In paragraph 129 the report states that, according to a report by the Institute for Human Resources Training and Development, women receive more scholarships than men at every level: primary, secondary and/or university. Please provide detailed information disaggregated by subject and urban/rural areas on the scholarships received by women.*

For the period 1994-2006 the figures provided by the Institute for Human Resources Training and Development show that 75,699 scholarships were received by women in urban areas and 66,727 in rural areas (53 and 47 per cent respectively).

In terms of level of education, the State offers a number of scholarships at the university level, the figures for which show that women are more likely to opt for courses in the areas of administration and law (32 per cent), followed by architecture, engineering and technology (17 per cent), economics, social sciences and medicine (17 per cent) and food science (17 per cent).

The figures for administration courses include scholarships to study business administration, accounting and law. These subjects relate to the services sector, which is booming in Panama. The international scholarships awarded to Panamanians (mostly by Spain and Chile) are for courses in public administration, tourism, etc.

It remains for the Institute for Human Resources Training and Development to undertake the following tasks: (a) produce an annual analysis of the national and international scholarships received by women; and (b) develop, in conjunction with the Ministry of Education, projects to collect information on children who receive scholarships and support under the Opportunities Network Programme in all schools in the country.

19. *Please provide information on the incidence of teenage pregnancy in Panama and its impact on girls' educational achievement. Please also provide information about support for pregnant adolescents or young mothers to continue their education, including statistical information on how many young mothers have benefited from support programmes in order to continue their studies. In this regard, the report refers to Act No. 29 of 3 June 2002, guaranteeing the health and*

education of pregnant adolescents. Please specify what supervisory mechanisms, if any, exist to ensure the effective implementation of this law.

The Office of Population and Human Development of the Ministry of Education carries out programmes to prevent unwanted pregnancies.

As stipulated in Act No. 29, it is mandatory for all schools that report a teenage pregnancy to ensure that the girl in question can continue her education by means of a modular system or some other appropriate arrangement. It is to be hoped that the girls included in the statistical information submitted by each school receive the support reflected in the table below.

Supervisory mechanisms to ensure the implementation of the law

School staff up to level of head teacher have to supervise the progress of pregnant teenagers, but there is no higher-level supervisory mechanism to produce consolidated records or figures on how many girls complete the school year.

With respect to the incidence of teenage pregnancy, school statistics on pregnant schoolgirls for the years 2005-2008 are given in the table below.

Table 1. Pregnant schoolgirls, by education level and area (school years 2005-2008)

| | 2005 | 2006 | 2007 | 2008 |
|--------------------|------|------|------|------|
| Primary | | | | |
| Urban | 1 | 6 | 3 | 7 |
| Rural | 10 | 14 | 25 | 21 |
| Indigenous | | 11 | 16 | 17 |
| Junior high | | | | |
| Urban | 257 | 440 | 497 | 506 |
| Rural | 80 | 127 | 147 | 171 |
| Indigenous | 16 | 23 | 51 | 56 |
| Secondary | | | | |
| Urban | 511 | 232 | 238 | 270 |
| Rural | 84 | 6 | 11 | 13 |
| Indigenous | 7 | 1 | 1 | 1 |

Source: Ministry of Education, National Directorate of Education Planning, Department of Statistics.

Table 2 shows the number of live births to adolescent mothers in the same period, according to Ministry of Health data. The figures include babies born to girls who have attended school and to those who have not done so.

Table 2. Live births to adolescent mothers in the 10-19 age group, by health region, 2005-2008

| <i>Health region/district</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> | <i>2008</i> |
|-------------------------------|---------------|---------------|---------------|---------------|
| <i>Overall total</i> | <i>12 268</i> | <i>12 500</i> | <i>12 887</i> | <i>13 374</i> |
| Bocas del Toro | 1 026 | 1 032 | 1 046 | 1 102 |
| Coclé | 815 | 864 | 836 | 816 |
| Colón | 1 029 | 968 | 1 022 | 1 090 |
| Chiriquí | 1 554 | 1 578 | 1 599 | 1 711 |
| Darién | 392 | 370 | 374 | 367 |
| Herrera | 300 | 289 | 273 | 283 |
| Los Santos | 216 | 216 | 186 | 184 |
| Panama | 5 116 | 5 302 | 5 444 | 5 696 |
| <i>Panamá Este</i> | <i>381</i> | <i>457</i> | <i>441</i> | <i>466</i> |
| <i>Panamá Oeste</i> | <i>1 205</i> | <i>1 167</i> | <i>1 237</i> | <i>1 414</i> |
| <i>Metropolitana</i> | <i>1 680</i> | <i>1 786</i> | <i>1 825</i> | <i>1 942</i> |
| <i>San Miguelito</i> | <i>1 850</i> | <i>1 892</i> | <i>1 941</i> | <i>1 874</i> |
| Veraguas | 797 | 792 | 836 | 771 |
| Comarca Kuna Yala | 248 | 235 | 244 | 222 |
| Comarca Ngobe Buglé | 775 | 854 | 1 027 | 1 132 |

Source: Vital Statistics database, INEC, Office of the Comptroller-General.

Employment

20. *The report points out that 72.7 per cent of the non-economically active population are female. It also states that employed women are principally engaged in wholesale and retail trade, domestic service, manufacturing, hotels and restaurants, and teaching. Please provide information on plans the State party has to reduce the high rate of unemployment among women. Also, please provide information on the levels of remuneration for women and men performing the same jobs in the public and private sector. Also, please include detailed information on the activities and conditions of women working in the informal sector.*

The Ministry of Labour and Labour Development is particularly concerned about discrimination against women and for two months it has been holding consultations on gender issues in the Directorate-General for Employment with the Spanish International Cooperation Agency for Development under the Vocational Training and Employment Programme.

These consultations have resulted in the re-establishment of the Gender and Work Commission in the form of a top-level institutional colloquium on gender mainstreaming as a cross-cutting issue in the work of the Ministry of Labour and Labour Development, with the participation of the National Institute for Women, the Women's Economic Agency and the Violence Monitoring Centre of the Office of the Ombudsman.

Following this colloquium, the first steps were taken to establish a Gender and Work Office in the Ministry, an objective already set out in the cooperation

agreement between the Ministry of Social Development and the Ministry of Labour and Labour Development signed on 22 April 2008. The purpose of this office is "... to establish the necessary legal framework for collaboration between the Ministry of Social Development and the Ministry of Labour and Labour Development in order to boost gender mainstreaming in the economy and its input in the institutions of the public sector by setting up a Gender and Work Office in the Ministry of Labour and Labour Development pursuant to Act No. 4 of 29 January 1999 on equal opportunities for women, and the implementation of measures for gender mainstreaming in all the activities, programmes and projects of the Ministry of Labour and Labour Development".

The parties thus committed themselves to working together to prevent and eliminate this kind of discrimination in Panamanian society by taking action to secure the full integration of Panamanian women in the country's political, economic, social and cultural development.

Where the levels of women's remuneration are concerned, while it is true that there is a substantial wage gap between men and women, it should be noted that average wages have risen and that the Government, in accordance with its gender policy, has been endeavouring to narrow this gap.

Since 2008 the Government has been employing more women than men (106,138 women as compared to 104,526 men), with an increase of 6,076 in the number of posts held by women. This development can be seen more clearly in table 411-13 of the Household Survey, August 2007-2008 ("Panama's economically active population aged 15 or over, by sex, province, type of economic activity, and employment category"; see annex 1).

The picture is totally different in the private sector: the male economically active population totals 446,519, while women lag far behind with a total of 178,892.

It must be pointed out in this connection that in recent years Panama has seen a considerable increase in men's employment and remuneration as a result of rapid growth in the construction sector, which is generating more jobs, mostly for men (few women work in this sector), and is thus widening even further the gap both between male and female employment and between the wages earned by men and women.

An additional factor accentuating these differences is that construction workers have a trade union which has a collective agreement providing for wages that are much higher than the minimum wage. It should also be pointed out that the wage gap is aggravated by the fact that women are more likely to be employed in the commercial and services sector in jobs which usually pay the minimum wage. This situation may be seen clearly in table 441-10 of the Household Survey, August 2007-2008 ("Panama's economically active population aged 15 or over, by sex, area, province, and type of economic activity in the category of economic activity").

This table shows that 134,202 men and 3,622 women were employed in the construction sector. Clearly, considerably fewer women than men are employed in this sector.

21. *In paragraph 135 the report refers to different actions undertaken to eliminate discrimination against women in employment. Please provide detailed information*

on these actions and their impact. Also provide additional information on the activities carried out by the Labour Ministry's Gender and Work Commission to foster institutional capacity for gender mainstreaming at work, including information on its composition, functioning, structure and activities.

The Gender and Work Commission is composed of two staff members from each directorate in the Ministry of Labour and Labour Development, and representatives of the National Institute for Women and the Women's Economic Agenda project. Since its establishment in March 2007, the Commission has arranged the signing of an agreement between the Ministry of Social Development and the Ministry of Labour and Labour Development (in April 2008), one of the objectives of which was to establish a Gender and Work Office.

In addition, the Commission has carried out many activities aimed at strengthening institutional capacity for gender mainstreaming, such as the following:

- Awareness-raising and discussion sessions for officials and staff of the Ministry's various offices on the topic of gender inequality as an obstacle to human development and on improving the understanding and practice of gender mainstreaming in the workplace
- Participation of staff from the Department of Statistics in regional workshops on gender statistics
- Participation of Budget Directorate staff in workshops on such topics as "gender-sensitive budgeting in practice" and in a special postgraduate course on economics, gender and development
- Other workshops with trade union members, designed to promote the inclusion of women's needs in collective agreements
- Initial approach to the topic of domestic work, with the organization of a forum and workshop for female domestic workers

22. The report states that although Panama does not have laws specifically targeting sexual harassment, there are laws that punish such activities. Please specify whether the Government is planning to criminalize sexual harassment in the workplace.

Article 175 of Act No. 14 of 18 May 2007, adopting the Criminal Code, criminalizes sexual harassment and makes abuse of authority an aggravating factor.

Article 175 reads as follows:

Anyone who, for sexual reasons, harasses a person of either gender shall be sentenced to one to three years' imprisonment or the equivalent in day-fines or weekend detention.

The punishment shall be increased to two to four years' imprisonment in the following cases:

1. ...
2. If the perpetrator abused his or her authority in committing the act.

Health

23. *In its previous concluding observations, in 1999, the Committee expressed deep concern in connection with the reproductive health of Panamanian women and an apparent setback to the right to abortion, in cases where the pregnancy is a result of rape. The Committee recommended that Panamanian women who are pregnant as a result of rape should be granted an opportunity to seek termination of pregnancies. Please provide detailed and specific information regarding any measures carried out by the Government to follow the Committee's recommendation. Please also provide statistical information on how many abortions have been performed on women who are pregnant as a result of rape. Please provide information on measures taken to raise victims' awareness of the importance of seeking medical treatment and reporting after sexual and other assaults.*

With regard to abortion in the case of rape, article 142, paragraph 1, of the Criminal Code provides as follows:

The punishments set forth in the previous articles shall not apply:

If the abortion is carried out, with the woman's consent, in order to terminate a pregnancy resulting from a rape which has been duly confirmed through a preliminary investigation.

The Department of Sexual and Reproductive Health of the Directorate General of Health received 17 requests for termination of pregnancy in 2008, none of which involved a pregnancy resulting from rape. Thus far in 2009, 11 requests for termination of pregnancy have been received, 2 of which were from women who were pregnant as a result of rape.

The Ministry of Health currently has no programme that includes measures to raise victims' awareness of the importance of seeking medical treatment after an assault and reporting the incident.

24. *The report refers to the health of adolescent girls and, in this regard, it states that 29.1 per cent of pregnant adolescents receive prenatal care. Please explain why the rate is so low and provide information on what measures the Government is taking to increase the percentage of pregnant adolescents receiving prenatal care.*

Through the National Programme of Comprehensive Health Care for Adolescents, the Government has developed policies to promote adolescent health, as follows:

1. Health policies and strategies, 2005-2009;
2. Technical and administrative norms for the National Programme of Comprehensive Health Care for Adolescents;
3. Child and adolescent reproductive health-care guides, Panama, 2006;
4. Compilation of international agreements and national laws on comprehensive health care for adolescents (ages 10-19), with an emphasis on sexual and reproductive health;
5. Guide to comprehensive health care for child victims of commercial sexual exploitation;

6. Management tools for providing comprehensive health care for adolescents and young people, 2009 (in progress);

7. National health plan for children and adolescents.

25. *The report refers to the 2005 Report on Women's Health in Panama, which 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. Please explain whether any epidemiological assessment has been done to analyse the reasons for these causes of death and if any of them are related to women's living environment or any work-related activity. Please also provide statistical information on rates of maternal mortality, as well as on other causes of death for women, disaggregated by urban/rural areas. Also, please provide information on access to health services by elderly women.*

The following table contains the statistics for 2008 on causes of death among women. The Ministry of Health has not carried out an epidemiological assessment to analyse the reasons for these causes of death.

Ten leading causes of death among women in Panama, 2008

| Cause ^a | Women | |
|---|-------|-------------------|
| | No. | Rate ^b |
| <i>Total</i> | 6 246 | 371.0 |
| Malignant tumours | 1 138 | 67.6 |
| Accidents, self-inflicted wounds, assaults and other violent causes | 306 | 18.2 |
| Ischaemic heart disease | 641 | 38.1 |
| Cerebrovascular disease | 649 | 38.5 |
| Diabetes mellitus | 477 | 28.3 |
| Other heart diseases | 367 | 21.8 |
| Pneumonia | 283 | 16.8 |
| Chronic lower respiratory diseases | 224 | 13.3 |
| Human immunodeficiency virus (HIV) | 103 | 6.1 |
| Perinatal infections | 133 | 7.9 |
| Other causes | 1 925 | 114.3 |

Source: Database analysis provided by Vital Statistics Department, Statistics and Census Directorate, Office of the Comptroller-General.

Note: Tumours are grouped together; circulatory system diseases are the leading cause of death.

^a Based on the list of 80 cause-of-death groups, ICD-10.

^b Per 100,000 women, based on population estimates.

As for women's access to health services, Panama has 918 health facilities, 817 of which are under the responsibility of the Ministry of Health. Of these, 25 are hospitals, 193 are health centres, 112 are sub-centres and 467 are health posts. Health services are widely available throughout the country to both insured and uninsured women. Free health services are also available to pregnant women and

beneficiaries of programmes for children. Skilled practitioners provide care during childbirth to 94.2 per cent of women. However, even though services are available throughout the country, poor, rural and indigenous women face significant educational and cultural barriers to access to such services. Many women, especially those in poor and marginal sectors, postpone their own health care because of household and childcare responsibilities; these stem from the predominance of a patriarchal family model, built on hierarchical relationships of power and subordination, where men control the family's resources, thus feeding the vicious circle of poverty and making it difficult for women to have access to health, education, work and income. The social stereotype that portrays women as being strong within the household has put them in a position of having to take on the roles of mother and father at the same time, often because their spouses have abandoned them and they have been forced to become heads of household. They must then provide financial, psychological and emotional support to their families and may at times neglect their own health and personal care.

The following table presents statistics on the total number of health consultations provided to women during 2008.

Total consultations provided to women in Panama, by type of care, 2008

| <i>Health region</i> | <i>Total number of consultations</i> | <i>Type of care</i> | |
|----------------------|--------------------------------------|---------------------|------------------|
| | | <i>Check-up</i> | <i>Morbidity</i> |
| <i>Country total</i> | 2 036 634 | 871 793 | 1 164 841 |
| Bocas del Toro | 58 444 | 29 045 | 29 399 |
| Coclé | 203 866 | 95 493 | 108 373 |
| Colón | 153 570 | 67 286 | 86 284 |
| Chiriquí | 256 687 | 84 234 | 172 453 |
| Darién | 83 749 | 34 673 | 49 076 |
| Herrera | 186 514 | 40 209 | 146 305 |
| Los Santos | 122 224 | 30 857 | 91 367 |
| Panamá Este | 92 508 | 42 614 | 49 894 |
| Panamá Oeste | 267 859 | 143 146 | 124 713 |
| Panamá Metro | 344 689 | 172 497 | 172 192 |
| San Miguelito | 266 524 | 131 739 | 134 785 |
| Veraguas | 259 958 | 85 966 | 173 992 |
| Comarca Kuna Yala | 62 609 | 24 627 | 37 982 |
| Comarca Ngobe Buglé | 218 141 | 104 494 | 113 647 |

Source: Ministry of Health, Health Planning Directorate, Department of Health Records and Statistics.

26. *The report does not provide any information on current rates of women infected with HIV/AIDS. Please provide statistical and updated information on women and girls infected with HIV/AIDS, as well as detailed information on the activities and initiatives carried out by the Government to combat this problem. In this regard, please provide additional information on the consolidation of the NGO*

and HIV/AIDS Network and the organization and development of the religious sector's network for HIV/AIDS prevention, which is mentioned in the report as one of the initiatives to combat this issue.

The current rate of HIV/AIDS infection in women is 10.9 (see table below).

HIV/AIDS infection in women, 2008 (preliminary information)

| <i>Year</i> | <i>Number of women</i> | <i>Rate^a</i> |
|-------------|------------------------|-------------------------|
| 2008 | 183 | 10.9 |

Source: Ministry of Health, Directorate-General for Health, Department of Epidemiology, Statistics Section.

^a Per 100,000 women, based on population estimates.

Statistics for HIV/AIDS infection in women, as well as for deaths and methods of transmission, are given below.

Women infected with HIV/AIDS up to 2008

| <i>Cases</i> | <i>Total deaths</i> | <i>Method of transmission</i> |
|--------------|---------------------|---|
| 2 489 | 1 651 | Sexually transmitted (heterosexual): 1,685 Transmitted by blood: Blood recipients: 14 Intravenous drug use: 12 Perinatal transmission: 158 Unknown/not specified: 620 |

Source: Ministry of Health, Directorate-General for Health, National Programme for STI/HIV/AIDS.

Government activities and initiatives to combat HIV/AIDS

1. Technical, administrative and procedural standards of the Programme of Comprehensive Health Care for Women, 2005.
2. Standards for comprehensive treatment of persons with HIV/AIDS.
3. The national multisectoral plan for the prevention of mother-to-child transmission of HIV and syphilis in Panama, which aims to halve (from 14 to 7 per cent) the rate of mother-to-child transmission of HIV by 2014.
4. Brochures:
 - (a) Let's talk about HIV/AIDS;
 - (b) Panamanians with HIV/AIDS tell their stories;
 - (c) How to store condoms;
 - (d) Methodological guidelines;
 - (e) How to manage occupational exposure to HIV/AIDS;

- (f) Operating manual for the programme on sexually transmitted infections (STI);
- (g) Standards for monitoring congenital syphilis;
- (h) The STI/HIV/AIDS multisectoral strategic plan.

With regard to the NGO and HIV/AIDS Network and the religious sector's network, SERESIDA (a religious umbrella organization) involves all the Christian denominations in the country in work to prevent the spread of STI/HIV/AIDS.

In addition, the Alianza Estratégica de la Lucha contra el SIDA (Strategic Alliance against AIDS) encompasses some 15 NGOs working on HIV/AIDS prevention.

The National Commission on HIV/AIDS was set up by executive decree on 22 January 2008. It is composed of 16 representatives of the public sector and civil society whose aim is to promote, support and coordinate cross-sectoral action that brings together the public sector, civil society organizations and private enterprise to curb and control the HIV/AIDS pandemic in Panama.

27. In paragraph 152, the report refers to the progress made with sexual and reproductive health policy in Panama, including a decline in the overall fertility rate from 2.7 in 1990-1999 to 2.43 in 2004. Please provide updated statistical information on fertility rates during all the period under review, disaggregated by age. Also, please provide information on Act No. 48 of 13 May 1941 allowing sterilization, specifying the content of the Act and if it is still in effect.

The updated fertility rate is 2.5. The text of Act No. 48 is attached.

Overall fertility rate

| <i>Year</i> | <i>Rate</i> |
|-------------|-------------|
| 2008 | 2.5 |

Source: Ministry of Health, Department of Health Records and Statistics.

Social and economic benefits

28. Please provide specific and detailed information on any limits women may face to access lines of credit, mortgages and other forms of financial assistance. Please specify if any efforts are being carried out by the Government in order to eliminate any de facto inequality between women and men on these issues.

The aim of the Micro, Small and Medium-sized Enterprise Authority, established by Act No. 8 of 29 May 2000, is to promote the development of micro, small and medium-sized enterprises through policies to stimulate and strengthen the sector and thereby help to generate productive employment, increase the country's economic growth and achieve a better distribution of national income.

The Authority pursues that aim by implementing projects and programmes that target various sectors of the national economy, with no political, religious or gender discrimination. However, access to credit is limited in rural and indigenous areas, a problem which is significantly more serious for the 72.7 per cent of women in such areas who are not in the workforce.

In an effort to reduce the high rate of unemployment, particularly among women, the Authority is putting into practice the Government's new approach to micro, small and medium-sized enterprises, seeking to develop the sector as a tool to reduce poverty, support entrepreneurship, provide the neediest with access to finance and, above all, reduce the high unemployment rate, particularly among women.

These aims are pursued through the Authority's training and technical assistance programmes, particularly the microcredit or credit guarantee programme supporting microbusiness-owners with no access to credit and encouraging financial institution to make loans. This will help reduce poverty and improve the population's quality of life.

Indigenous and rural women

29. According to the report, almost all (98.4 per cent) of the indigenous population is poor and 90 per cent live in extreme poverty. Please indicate what measures have been taken by the Government to improve the living conditions of indigenous and rural women, as well as access to employment. Also, please provide information on results achieved in order to provide indigenous women and girls with access to health services and education.

According to the Ministry of Social Development, which ran the *Muévete por Panamá* ("Get Ahead for Panama") campaign, 41,852 individuals — 67.5 per cent of them women and 32.5 per cent men — were given literacy training.

The table below contains statistics providing information by province; the table which follows provides information on the 15-24 age group.

***Muévete por Panamá* literacy programme: recipients, by province (July 2007-20 May 2009)**

| <i>Province or comarca</i> | <i>Total</i> |
|----------------------------|--------------|
| <i>Total</i> | 41 852 |
| Bocas del Toro | 4 054 |
| Coclé | 2 200 |
| Colón | 671 |
| Chiriquí | 5 974 |
| Darién | 1 864 |
| Herrera | 3 765 |
| Los Santos | 3 173 |
| Panamá | 7 298 |
| Veraguas | 3 704 |
| Kuna Yala | 1 312 |
| Emberá Wounaán | 1 151 |
| Ngäbe Buglé | 6 686 |

Source: Ministry of Social Development.

The statistics break down as follows by area:

| <i>Area</i> | <i>Women</i> | <i>Men</i> | <i>Total</i> |
|--------------|---------------|---------------|---------------|
| Urban | 7 141 | 3 169 | 10 310 |
| Rural | 21 031 | 10 511 | 31 542 |
| Total | 28 173 | 13 679 | 41 852 |

Students benefiting from the Opportunities Network Programme (by level of education and area)

| | <i>2007</i> | | <i>2008</i> | |
|--------------------|-------------|---------------|-------------|---------------|
| | <i>Male</i> | <i>Female</i> | <i>Male</i> | <i>Female</i> |
| Preschool | | | | |
| Urban | 230 | 223 | 159 | 183 |
| Rural | 807 | 752 | 2 279 | 2 288 |
| Indigenous | 2 472 | 2 474 | 2 630 | 2 585 |
| Primary | | | | |
| Urban | 376 | 357 | 968 | 888 |
| Rural | 4 909 | 4 496 | 15 384 | 14 441 |
| Indigenous | 13 002 | 12 514 | 16 345 | 15 388 |
| Junior high | | | | |
| Urban | 40 | 36 | 128 | 168 |
| Rural | 643 | 654 | 2 404 | 2 400 |
| Indigenous | 1 480 | 1 199 | 2 565 | 1 989 |

Source: National Education Planning Directorate, Department of Statistics.

The Ministry of Education gathers information on children enrolled in school who receive support from the Opportunities Network Programme in all schools in the country.

30. *In its previous concluding observations, the Committee expressed concern that 53 per cent of the female population was illiterate, the majority of these being indigenous women. Please provide information on the efforts and initiatives carried out to decrease the percentage of illiteracy among indigenous and rural women, as well as the outcomes of such initiatives. In this regard, please provide information on the implementation of the indigenous women's literacy programme from the Ministry of Education's Intercultural Bilingual Unit. Kindly provide additional information on the "Get Ahead for Panama" (Muévete por Panamá) literacy campaign and on the Opportunities Network Programme. Please specify what the outcomes of these programmes have been during the period under review.*

The implementation of the Opportunities Network Programme covers the period 2006-2009. It is a State programme driven and implemented by the Government as part of the strategy to alleviate extreme poverty.

The aim is to integrate families living in extreme poverty into the mainstream of development by building capacities, guaranteeing education, health and nutrition services and improving quality of life.

The programme reaches all townships suffering extreme poverty, whether in *comarcas* or in urban or rural areas.

In the *comarcas* (Ngäbe Buglé, Emberá Wounaan and Kuna Yala), the Opportunities Network Programme has contributed to greater social cohesion in terms of shared family responsibilities, resulting in a lower school dropout rate and greater use of health services.

Public spending that goes directly to households identified as living in extreme poverty amounts to 23 million balboas (*source*: Ministry of Social Development, Social Welfare Secretariat, 2008).

31. *The report refers to the so-called “With You Rural Woman” (Contigo Mujer Rural) project, which grants microcredits to women in rural and indigenous communities. Please provide information on any efforts taken to increase the access of rural and indigenous women to these microcredits.*

The Office of the First Lady oversees the Veranera project “With You Rural Woman” (*Contigo Mujer Rural*), an employment-generation project for women in the countryside. Its purpose is to promote and offer training, microcredit, technical assistance and follow-up. It targets about 1,240 campesino and indigenous women, preferably heads of household, living in poor rural communities. It covers the provinces of Veraguas, Coclé, Herrera, Chiriquí, Los Santos, Colón, Panamá Este and Panamá Oeste and the *comarca* of Ngäbe Buglé. The most popular areas for microcredit are livestock (64 per cent), goods and services (32 per cent) and agriculture (3 per cent). The total microcredit provided between 2005 and 2008 was 454,594 balboas. The project is expected to benefit 3,000 women in the period 2010-2014, at a cost of 1.5 million balboas.

Migrant women

32. *Please provide information on the situation of migration of women and girls in Panama, both internally and internationally, including information about the number and profile of migrant women and girls and steps being taken to protect migrant women from abuse, exploitation and violence.*

Title VIII of Decree Law No. 3 of 22 February 2008 provides for protection of victims.

Protection and prevention measures

Article 81. The National Migration Service shall ensure compliance with the applicable rules in the Republic of Panama with regard to the prevention and punishment of the crimes of trafficking in persons and migrant-smuggling.

In the exercise of its functions, it shall contribute to the prevention and punishment of acts related to illegal activities such as abduction, transnational organized crime, drug-trafficking, money-laundering and related crimes, terrorism and its financing, illegal trafficking in weapons and explosives, diversion of dual-use merchandise for illegal purposes, and illegal possession and proliferation of weapons of mass destruction.

Article 82. A unit to care for victims of human trafficking is hereby established. It shall provide comprehensive care to both regular and irregular migrants who witness or are victims of crimes relating to human trafficking or migrant-smuggling, especially minors, in coordination with the competent authorities ...

Article 83. The National Migration Service shall promote implementation of the following preventive measures:

1. Education and awareness campaigns to prevent people from becoming victims of trafficking in persons or migrant-smuggling, especially minors;
2. National and international cooperation to combat illicit activities;
3. Implementation of measures to prevent sexual exploitation of migrants, especially minors;
4. Exchange of information with State and international bodies for the purpose of identifying individuals or organizations suspected of involvement in the crimes of human trafficking or migrant-smuggling and sexual exploitation of persons;
5. Coordinated action with embassies, consulates and international organizations located in the Republic of Panama for the purpose of returning victims of human trafficking or migrant-smuggling, especially minors, to their country of origin or residence.

The National Migration Service, established by Decree Law No. 3 of 22 February 2008 as part of the Ministry of the Interior and Justice, frames new migration policy. The table below gives the figures for migration (not disaggregated by sex).

Migration in figures

| <i>Visas</i> | <i>2007</i> | <i>2008</i> | <i>2009*</i> |
|--------------|---------------|---------------|--------------|
| Authorized | 8 425 | 9 487 | 1 424 |
| Refused | 3 123 | 2 791 | 756 |
| Total | 11 548 | 12 278 | 2 180 |

* Figures for the first quarter of 2009.

| <i>Approved</i> | <i>2007</i> | <i>2008</i> | <i>2009*</i> |
|------------------------------|-------------|-------------|--------------|
| Immigrant visas | 3 027 | 3 427 | 485 |
| Permanent stay | 2 327 | 1 585 | 132 |
| Temporary visit | 1 650 | 2 588 | 204 |
| Extension of visa | 508 | 614 | 25 |
| Retiree of independent means | 94 | 67 | 10 |
| Tourist pensioner | 819 | 1 011 | 164 |
| Temporary residence permit | 0 | 191 | 341 |
| Permanent residence permit | 0 | 4 | 63 |

* Figures for the first quarter of 2009.

Source: National Migration Service.

Migratory movement in Panama, by province, type of movement and sex, and nationality, 2008-2009

| Country | 2008 | | 2009 | |
|---------------------------------------|------------------|----------------|------------------|----------------|
| | Entries Women | Exits Women | Entries Women | Exits Women |
| <i>Total</i> | 732.203 | 641.707 | 281.142 | 245.409 |
| Argentina | 23.242 | 15.073 | 10.645 | 9.248 |
| Canada | 22.643 | 23.724 | 11.336 | 9.557 |
| Colombia | 111.516 | 87.195 | 37.481 | 34.015 |
| Costa Rica | 56.156 | 49.342 | 17.231 | 16.085 |
| Mexico | 18.872 | 15.910 | 7.327 | 6.411 |
| Nicaragua | 14.005 | 11.749 | 6.541 | 4.715 |
| Panama | 138.137 | 124.428 | 54.475 | 48.088 |
| Spain | 9.543 | 9.120 | 3.579 | 3.105 |
| United States of America | 103.272 | 102.481 | 45.480 | 38.932 |
| Venezuela (Bolivarian Republic of) | 90.840 | 79.186 | 29.842 | 25.914 |
| Other countries | 143.976 | 123.498 | 57.205 | 49.339 |

Note: Updated on 31 July 2009 (preliminary figures).

In pretrial investigations of cases of domestic violence or child abuse, the special family and child affairs offices offer assistance to migrant victims both in Panama and abroad. In both cases, the victims are protected by the pertinent legislation, namely, articles 17, 19 and 56 of the Constitution, Act No. 4 of 1981, Act No. 12 of 1995, the Family Code, Act No. 31 of 1998, and Act No. 38 of 2001 (implementation of protection measures).

The aforementioned provisions ensure recognition of women's rights. They also recognize their rights as victims, especially of domestic violence. When foreign women in an irregular migrant situation approach the authorities, they are often afraid of divulging the abuse to which they have been subjected. This anxiety can be an obstacle to their receiving the assistance due to them.

It is all too clear from investigations in which the victims are women of a foreign nationality that one way in which the aggressor uses violence and intimidation to keep the woman under his control is precisely by refusing to assist with her regularization. The woman's fear of deportation, which is exploited by the aggressor, often restricts her access to justice.

Unfortunately, Panama's legislation on victim protection — unlike that in other countries such as Spain — offers no remedy for this problem.

With regard to migration, the new legislation (arts. 89-93) contains rules on the treatment of women or girls in an irregular migrant situation who are victims of commercial sexual exploitation or human trafficking.

Marriage and family relations

33. *Paragraph 178 of the State party's report indicates that the minimum age for marriage is 14 years for girls and 16 years for boys. Please indicate if any measures have been taken to increase the minimum age of marriage for girls, in accordance with the Convention on the Rights of the Child. Please provide information on any measures or initiatives carried out to prevent and eliminate the practice of early marriage.*

Panama has no plans to raise the minimum age of marriage for girls, nor have any measures or initiatives been taken to prevent or eliminate the practice of early marriage.
