



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

Distr.: General
20 March 2001

Original: English

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

Summary record of the 392nd meeting

Held at Headquarters, New York, on Tuesday, 30 June 1998, at 3 p.m.

Chairperson: Ms. Khan

Contents

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

Ways and means of expediting the work of the Committee (*continued*)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

01-29334 (E)

0129334

The meeting was called to order at 3.10 p.m.

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

Second and third periodic reports of Panama (CEDAW/C/PAN/2-3)

1. *At the invitation of the Chairperson, Ms. Calderon (Panama) took a place at the Committee table.*

2. **Ms. Calderon** (Panama), continuing her delegation's replies to the questions put by the experts, said that the rural population had limited access to social security benefits, particularly pensions. A large number of rural women still did not have social security coverage.

3. On the other hand, the project to strengthen agricultural and entrepreneurial networks for rural women continued to enhance their participation in production and their access to land. The "Promotion of Equal Opportunities in Panama" programme, launched with the support of the European Union, had introduced a gender perspective into the work of the Ministry of Agricultural Development and, in particular, its training programme for officials responsible for implementing agricultural programmes. Also, the establishment of the Office of Women's Affairs in the Ministry of Education would advance the process whereby rural women gained title to land, acquired under a pilot plan for granting land to rural women in the productive sector.

4. The main provisions of the Family Code that were directly related to the Convention were those that set forth the equality of rights and duties of spouses. Under the Code, the marital residence could be determined by mutual agreement. The Code had also established equality of rights with regard to the acquisition and disposal of property and provided that any stipulations in marriage agreements that limited the equality of rights and duties of spouses were invalid and that contributions to household expenses should be proportional to the respective economic resources of each spouse. Domestic work was recognized as a contribution. Pregnant women were entitled to preferential treatment with regard to public services and medical care and could receive support from the father before childbirth and during the period of breastfeeding. Disciplinary sanctions could not be

imposed on pregnant students; alternative arrangements had to be made to enable them to complete their studies.

5. With regard to the correctional system, she noted that of the 10 penitentiary centres in Panama, 2 were exclusively for women. In 1996, the prison population had consisted of 424 women and 5,925 men. Of those women, only 137 had been sentenced and the rest were awaiting trial. Women prisoners could have family visits but not conjugal visits. Commenting on the penitentiary system, she noted that the Government planned to carry out a programme to reintegrate former inmates into society by providing them with training, lines of credit and technical assistance in establishing small enterprises. It also planned to improve the prison infrastructure throughout the country, set up women's rehabilitation centres and construct facilities for education, recreation, health care, work and family visits. Facilities would also be established to care for and educate the children of women prisoners.

6. **Ms. Schopp-Schilling** said that the reporting State was currently implementing various women's rights projects with the help of outside assistance. The next step should be to establish general policies to ensure the rights of women on the basis of well-staffed and well-financed national institutions. She did not understand the distinction made in the report between human rights that were "justiciable" and those that were not. Panamanian legislation did not fully take into account all the provisions of the Convention with regard to direct and indirect discrimination. The reporting State should draft a far-reaching anti-discrimination law modelled on the Convention in order to ensure that its provisions were an integral part of domestic legislation. Much more needed to be done to sharpen the awareness of all Panamanian women concerning their legal rights under the Covenant and domestic law.

7. The reports under consideration failed to provide sufficient statistics on the implementation of women's rights. The Office for Women's Affairs should be asked to indicate which statistics were necessary in order to evaluate programmes and formulate policies to meet the needs of women. The law on quotas in political parties left many loopholes open. There was a need for mechanisms and sanctions to ensure that political parties complied with that law.

8. With regard to employment, she urged that Panama should make a major effort to eliminate unequal pay for women, the use of pregnancy tests, and part-time contracts for pregnant women. More should be done to guarantee women's right to employment on an equal basis with men; and more attention should be given to the situation of domestic workers and indigenous women. Lastly, Panama should disseminate the Committee's concluding comments as widely as possible as a way to enhance general awareness of the need to implement women's rights.

9. **Ms. Bernard** enquired about the success of the consciousness-raising efforts of the Institute for Women established at the University of Panama. With reference to article 6, she wondered whether prostitutes could also avail themselves of the law characterizing assault as a criminal offence. It would be interesting to know whether the mass media, in addition to helping to influence the moral values of society, played a role in eliminating female stereotypes. Noting that women accounted for over 50 per cent of Panama's professionals and technicians but only 25 per cent of managers, administrators and high-ranking employees, she asked whether the Government had formulated a policy to ensure the equal remuneration of men and women. Perhaps the answers to some of her questions could be incorporated in the State Party's fourth periodic report.

10. **Ms. Shalev** expressed concern that abortions were not permitted in the case of pregnancies resulting from rape and incest, particularly since, according to Panama's initial report, rape had been considered a ground for abortion. Referring, in particular, to the 25 pregnant teenagers mentioned in the current report and to the 11 pregnant women who had been victims of sexual abuse, she pointed out that many States considered severe damage to emotional health as a criterion for allowing exceptions under their abortion laws. Furthermore, it was her understanding that the policy of the Panamanian Government was a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She urged the State party to review its position on abortion, particularly with regard to pregnancies resulting from rape or sexual abuse.

11. **Ms. Estrada Castillo** welcomed the joint effort by the Government and citizens of Panama to create a more open society. She was alarmed, however, by the demarcation of a special area for indigenous women,

53 per cent of whom were illiterate and lived in dire poverty. She wondered whether the Government was attempting to isolate those women in a kind of reservation. She also wondered whether the new law characterizing domestic violence as a crime would prevail over the Penal Code, which did not allow women to bring action against their spouses.

12. **Ms. Ouedraogo** welcomed the participation of women in the formulation of the Women and Development Action Plan, thus increasing its chances of successful implementation. She also welcomed the Panamanian Government's multisectoral approach to implementing various aspects of the Convention. She would appreciate information, in the State party's fourth periodic report, on how sectoral activities overlapped and complemented each other. She stressed the paramount importance of poverty eradication — identified as a priority in the Beijing Platform for Action — and of increasing women's access to jobs as a means of offsetting the impact of structural adjustment on health, education and other social sector services. Lastly, she encouraged extensive dissemination of the Convention, including in the indigenous languages.

13. **Ms. Gonzalez** welcomed the progress achieved since the State party's initial report, particularly the involvement of civil society in implementing the Convention and national policy measures. She wished to know how many women were covered by Panamanian maternity legislation and how many enjoyed only limited protection owing to the nature of their work. She also enquired about training and rehabilitation programmes for female prisoners. She welcomed the action taken to control the sexual abuse of minors, which was an acute problem in developing countries, particularly those with an active tourist industry. It had been widely recognized, including by the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, that the demand for the commercial sexual exploitation of children was created by tourists from developed countries. She expressed appreciation for the report submitted by Panamanian non-governmental organizations, which was a useful complement to the State party's report.

14. **Ms. Aouij** welcomed the adoption of the Women and Development Action Plan, which integrated women's issues in national sectoral policies, particularly in the areas of education, health,

professional training, decision-making and participation in political and economic life. The integration of women's concerns in already existing government programmes guaranteed the availability of the resources necessary to dispel those concerns.

15. She praised Panama's information, education and communication programme on the rights of women, and, in that context, the role of the media in seeking to change national attitudes. Equally commendable were involvement of women, from the design to the implementation phases, in the programmes aimed at balanced and sustainable development.

16. She was concerned, however, about persistent inequalities in the area of employment, particularly with regard to salary, working conditions and maternity benefits. She commended the State party on its joint action with non-governmental organizations to control violence against women and girls, the legislation it had adopted in that connection and its decision to submit a national report on violence to the Special Rapporteur on Violence against Women, its Causes and Consequences. It would be useful to know whether that report was being prepared solely on the initiative of the Government of Panama or whether it had been requested by the Special Rapporteur. She also wished to know whether the concerns of indigenous women, particularly with regard to education and health, were taken into account in the Women and Development Action Plan.

17. **Ms. Ferrer** hailed the establishment of the National Women's Office as an extremely positive step. She thanked Panamanian non-governmental organizations for the supplementary information they had provided. She welcomed the legislation recently adopted, including the Family Code and the law on equal opportunity, and stressed the importance of its implementation in practice, but noted the need for continuing legislative reform, including reform of the maternity laws, in order to eliminate discrimination. Education would be vital in achieving that goal as well as implementing the new labour legislation.

18. Special attention must be focused on improving the socio-economic situation of impoverished women, who represented a large percentage of the population. In that connection, she noted that no additional information had been provided on a programme for impoverished women mentioned in the State party's initial report. The provisions of the Beijing Platform

for Action relating to poverty eradication, health, education and the elimination of violence against women must be implemented for the benefit of the poorest groups, particularly indigenous women and women in rural areas, who accounted for 44 per cent of the population.

19. **Ms. Taya** observed that the Panamanian Government had taken significant measures to promote the advancement of women, inter alia, the establishment of a quota system for elected positions. And yet, according to the reports of non-governmental organizations, although more women participated in the direction of the autonomous and semi-autonomous entities, their representation in the executive branch had decreased. In fact, although the report indicated that the number of men and women employed by the Government was roughly the same, few women were decision-makers. Had Panama envisaged the establishment of measures to redress that imbalance, such as, for instance, a quota system for high-level Government posts?

20. **Ms. Kim** said that the report indicated that in 1995, 71 per cent of university graduates were women. It would be useful to know whether that impressive success was related to the work of the Women's Institute. Had studies been undertaken to evaluate its impact on education for women? Panama should describe what measures, if any, the Government had undertaken to establish a time-schedule for the revision of school textbooks, which perpetuated traditional sexual stereotypes of women. It was crucial that women should begin to be trained for non-traditional occupations.

21. Commending the State party for the establishment of the quota system for women standing for elected positions, she said she looked forward to the results of the upcoming elections. Finally, she hoped that the Panamanian Government would work together with non-governmental organizations to ensure that the media were used to disseminate and promote the Convention.

22. **Ms. Bustelo** said that although Panama had made considerable progress in integrating the provisions of the Convention in its domestic legislation and Panamanian women had achieved a relatively high level of education and training, the Government should refine labour legislation to bring it more precisely into line with the terms of article 11. The next report should

provide sufficient statistical information on the basis of which to evaluate progress made in the area of employment. The Committee was particularly concerned about the lack of maternity protection in the workplace in violation of article 11. Efforts should be made to encourage men to take more responsibility for the care of children; measures such as leave for men with children, although costly, were ultimately beneficial for society.

23. **Ms. Calderon** (Panama) said that the Convention had become law in Panama at the time of its ratification in 1981. She agreed that efforts must continue to be made effectively to implement its terms, with particular attention to article 11. The national statistical service had compiled information disaggregated by sex but delays had arisen in its analysis. The establishment of the Women's Institute at the University of Panama indeed represented a notable advance in the academic sphere. It had successfully motivated publications by Panamanian women scientists, the awarding of significant international prizes to Panamanian women, and the awarding of the Panamanian University Prize — the most prestigious academic degree in the country — to women. A postgraduate degree program in gender studies had been launched, and important academic chairs had been established for those studies.

24. There were no laws or rules preventing prostitutes from lodging complaints with regard to violent acts committed against them. The relationship between the Government and the media was close but disputational, and efforts to reach agreements about the elimination of sexual stereotypes had proven difficult. The Government took note of the concerns expressed by Ms. Shalev with regard to abortion; an effort would be made to include more information in the next report.

25. Clarifying the issue of allocation of Panamanian territory for indigenous peoples, she pointed out that Panama had six ethnic groups, and four indigenous districts. The first of those, for the Cuna people, had been established 50 years earlier, and enjoyed both organizational and electoral autonomy. The Government was gradually setting aside regions for the indigenous peoples; that did not mean, however, that members of those communities were obliged to remain within those territories. Although the State ultimately retained civil authority, it was obligated to govern those demarcated regions in cooperation with

indigenous authorities chosen by the indigenous peoples themselves.

26. Spouses did in fact have the power to bring complaints against one another; more information would be provided on that matter at a later stage.

27. Her Government agreed that the fight against poverty must be a key element in the effort to improve the status of women.

28. The Panamanian economy was strongly affected by the presence of the Canal Zone, which attracted people and resources to Panama City, and caused the severe income inequity between the urban zone and the rural indigenous areas. Panama was fully aware of that problem and hoped eventually to find means of alleviating it.

29. Her delegation would forward more precise information concerning women contract workers whose status as such precluded adequate maternity benefits. Many urban women worked on temporary contracts in the service sector, and therefore lacked the necessary protections.

30. Panama was aware that more tourism, which it was promoting, imposed a further risk of sexual abuse of children on top of that arising from Panama's position as a country through which huge numbers of people transited. Intense, coordinated work was being carried out by the Directorate for Children and the Juvenile Police to identify prevention strategies.

31. She promised that more detailed information would be provided, pursuant to a point raised by Ms. Aouij, on inequalities in the workplace. There was an institutional commitment to reintroduce labour law reform, starting with a much expanded negotiating process to improve its chances of adoption by the Legislative Assembly.

32. She stressed that Panama was submitting a report to the Special Rapporteur of the Commission on Human Rights on violence against women voluntarily: the report had not been requested.

33. She stressed further that indigenous women were represented in the National Council for Women (Consejo Nacional de la Mujer), where they were provided with permanent facilities for consultations and were always taken into account in decision-making.

34. Panama shared the concern expressed by Ms. Ferrer for overcoming poverty, which was indissolubly linked with eliminating inequities and disparities in the economic structure. In that connection, Panama promised to make a greater effort to implement the rights of working women.

35. Referring to a point raised by Ms. Taya, she said that there was greater participation by women in managerial positions in autonomous or semi-autonomous governmental institutions. However, they were not at the highest decision-making levels occupied by Ministers or Deputy Ministers of State. The Government was committed to passing the Equal Opportunities Act which, when it became law, would make it possible to successfully implement new measures to promote participation by women in decision-making posts.

36. In response to a concern expressed by Ms. Kim in respect of the standing of the Institute for Women's Studies, she said that the Institute had made significant contributions in fostering the advancement of women and was playing an important role in the academic world in Panama. In the matter of revising school textbooks, it had been decreed that every five years textbooks should be revised to eliminate sexist content. Also in relation to sexism, there was continuous and close contact with the media. However, that was not to say that it was ever an easy relationship, but the Government was building on it.

37. Turning to a point raised by Ms. Bustelo, she reaffirmed that Panama was committed to improving and applying the existing laws and promised to provide more precise information on labour matters.

38. In the way of promoting responsibility on the part of men, only some two weeks previously Panama had held Family Week, with the theme: paternal responsibility. The reason for such events was that Panama was convinced that a preparatory process of negotiation and consciousness-raising would increase the impact of any coercive measures. However, it was also fully aware that improving paternal responsibility was a problem that had to be tackled by enacting legislation that precisely defined its parameters.

39. **The Chairperson** said that in the combined report there was too much emphasis on Panama's plans to improve the lot of women as compared with its actual achievements over the 14 years since its presentation of the initial report. However, the

representative of Panama had explained that imbalance by frankly admitting her country's shortcomings in its implementation of the necessary administrative and legislative procedures, which were attributable to persistent cultural attitudes and inadequate administrative machinery.

40. Not enough attention had been paid in the combined report to women from indigenous and other minority ethnic groups, who suffered multiple forms of discrimination. The report would have been enriched by more consultation with the many indigenous women's non-governmental organizations to which the representative of Panama had referred.

41. Panama's achievements in the field of education had been remarkable. The figure of 94 per cent for women with basic schooling was noteworthy, and few other countries could boast that their girls had a lower drop-out rate than boys. Therefore, the discrimination women faced in terms of employment opportunities and wages, despite their better performance in education and high rate of economic participation, was disturbing, and pointed to a need for further temporary special measures under article 4 of the Convention. Also, there was more work to be done before the 30 per cent target was reached in terms of women's political participation.

42. Regardless of how well or poorly Panama had implemented article 2 of the Convention, the combined report revealed that few Panamanian women were aware of laws and regulations for the advancement of women because they had received so little publicity.

43. On the question of domestic and other violence against women, she requested the representative of Panama to ensure that the Committee received the report that was being provided to the Special Rapporteur of the Commission on Human Rights on violence against women. Panama's next periodic report should provide data on violence, along with data on the exploitation of women by drug traffickers and "tourists". The large numbers of women particularly indigenous women who were in prison, was indicative of their economic vulnerability.

44. Maternal and infant mortality statistics were vital indicators of overall development and of health care needs. Panama's failure to gather the basic data needed to generate such statistics must be remedied.

45. *The meeting was suspended at 5.05 p.m. and resumed at 5.10 p.m.*

*Report of the pre-session working group
(CEDAW/C/1998/II/CRP.1)*

46. **Ms. Ouedraogo** (Chairperson, pre-session working group) drew attention to document CEDAW/C/1998/II/CRP.1, which contained the report of the working group that convened in New York from 15 to 19 June. Of the four members of the Committee who had been chosen to participate, only Ms. Kim (representing Asia) had been able to attend. Ms. González had replaced Ms. Estrade Castillo (representing Latin America and the Caribbean), and she herself had replaced Ms. Sinegiorgis (representing Africa). Since no expert from Europe had attended (both Ms. Bustelo and her alternate having been unavailable), Ms. Khan had attended the meeting for three of the four days. The working group had been seized of six reports, the second and third reports of Korea, Nigeria, Panama and Tanzania and the third and fourth periodic reports of New Zealand and Peru. The Secretariat had provided copies of the Committee's basic working documents, of those countries' earlier reports to the Committee, and of the concluding observations of other treaty bodies with regard to those States parties.

47. In addition, the representatives of a number of specialized agencies, the United Nations Fund for Population Activities (UNFPA), the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Human Rights (UNHCHR), the International Labour Organization (ILO) the Food and Agriculture Organization (FAO) and various national and international organizations had participated. All the reports demonstrated that the States parties in question had sought to implement the Convention through the enactment of laws and the adoption of measures and described the social, political and economic changes that had taken place in those countries since submission of the previous reports. Despite the efforts of Governments, traditional custom and practice continued to work against the achievement of equal opportunities, and education, health, employment and nationality remained areas of concern.

48. On the basis of its experience, the working group recommended that the Committee should reconsider the work entrusted to the country rapporteurs, and lamented the absence of core documents. Despite the

great number of reports, and the small number of experts, the working group had succeeded in formulating numerous questions with regard to each of the country reports.

49. **Ms. González** stressed that the working group must have the necessary documentation in order to complete its work. Furthermore, if experts received the documents only a short time before the session opened, they were unable to undertake a serious, careful and in-depth analysis of the reports before them.

Ways and means of expediting the work of the Committee (*continued*)

50. **Ms. Cartwright**, speaking as the resource person appointed to attend the In-session Optional Protocol Working Group of the Commission on the Status of Women, said that the Working Group had met in parallel with the Commission for a period of two weeks in March 1998. Although significant progress had been made, the Working Group had failed to complete and adopt an agreed text. It was anticipated that that would be achieved at the next session of the Group to be held in 1999. In her statement to the Commission on the Status of Women, the High Commissioner for Human Rights had expressed support for the preparation and adoption of a strong and principled instrument.

51. Issues which remained to be resolved included the extent to which groups might submit communications on behalf of women or groups of women and whether reservations to the optional protocol would be permitted. The Committee had stressed that groups of women should be able to submit communications on behalf of women who were unable to do so for reasons such as lack of resources, illiteracy or fear for personal safety. In its suggestion No. 7, the Committee had sought to exclude the right to express reservations to the optional protocol on the grounds that any reason to do so was no longer valid in view of the protections for States parties set forth in the text. One such protection was the requirement that a person or group submitting a communication must first have exhausted domestic remedies before it could be considered by the Committee. Since there were very many reservations to the Convention, the Committee and those who supported the drafting of an optional protocol did not wish to see the same problems arise under the optional protocol.

52. The draft text under consideration had been brought up to date in the light of experience under similar optional protocols, notably that of the International Covenant on Civil and Political Rights and anticipated the types of reasons that might prompt States to enter reservations. It should therefore be emphasized that there should be strong opposition to a right to enter reservations to the optional protocol. Those two issues would be of great importance to women seeking to take advantage of the complaint mechanism. It had been very disappointing to see the strength of opposition to those important principles, particularly since, in some instances, the formulations proposed by delegations would result in a weaker instrument than other optional protocols which provided for complaint mechanisms. It was, therefore, of great importance for the members of the Committee to familiarize themselves with the text of the draft optional protocol and support the adoption of an instrument that would enable women to claim their rights under the Convention. Significant assistance had been given by members of the Committee who served on delegations and a number of States which were firmly in favour of adopting a strong and principled instrument. That was the key to ensuring that the final text would be the best possible instrument and that as many States as possible would ratify it.

53. **Ms. Bustelo** wondered if reservations were possible under other optional protocols.

54. **Ms. Connors** (Chief of the Women's Rights Unit) said that where an optional protocol did no more than establish a complaints mechanism, as did the first Optional Protocol to the International Covenant on Civil and Political Rights, if a country had reservations about the mechanism it would simply opt not to sign the protocol. Where the complaints mechanism was internal to the international instrument, the country could sign the instrument but introduce a reservation unless, as in the case of the Slavery Convention, it was made explicit that no reservations were allowed.

55. **Ms. Cartwright** agreed that provisions prohibiting reservations were not novel. The sorry history of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, which could have the effect of neutralizing the Convention completely, had moved the supporters of the draft optional protocol to want to make it as strong as possible. The prohibition on reservations might mean that fewer States would ratify the optional

protocol to begin with and the numbers that ratified it might grow more slowly; however, when they did ratify it, it would have real force.

56. **Ms. González** pointed out that the draft optional protocol included two mechanisms: a complaints mechanism and an investigation mechanism, each useless without the other. Therefore, she insisted that it must be made explicit in the draft optional protocol that no reservations were possible.

57. It would be useful to have available a comparative study of relevant optional protocols and to know the status of the negotiations on such optional protocols as were still in draft. Coordination with the Commission on Human Rights would be useful in that respect. Members needed to have the right information so that they knew where to lobby.

58. **Ms. Cartwright** agreed that it would be valuable for interested members to have available the core documents that had been before the Working Group on the Optional Protocol. Unfortunately, there had been no summary of the discussions as the meetings had been informal. She recommended that members should ask their own Governments to ensure that they sent strong representation to the next session of the Working Group on the Optional Protocol, even if they had no intention of ever ratifying the draft optional protocol, because the responsible course for States was to ensure that the draft optional protocol became a useful instrument.

59. She pointed out that whereas States might be concerned about the investigative part of the draft optional protocol, enquiries could be launched only with the consent of the State concerned and only in the case of serious and systematic violations of the Convention. Therefore, a complaint by one individual could not trigger an inquiry.

60. She warned members that it had become evident from time to time in the Working Group that some representatives felt that a "Committee of women" would be ill-equipped to monitor an optional protocol. Members should bear that in mind when lobbying.

61. **Ms. Abaka** suggested that it would be particularly useful to have information on which States had adopted which instruments and optional protocols; it would then be possible to exert leverage in obtaining support for the draft optional protocol by pointing out

where States had ratified provisions with similar principles and procedures.

62. **Ms. Connors** (Chief of the Women's Rights Unit) said that the Secretariat would draw up a list of equivalent procedures and indicate which States had ratified them. The comparative study that had already been prepared for an earlier session would, she hoped, provide the other information that members had requested. She reminded members that the results of the Working Group were available on the Committee's Web site, although availability on the Web site was not intended to substitute for hard copy.

The meeting rose at 5.50 p.m.