

PANAMA Panama

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Introduction

The objective of this study is to gather both qualitative and quantitative information in order to assess the impact of the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) in Panama. It must be viewed as an initial effort to tackle the subject. It is expected to be useful, since it is the first document, in the country, which compiles the main aspects related to the *Convention* in its preliminary and post-ratification phases, and its impact.

This study is also relevant at this time when the women's movement is in its consolidation phase. In this decade, the aspirations triggered by Panamanian women in the past, which are, in one way or another, based on CEDAW, are taking shape. There exists an important institutionalization process of the gender perspective, promoted by Non-Governmental Organizations (NGOs), and, in particular, by the Panamanian women's movement. Some achievements are to be highlighted, among them, the elaboration of the "Plan Nacional Mujer y Desarrollo, 1994-2000. Construyamos el Futuro con Equidad" (Women In Development National Plan 1994-2000 Let's Build the Future with Equity) and its respective Implementation, as well as the signing of a Cooperation Agreement with the European Union for the Promotion of Equal Opportunities between the Genders; the creation of such entities as the National Council of Women, the National Directorate of Women, Women's Office in different ministries and public institutions, and the Ministry of the Youth, Women, Children and Family; the enactment of laws for the benefit of women, and the elimination of

other laws having connotations of discrimination against women. A specific policy on Gender and a Framework Law of Social Equality for the implementation thereof, are expected to be formulated before long.

As regards to the methodology for the conduction of this research, it was basically based on the questionnaire furnished for such purpose. First, we made a review of existing bibliography connected with the *Convention*, and also searched into the records of CEDAW at the Panamanian Ministry of Foreign Affairs. It should be noted that, in Panama, the documentation of this process is scarce. This is due to the fact that, there were practically no institutional reports on this process at the Women's Office, and, according to government officials, there is also a lack of information in the CEDAW records. The reasons why are associated with the chaotic events which took place in the country in the late 1980s, ending in an armed conflict with the U.S., when some information was lost in different ministries. For this reason, it was necessary to get some information from the original sources, through interviews to key women (members of both gov-

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ernmental and non-governmental organizations), who talked about the preliminary and post-ratification processes of CEDAW. It is important to highlight the fact that these women hold important positions at the political level, both in the women's movement itself and in the governmental sector. This is why their valuable opinions have essentially contributed to the elaboration of this work.

In addition, with the support of the National Directorate of Women of the Ministry of the Youth, Women, Children and Family, a survey was conducted among both female and male judges in office at different geographical areas nationwide, in different judicial instances (labor, penal, family, and minors), and in different jurisdictions of Panama's provinces (such as Panama, Colon, Herrera, and Chiriqui), with the purpose of determining the use of CEDAW in the administration of justice. The name of the judges will be kept in secrecy upon their own request.

NGO Involvement

1. *What is the current awareness of NGOs with regards to CEDAW at different levels: grassroots, regional and national?*

In general, the knowledge of Panamanian NGOs with regards to CEDAW is limited. At the grassroots level, the female members of NGOs who have participated in workshops related to the human rights issue (and seldom directly related to CEDAW), are little aware of the existence of a *Convention* which deals with the specific issue of women's human rights. Few of them can handle the main definitions of this *Convention*.

At the grassroots female leaders level, there is a higher level of knowledge; they can handle the main definitions (such as, what is regarded as discrimination), and a part of the content of the *Convention*,

concerning some articles directly connected with their NGO's fields of scope. In this connection, they know that the Convention is aimed at reducing discrimination against women in all fields, and they can relate it to situations of their own daily life, especially those who work with the issues of domestic violence, rural women and economic and political participation.

At the local level, the members of feminist NGOs who have a better knowledge of CEDAW are the leaders of the three "umbrellas" existing in the country: the "Coordinadora para el Desarrollo Integral de la Mujer" (Coordinator for the Integral Development of Women), the "Foro Mujer y Desarrollo" (Women In Development Forum), and the "Foro de Mujeres de Partidos Políticos (Forum of Women of Political Parties); as well as NGOs which make up the thematic networks: "Red contra la Violencia" (Network against Violence), and "Red Mujer y Trabajo" (Women and Labor Network), among others.

According to Margarita Muñoz (Co-Coordinator of the Women In Development Forum), there also exist such NGOs as "Nueva Identidad" (New Identity) and CEALP who are aware of the content of CEDAW, since they use it in their work for the defense of rights of peasant and indigenous women.

At the regional level, according to Rosina Pérez, local consultant of the ILANUD "Women, Justice and Gender" Program, "Panama has still a long way to go. Such countries as Costa Rica, El Salvador and Nicaragua have worked harder in the human rights issue. In Panama, this issue has just started to be worked on now." In addition, she pointed out that Panamanian NGOs are getting in touch with such organizations as CLADEM and the "Instituto de Derechos Humanos" (IDH-Institute of Human Rights). These NGOs have received technical advice and workshops, and also have conducted evaluations and studies on the human rights issue.

2. *Assess the capability of NGOs to use CEDAW and give examples of how CEDAW has been used and/or describe any plans or strategies for using CEDAW that are be-*

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ing considered.

Interviewees from NGOs, namely, Marta Barría (President of CODIM), Margarita Muñoz (Co-Coordinator of the Women In Development Forum) Gladys Miller (Director of CEFA and Coordinator of the Network against Violence), Mariela Arce (Director of CEASPA), and Istmenia Fitzgerald (Administrator of the “Training in Gender” Project and member of the Clara González Feminist Group), among others, share the opinion that, although specific plans and strategies for the use of CEDAW have not yet been defined, NGOs involved in human rights and feminist matters, have used it to support public policies, plans, programs and projects.

Just as stated by Mariela Arce and Dagmar Alvarez, CEDAW was used to support the most important instrument elaborated in the 1990s in search of equality between the genders: “Women In Development National Plan and its respective Implementation”.

In addition, NGOs have the capacity of using CEDAW at the information/dissemination level, and in training actions. This subject was generally dealt with internally, and seldom conveyed to the grassroots. In recent years, this has been gradually changing. For example, in the meetings convened by the Clara González Feminist Group, the principles of CEDAW are analyzed.

The study promoted by the Forum of Women of Political Parties in order to get the approval of Law 22 of July 1997 “whereby the Electoral Code and other provisions are adopted,” which establishes a 30 per cent share of the election candidates for women, was based on the content of the *Convention* regarding the prohibition of political discrimination based on gender.

In addition, the content of CEDAW has been used, in one way or another, to support the actions to eradicate the discrimination against Panamanian women (in the different economic, political, social and cultural areas) carried out by NGOs, among them CEDEM, FUNDAMUJER, CEASPA, CAMM, CEFA, and including such networks as Network against Violence, and Women and Labor Network, as well as the Women, Health and Development Program, and also to support the actions car-

ried out by NGOs involved with the human rights issues, such as the “Comisión de Justicia y Paz” (Commission on Justice and Peace), as stated by Magaly Castillo, director of said Commission.

3. Describe the problems/solutions for NGOs in the use of CEDAW, such as efforts and methods employed to remove country reservations, education needs, advocacy needs.

As to the first topic, it must be pointed out that Panama ratified the *Convention* without reservation.

In relation to problems and solutions connected with the training needs, this is one of the main weaknesses that are being faced by NGOs. However, as indicated earlier, in the past five years, the feminist movement has been carrying out training actions on human rights and on CEDAW, trying to reach the grassroots. Nevertheless, there is no strategic planning, but rather isolated efforts by some NGOs, which require coordination and more coherent implementation.

At the governmental level, some progress have been made in the matter of training directed to Administrators of Justice, under the auspices of the “Instituto Latinoamericano de Naciones Unidas para la Prevención del Delito y Tratamiento del Delincuente” (ILANUD—N Latin American Institute for the Prevention of Crimes and Treatment of Delinquents), in coordination with the “Dirección Nacional de Mujeres” (National Directorate of Women) and the Judicial School. This project is carried out nationwide and its objective is to incorporate the gender perspective into the Administration of Justice. It has had a positive impact, leading to the creation of the structures for the implementation and monitoring of the Project. In addition, a research is being conducted to

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measure the knowledge of the Administrators of Justice about international agreements signed by Panama, regarding the human rights of women. Likewise, an analysis on judgments discriminating against women, is being carried out.

At the mass media level, CEDAW has not been much divulged. However, in the past two years, the radio and the press are starting to produce (though sporadically), programs and written materials analyzing the content of CEDAW, the Platform of Action of Beijing '95 and the *Convention for the Prevention, Punishment, and Eradication of Violence against Women*.

The Ratification Process

1. What was the motivation for ratification? How was this motivation communicated by written announcement, media coverage, spoken statements (on record or unofficial). Please include dates, citations and clippings wherever possible.

Throughout the conduction of this research, inquired sources shared the opinion that the motivation for the ratification of CEDAW is directly related to the First World Conference on Women realized in Mexico in 1975. This conference is undoubtedly a milestone in the defense of women's rights, and had an impact on the Latin American governments in general, and therefore, on Panama.

When evaluating the motivations for the ratification of CEDAW, interviewees do not connect it with the existing women's groups. As stated by Ms. Alma Montenegro de Fletcher, present Attorney General of the Administration, during the 1980s, there was not any women's movement, as such, which specifically asked for the ratification of this first international document on women's human rights. She also pointed out that women's organizations did not play an active role as they do now with respect to the gender issue; "they were women's organizations with a social character...there was not a clear structure on women's rights".

In the early 1980s, the women's movement starts to break up, just as the whole of the most prominent organizations in the social

struggles, mainly student and labor organizations. But, without any doubt, the mobilization of women's groups taking place in the 1970s for the celebration of the World Women's Year, had a positive and visible impact on Panamanian society, and consequently, this was a determinant in the State's decision to approve it.

Such studies as "Perfil de la Situación de la Mujer en Panamá y Lineamientos de Acciones Prioritarias, 1992" (Profile of the Status of Women in Panama and Guidelines for Priority Actions, 1992) analyze women's participation in social and political organizations during that period and show that "during the 1970s, together with a process of social changes as a State policy, which facilitated people's participation in different development areas, there was a significant increase in Panamanian women's participation in different fields. This women's participation is strengthened by the celebration of the World Women's Year and the designation of the United Nations Women's Decade (1975)." (page 58).

During the 1970s Panamanian women had a large participation at the social organizations level, with a great impact on national development. It is worth mentioning that organizations such as the "Federación Nacional de Mujeres Democráticas" (FENAMUDE—National Federation of Democratic Women) and the "Unión Nacional de Mujeres Panameñas" (UNAMUP—National Union of Panamanian Women), were deeply involved in the popular movement of that time and asked for major social changes, such as the creation of the "Instituto de la Familia" (Family Institute). These groups were responsible for the State's approval of the establishment of Day Nursery Centers, with the objective of promoting child care policies, thus facilitating women's insertion into the labor market.

On the other hand, interviewees did not fail to mention the relevant fact that the motivations for ratification were also connected with the good standing of the United Nations Organization. As pointed out by Ms. Alma Montenegro de Fletcher, "...our governments have perceived that the *Conventions* emanating from the UN are positive *Conven-*

tions which must be used to improve the legal system, and since most of these *Conventions* deal with topics aimed at upgrading human conditions...I think that this is the reason why Panama ratified them without paying attention to the fact that it was assuming a very serious commitment ...”

In the ratification records, the motivation was established as follows: “The Panamanian government considers the ratification of this *Convention* of great importance, since it is consistent with the basic principles of foreign policy of the country in the matter of Human Rights. This *Convention* is the complement of a set of *International Conventions*, in which the Republic of Panama takes part... The Republic of Panama has favored every Resolution, Declaration and Recommendation approved by the UN and Specialized Organizations on Equal Rights between men and women.”

Also, in the ratification records, there exists a note from Ms. Carmen Delgado Votaw, President of the Inter-American Commission of Women in Washington, in which she exhorted the Panamanian Government to ratify such an important instrument before the start of the World Conference on Women to be held from July 14 through 30, 1980.

Regarding the means whereby this motivation was communicated, in the documents included in the CEDAW ratification records kept at the Ministry of Foreign Affairs, there is no evidence of any communication or announcement. Neither do interviewees remember that this event was made public. It was pointed out that this information was spread, at the governmental level, through the concerned ministries.

2. Describe the steps taken in your country towards ratification.

The government took the following formal technical steps towards ratification: Prior to the ratification process, the Minister of Foreign Affairs, Dr. Carlos Ozores Typaldos, made the respective consultations. In the records at the Ministry of Foreign Affairs, there are some official notes whereby different personalities holding a minister’s office (specifically the ministers of Government and

Justice, and of Labor and Social Welfare) are asked to express their opinion about the viability of ratifying CEDAW. These opinions are, in principle, based on Article 9 of our *National Constitution* which literally reads as follows: “There will be no exemption or privilege because of race, birth, social class, sex, religion or political ideas”.

The government also consulted some women having strategic positions or who were connected with international organizations, such as the OAS Inter-American Commission of Women or personalities holding relevant academic and public positions. These consultations were made when the Convention was still a draft at the United Nations. From these consultations, the only opinion entered in CEDAW records is that of Dr. Amelia Márquez de Pérez, who made major contributions to the Draft Convention regarding mass media, torture and health.

Later on, the above-mentioned Minister of Foreign Affairs authorized the Panama’s Permanent Ambassador to the UN Dr. Jorge Illueca, to sign the *Convention* at the UN on June 26, 1980. It is, subsequently, submitted to the consideration of the Foreign Affairs Commission of the National Assembly, asking for the approval of the *Convention*. In 1981, CEDAW was approved by Law No. 4 of 22 of May, and publicized in Official Gazette No. 19.331 of June 3, 1981. Once approved, the Minister of Foreign Affairs, Dr. Jorge Illueca gave Full Powers to Dr. Carlos Ozores Typaldos, Panama’s Permanent Ambassador to the UN, so that on behalf of the Republic of Panama, he deposited the ratification instrument in the Secretariat General of said organization, in accordance with the provisions of Paragraph 3 of Article No. 25 of CEDAW.

3. Following ratification, how did you learn that your country had in fact ratified CEDAW? What follow-up measures were taken by the government, by others? Please describe as fully as possible.

During the period prior to the ratification of CEDAW, women’s participation in organizations starts to dwindle substantially. In the study consulted, it is stated that in the 1980s:

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“the incipient cohesion of the women’s popular movement achieved during the 1970s, with a large diversity in opinions, but with common social objectives, began to go down...just like men, women gave priority to the political struggle and they joined civic movements and political parties favoring or opposing the Government in office at that time.” (Perfil de la Situación de la Mujer en Panamá y Lineamientos de Acciones Prioritarias, 1992, page. 59).

In that respect, Dr. Amelia Márquez de Pérez, thinks that “women who got involved were basically progressive women, not at the group level, but rather as public figures; women who held public offices, either academic or political type. There were no conditions for a political negotiation specifically on this *Convention*,... It was dealt with on a professional and technical basis.”

Although our country ratified CEDAW in 1981, in general, it can be assured that Panamanian women were well informed about this *Convention* through propagation campaigns fostered by Ms. Alma Montenegro de Fletcher, who was the second Representative

of our country to the Committee on The Elimination of the Discrimination against Women, during the 1985-1988 period. The first was Ms. Lía Patiño de Martínez during the 1982-1984 period. It is starting from the participation of the second representative that training actions on the content of the *Convention* and the Statutes of the Committee began to be conducted at the women and mixed organizations level. Likewise, she sponsored the First Study on the Discrimination against Women in Panama, carried out by the sociologist Andrés Bolaños.

In addition, she organized the First Seminar on CEDAW at the University of Panama, with the participation of fifty organizations. According to Ms Alma Montenegro, even

though these organizations intervened somehow in the internal movements in the country, it is also true that they were organizations with a generic and not very clear character towards women’s rights.

Ms. Montenegro created the Center for the Development of Women in 1988, which turned out to be the first non-governmental organization exclusively devoted to study and diagnose the situation of Panamanian women.

With regards the follow-up measures taken by the Government, it is important to point out that opinions are varied.

In the opinion of Dr. Amelia Márquez de Pérez: “concerning the follow-up actions, the matter changed slightly immediately after the Committee was established and began to have international representation. Information starts to flow. Copies of CEDAW were printed by the thousand when Ms. Alma Montenegro was in charge of CEDAW as the representative of Panama Every opportunity was seized to spread it, to make it known, to make it visible to people...”

On the other hand, she stated that from the women’s organization perspective: “the problem stems from the fact that the women’s movement has been focused on victimization and violence. Such fields as labor, technological and scientific development of women, have been left aside and are not included in the female agenda as a basic point, but rather as an accessory, conjunctural matter. In the case of the National Directorate of Women, some efforts have been made to this effect through training actions on this topic, but it is not a systematized matter that is providing us with all-day information on how discrimination is evolving, on how segregation is moving, even though there exist some methodologies to measure it.

On the other side, Ms. Mariblanca Staff, lawyer and advocate of women’s rights, says that “there, indeed, have been follow-up measures, but they are disjointed measures. Monitoring has not been carried out in a continuous way, but rather occasionally and in pursuit of a specific goal.

Making a balance, the follow-up of CEDAW is connected with the particular history and formation of the women’s movement and

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their disagreements with the actions promoted by women representing the governments.

For Dr. Urania Ungo, National Director of Women of the newly-created Ministry of the Youth, Women, Children and Family, this explains that there were no effective follow-up measures taken by the women's movement, when pointing out that: "At the beginning, CEDAW was an achievement made by women who, from their government offices, were somehow committed to changing women's conditions. This, of course, made that these government measures were greatly undervalued by other sectors of the women's movement, that is, the feminist sectors with a gender perspective, that underestimated the importance of these actions. When CEDAW went on stage, for a large segment of the women's movement, it was just "another verbiage of the governments."

As stated by Dr. Ungo, this situation began to shift gradually as a result of the political changes taking place worldwide, and which are related to the Conferences from Nairobi to Beijing. Some meeting points started to be found between the women's traditional sectors and the feminist movement. These changes resulted in CEDAW gaining more importance after the Fourth World Conference on Women in Beijing.

One of the major changes in Panama is the creation of the national mechanism for the advancement of women. In this sense, CEDAW became the aspect that permitted to implement actions that had been initiated by such organizations as OAS Inter-American Commission of Women, and others. One of the functions of the National Council of Women (created by Presidential Decree No. 70 of July 27, 1995) is clearly stated as follows: "To ensure the fulfillment of the objectives established by the *Convention on the Elimination of All Forms of Discrimination against Women*, approved by the General Assembly of the UN on December 18, 1979 and turned into Law No.4 of the Republic of Panama in 1981."

In any case, the impact of CEDAW has not yet sufficiently measured and, therefore, evaluated. However, gradual follow-up measures had been taken. As a result of the crea-

tion of CONAMU, actions have been initiated in order to make sure that it is observed, by means of training, information, sensitization and follow-up. In short, the *Convention* has produced positive results in our society, especially starting from the 1990s, such as the creation of spaces for dialogue between the State and the women's movement, formulation and implementation of public policies with a gender perspective, promotion of the institutionalization of the gender perspective, legislative reforms, and elaboration of bills propitiating the change in the legal status of women, among other relevant changes.

Reporting to the United Nations

1. *What is the level of NGO participation in the preparation of State parties' reports?*

There is little information regarding the preparation of the First Governmental Report submitted to the Committee in 1982. Available data leads to the conclusion that NGOs did not participate in it. As mentioned earlier, women's organizations were not connected with the ratification of CEDAW either at that time or in the period immediately after; therefore, it is possible that there were some difficulties to establish coordination between the government and NGOs for this particular purpose. One of the points of a Report called "Coordinated Policies and Actions at the governmental level", indicates that there was a National Commission for Women's Integration into Development, composed of governmental and non-governmental organizations. NGOs composing this commission are not mentioned, but only the ministries participating in it.

After this first report, during the 1985-1995 period, no report from the government was submitted to CEDAW Committee. The reasons are related to

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the precarious social and political conditions prevailing in those years.

The study on the “Profile of the Status of Women in Panama and Guidelines for Priority Actions” sets forth that “the end of the United Nations Women’s Decade in 1985, coincided with the beginning of a phase of political, social, and economic deterioration of the Panamanian State, which influenced people’s participation in the search of social solutions. 1985, 1986 and early 1987, were characterized by a large demobilization of popular organizations, including women’s organizations.” (Page 59).

After fourteen long years, Panama submitted a Consolidated Report, in which women’s organizations participated through some representatives of the women’s movement. To this effect, in 1996, a Working Commission was established for the preparation of the Governmental Report, and the National Council of Women was convened. This is the top-level entity, with a joint participation, on equal terms, of representatives from different organizations, both governmental and non-governmental. The National Council of Women designated some of their members to said Commission. It should be stressed that, in general, there was a consensus among governmental and non-governmental organizations, on the submission of the various points included in that document.

The Consolidated Report was presented by Ms. Leonor Calderón (Minister of the Youth, Women, Children and Family), before the CEDAW Committee on June 30, 1998.

2. Describe any NGO “Shadow Reports”, including which NGOs were involved in their preparation. Please include a copy wherever possible.

In November 1997, through the International Women Rights Action Watch (IWRAP) Minnesota and Asia Pacific, and UNIFEM, I was invited to participate in the Workshop on “From Global to Local: a Convention Monitoring and Implementation Project”, whose objective was “to facilitate the presence of women from selected countries whose reports will be presented to the Committee on the Elimination of All Forms of Discrimi-

nation against Women (CEDAW), in New York in January or July, 1998”. This activity took place in January, 1998 and as a result of this experience, I committed myself to coordinate the elaboration of the said document. For this purpose, we convened the three main “umbrellas” of the female movement; that is, the Coordinator for the Integral Development of Women, the Women In Development Forum, and the Forum of Women of Political Parties, which represent different spaces of conciliation nationwide.

Therefore, from late 1997 through mid-1998, several actions were carried out by a Commission that was created for the elaboration of the Non-Governmental Report. It must be mentioned that we were sponsored by the United Nations, the Equal Opportunity Program (European Union/Government of Panama) and the Training in Gender Project (European Union/CODIM and the Women in Development Forum). This report was delivered, in June 1998, to the 23 members of the CEDAW Committee, to representatives of the United Nations, and to directors of IWRAP Minnesota and Asia Pacific. The report was highly appreciated by the Committee’s members, who indicated that it would give them a broad view of the status of women, and it furnished additional information complementing the governmental report.

This report is divided into four sections: first, it refers to general, social, economic, political, and legal aspects in the country; and the legal measures and others used in the country for the implementation of CEDAW. In the second part, a monitoring of all articles of CEDAW is made, and finally, annexes which provide complementary information are presented (a copy thereof is attached). In the analysis of the different articles of CEDAW, priority was given to the topic of political participation, since the country will hold general elections in May, 1999, and for the first time, it will put into effect Law 22 of June 14, 1997, which establishes the 30 percent share of the election candidates for women. Other relevant topics are: the labor condition of women (their high rate of unemployment and lower pay), inequality among rural women, illiteracy among indigenous women,

and domestic violence.

At present, this document is at the final stage of editing for its publication and distribution nationwide.

3. Have NGOs received any guidelines and training on CEDAW? Who provided this? What have the results been?

According to the research conducted, NGOs have received little support regarding the guidelines and training on CEDAW.

As mentioned earlier, the first time that a nationwide meeting was held to discuss the *Convention* was in 1988, when Ms. Alma Montenegro de Fletcher was the representative before the CEDAW Committee. She organized the first Seminar on the *Convention*, in which 50 NGOs participated, and she also sponsored the First Study on Discrimination in Panama and distributed copies of CEDAW.

In 1988, Rina Barba, former Director of the Women's Office, said that when she was working for the "Patronato Nacional de la Juventud Rural" (PANAJURU—National Patronage of Rural Youth), with the support of the USAID, several actions were conducted in order to make known and discuss the content of CEDAW, specifically directed to rural women and girls. Later on, in late 1980s, she got in touch with IWRAW Minnesota and carried out some actions for divulging CEDAW throughout the country.

More recently, Panamanian NGOs have been getting in touch with regional organizations such as CLADEM and the Institute of Human Rights (IDH), from which they have received technical advice and seminars. They have also participated in the elaboration of reports and evaluation on the human rights issue, and also CEDAW-related matters.

As indicated earlier, with the purpose of elaborating a shadow report, Panamanian NGOs held regular meetings this year for the first time, in order to study the content of CEDAW, and to monitor its implementation in Panama. Therefore, the training received in the aforementioned Workshop on "From Global to Local: A *Convention* Monitoring and Implementation Project" (under the auspices of IWRAW—Minnesota and Asia Pacific, and UNIFEM) was duplicated and discussed in semi-

nars, workshops, meetings, etc., with the participation of representatives of the three main conciliation spaces of the women's movement.

4. What are the areas of information provided by NGOs that were included in the member country report to the United Nations? Was anything provided excluded? Please describe and provide samples wherever possible.

The areas of information provided by women's NGOs represented by the National Council of Women, are basically connected with the points set forth in Articles No. 1, 3, 6 and 14.

In Article No. 1, it is underlined the participation of the women's movement in the elaboration of the Women In Development Plan of Action, getting the State's commitment in its full implementation and its signing, with the European Union, of the Agreement on Equal Opportunity Promotion in Panama. They presented a synthesis of the process of the Plan and indicated the following: "in 1993, the Women In Development Plan 1994-2000 was formulated in a conceptual form; for its elaboration, gatherings, meetings and other events were convened with the purpose of making a diagnosis of the status of Panamanian women, defining priorities, analyzing potentialities and obstacles, and formally committing governmental authorities to its implementation. Just as underlined in the governmental report "Women In Development Plan of Action" and its respective implementation, it echoed the content of the Platform of Action, emanating from the Fourth World Conference on Women, which, in turn, was inspired by the *Convention on the Elimination of All Forms of Discrimination against Women ...*"

This Plan represents one of the most important advances of the women's movement. In addition, the existence of this Plan encouraged the creation of the National Council of Women, which, as mentioned earlier, has a representation, on equal terms, of the civil society and the State.

In Article No. 3, it refers to measures to ensure the full development and advancement of women. In it, it is presented an abstract of

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the NGOs and their programs and projects implemented in the past 10 years, and which were aimed at reducing inequalities in all areas (political, economic, social and cultural).

In Article No. 6, it is evident the critical exposition of the exploitation of prostitution in Panama, based on the diagnoses elaborated by NGOs, about its real victims and real beneficiaries.

In Article No. 14, on the status of rural areas women, the conclusions of the diagnoses made by NGOs related to this topic, are set forth, and also, credit programs and others for the benefit of Panamanian rural women are mentioned.

Use of CEDAW

1. Describe the use of/reference to CEDAW in: courts, media, constitutional and legislative initiatives, non-profit sector or by advocates for development policy reform.

In order to support this study, the National Directorate of Women of the Ministry of the Youth, Women, Children and Family was asked to conduct a survey among the various magistrates and judges on the applicability of CEDAW.

Several interesting opinions came up from this survey, such as one expressed by a Judge of the Juvenile Court: "I have actually applied CEDAW in the matter of the Family and the Minor, in accordance with the principle of sex equality, as regards to obligations and rights of the married couple; in the matter of maintenance allowance and paternal authority, in agreement with the family norms, which is enounced by Article No. 1 of CEDAW".

Another opinion points out that it is possible that the use of CEDAW is connected with the legal matter where women are more related. On the contrary, in the labor jurisdiction, it

seems that the grounds for the judgments are not in accordance with the provisions of CEDAW. One of the judges of a Labor Jurisdiction, considers that "The experience in my office shows that most of the labor complaints are brought by men and this could be related to the fact that they have more access to jobs."

This can also be connected with the situation of labor discrimination faced by Panamanian women such as unequal salary and unequal employment opportunity, which are not considered as objects of labor complaints; and this, in turn, is related to the lack of institutional mechanisms for the protection of female workers, who are victims of this situation.

Apart from rare exceptions, CEDAW is used as a ground for judgments or sentences pronounced by the administration of justice. However, it seems that in Panama, this is a reality that works, in general, for all Conventions on the protection of Human Rights.

The study on "La Aplicabilidad del Derecho Internacional de los derechos humanos en el orden jurídico de los Estados de Centroamérica" (The Applicability of the International Law of Human Rights on the legal order of the Central American States), supports the above-mentioned, when in the data pertaining to Panama, it makes the following statement: "The ignorance of the municipal judges or justice of the peace, on this matter, is surprising" (Page 154). But also, it is indicated that the higher the position in the administration of justice, the broader the knowledge about international documents.

Generally speaking, there seems to be a lack of knowledge in Panama, about ratified *International Conventions on Human Rights*, especially on the part of government officials who are responsible for their implementation, that is, those in charge of applying the law.

The aforementioned study establishes that in the case of Panama: "... they said that they seldom base their judgments on the international law on human rights...perhaps because of the ignorance of the ratified norms... On the other hand, this norm has not been much divulged. Judges are reluctant to go beyond the provisions of national laws. Some judges are afraid of being accused for abuse of au-

Apart from rare exceptions, CEDAW is used as a ground for judgments or sentences pronounced by the administration of justice. However, it seems that in Panama, this is a reality that works, in general, for all Conventions on the protection of Human Rights.

thority if they apply the international law in their judgments.” (Page 159).

When questioned on this regard, Ms. Mariblanca Staff replied: “I think that most of the judicial functionaries are greatly unaware of the legislation related to women and especially to CEDAW; therefore, in my opinion, it is important to train judicial functionaries.”

At the level of mass media, CEDAW has been little divulged. However, in the last two years, radio and press information media are starting to produce (although not permanently) programs and written material that analyze the content of CEDAW, the Beijing '95 Platform of Action, and the *Convention on the Prevention, Penalization, and Eradication of Violence against Women*.

At the legislative reforms level, it is important to mention the elaboration of a Bill “whereby equal opportunity for women is established,” which will be debated by the National Assembly soon. Its motivation is based on the ratification of CEDAW, by stating that “This *Convention* is founded on the principle of equality and opportunity between sexes. However, this political will does not find enough support in a society where there reigns material and cultural structures discriminating against women, and women are given a subordination role.” Another bill to be debated and approved is one that regulates Sexual Harassment on the Job and the Educational System, based in accordance to the points stated by CEDAW in relation to the elimination of practices discriminating women at the work centers.

At the level of law professionals, some female lawyers have developed reform policies for regulations discriminating against women, in accordance to CEDAW. This is the case of Ms. Mariblanca Staff Wilson, who has filed several claims for unconstitutionality before the Supreme Court of Justice, on regulations discriminating against women, and she has got 14 favorable sentences declaring some of them partially or totally unconstitutional. (See annexes)

2. Are you aware of the CEDAW concluding comments in response to the country report(s)? Have the CEDAW committee con-

cluding comments been implemented? How? Please provide samples wherever possible.

The initial report was revised in the fourth meeting of CEDAW in January, 1995. The CEDAW committee made the following comments:

- Despite the fact that the illiteracy rate is lower for women and nearly half of students are women, even in non-traditional fields, such as engineering and geology, women do not enjoy equal employment opportunities and they have higher unemployment rates and lower salaries for the same job. For instance, in the cities, female unemployment is twice as high as male. Experts wonder why certain positions have been forbidden for women, “because of the physical nature of women”; for example, working at night. Domestic workers (54 percent of women employed) are not organized or protected by the social security regime.

- The retirement age for women is 5 years lower than that for men (55 to 60) although, on average, they live longer. According to CEDAW experts, this reflects an over-protection and discrimination.

- As an answer to the question from CEDAW about the reasons of the small participation of women in public life, a government representative declared that this is a result of the lack of knowledge of women about these rights.

What measures have been taken for the recognition of women?

There exists discrimination in education and employment, and school drop-out among girls has increased

- Widows cannot remarry within 300 days after the death of their husbands, but this did not apply for widowers. The government representative said that this was useful for protecting a divorced woman in case

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“This *Convention* is founded on the principle of equality and opportunity between sexes. However, this political will does not find enough support in a society where there reigns material and cultural structures discriminating against women, and women are given a subordination role.”

Panama

she got pregnant at the time of the separation (but it is not used in practice).

The Committee pointed out that with the new Code of the Family and the Minor, all discriminatory vestiges could disappear.

The government officials explained that prostitution and the female slave trade are due to the country's position of transit, and that is why, legal provisions and sanctions cannot eliminate them. Prostitution, exploitation, and recruitment are not considered criminal offences, but they are controlled by the Police.

Abortion is prohibited, except in cases of rape for therapeutic reasons.

The Committee mentioned the use and abuse of women as sexual objects in mass media.

The Committee recommended that the Government acknowledge the importance of economic contributions of rural women as family members.

These recommendations have been implemented gradually, but actions in this connection are beginning to materialize, especially during the 1990s. It is worth pointing out that some of these opinions of the Committee in 1982, still persist in 1998, particularly in such aspects as female illiteracy (in the rural area), unemployment and unequal salary, and in the exploitation of prostitution. In other respects, acknowledgement should be made of some legislative progress that has corrected situations of discrimination against women through the approval of the Family Code in 1994.

In respect of the Committee concluding comments about the Consolidated Report submitted by Panama in 1996, and held on June 30, 1998, they were divulged at the National Council of Women level.

In principle, prior to the government's holding of the report, the Committee stated that "in particular, it is observed that the report was extensive, furnished a large quantity of statistical data and was considerably more detailed and substantial than Panama's first report. The Working Party, prior to the session period, was impressed by the quality of the report, particularly in view of the diffi-

cult circumstances faced by Panama after the submission of the previous report to the Committee.

After the holding, the Committee highlighted the positive actions of the government in creating the Ministry of the Youth, Women, Children and Family, as the government entity responsible for the implementation of CEDAW in the country. Also, it underlined the passing of such laws as *Law No. 22* of July 14, 1997 on the 30 percent share of the election candidates for women, *Law No. 27* whereby domestic violence and child abuse are typified as crimes, and the approval of the *Family Code* in 1995, as well as the creation of structures for its implementation.

Among the factors hindering the implementation of the *Convention*, it mentioned the unequal income distribution, as well as the high female unemployment rate in both urban and rural areas.

Regarding the recommendations, it pointed out the need for the creation of a specific legislation referring to the discrimination against women, together with the necessity of divulging the *Convention* at all levels of the society, especially among judges, teachers and communicators.

Also, it expressed a deep concern about the situation of working women; particularly, concerning unequal salary, employment discrimination, and lack of an effective protection to maternity, especially when they are in the nursing period. In view of this situation, the Committee recommended the beginning of a nationwide campaign for ensuring the equal treatment at the work centers, and the enforcement of norms protecting maternity and breast-feeding.

The Committee also showed a special concern about illiteracy among indigenous women and school drop-outs among female teen-agers. Another major point is the discriminatory treatment of women engaged in prostitution.

The Committee recommended the creation of multidisciplinary measures to assist women who are victims of sexual violence, including both legal and psychological assistance.

The Committee also stated that the next report must contain specific information re-

garding the results obtained through the various programs and projects for the elimination of discrimination against women. It specially requested that the information be broken down by sex, in order to make a thorough evaluation of the effectiveness of the measures taken.

It should be stressed out that the Panamanian Government exercised its Right to Replication to the Unpublished Committee Report. The Government stated that some points expressed by the Committee are far away from the real political, economic and legal facts, and do not fit in with what was sustained in the Consolidated Report, whose explanatory notes are summarized as follows:

27. In this point, it states that there is no effective protection to maternity in our country, and this is false, since there are legal mechanisms for the protection of maternity. Specifically, Article No 68 of the *Constitution of the Republic* clearly establishes the protection and privilege for maternity. Also, Articles No. 105, 106, 109, 110, 111, and 112 of the *Labor Code*, and Article No. 719 of the *Family Code* provide for all matters concerning the protection, privilege, and paid leave for maternity.

29. Regarding the statistical data on female illiteracy in our country, it is necessary to explain that this 53.2 percent refers to women in indigenous area, and not to the country's total female population. According to the latest Population and Housing Census conducted in 1990, total illiteracy rate in Panama reaches 11.3 percent, including 10.9 percent illiteracy rate for men and 11.7 percent for women.

31 and 32. It is essential to make clear that in our country, abortion is prohibited; however, it is permitted in case of rapes, as provided in Article 114 of the *Penal Code*, clearly stating two situations:

1. If the abortion is made with the consent of the woman in order to destroy the product of the conception occurred as a result of a rape, duly proved by a preliminary hearing.
2. If the abortion is made with the consent

of the woman, because of serious health problems which jeopardize the life of the mother or that of the product of the conception.

It is essential to explain in this paragraph that in the case of rape, the *Penal Code* does not establish any requirement for the victim, such as chastity or virtuosity, pointed out in the Committee recommendations.

We cannot evaluate the implementation of these recommendations yet, because the government has just held its report on June 30, 1998; however, some actions have been started on this regard with the implementation of the Women In Development Plan of Action, under the framework of the Equal Opportunity Promotion Program in Panama with the support of the European Union.

3. Are there any other ways that CEDAW has been used, i.e. interpreting a point of public policy or administrative law?

In the past four years, CEDAW has started to be used to define and interpret public policies with a gender perspective, as well as to support the creation and operation of the national and sectoral mechanisms of women.

Within the Panamanian women's movement, the importance of CEDAW is acknowledged in the elaboration of the Women In Development National Plan 1994-2000 and its Implementation. Interviewees shared the same opinion on this matter, including Marta Barría (President of the "Coordinadora para el Desarrollo Integral de la Mujer", CODIM-Coordinator for Women's Integral Development), Margarita Muñoz (Co-coordinator of the "Foro Mujer y Desarrollo"-Women In Development Forum) and other personalities of the Panamanian women's movement such as Mariela Arce, Dagmar Araujo and Gladys Miller; and of human rights organizations, such as Magaly Castillo (Director of the Commission on Justice and Peace).

For Dr. Urania Ungo, Director National Director of Women, Ministry of the Youth, Women, Children and Family, a particular case in which CEDAW was interpreted in order to formulate public policies was in the creation of a national mechanism in Panama for the advancement of women".

4. Describe any conscious effort taken to incorporate CEDAW in domestic legislation as opposed to, for example, using the Convention to create clarity in domestic legislation/tool for statutory interpretation.

Particular, conscious efforts to incorporate CEDAW in domestic legislation are seen in the passing of a series of laws of special interest for women, specifically, during the 1990s. In this respect, most of the below-mentioned laws or norms introduced in Codes, are justified taking CEDAW as a key point of reference and/or are influenced in one way or another by the content of said *Convention*.

- *Law No. 22* of December 7, 1990 whereby married women are given the right to decide on whether or not to use their husband's surname

- *Law No. 3* of May 17, 1991 whereby the Family Code is approved.

- *Law No. 9* of June 20, 1994 whereby the Administrative Career is established and regulated, and the prohibition and punishment of sexual harassment is stated.

- *Law No. 44* of August 12, 1995 whereby labor relations are regularized and modernized, and the prohibition of sexual harassment at work is introduced as a sufficient cause for dismissal, and employers are forbidden to commit it.

- *Law No. 12* of April 20, 1995 whereby the *Convention on Prevention, Punishment, and Eradication of Violence against Women*, is ratified.

- *Law No. 27* of June 16, 1995 whereby domestic violence and child abuse are typified as crimes.

- *Law No. 50* of November 23, 1997, whereby breast-feeding is protected and promoted.

- *Law No. 22* of July 14, 1997, whereby a 30 percent share of the election candidates for women is established

5. Describe Government/institutional arrangements in implementing CEDAW: Who/what are assigned as key implementers? What are the strengths/weaknesses of these arrangements?

The National Council of Women and its Technical Secretariat, the National Directorate of Women, are turned into spaces for dialogue, whereby the demands set forth by the women's movement and stated in the Women In Development Plan of Action, are to come into effect. As stated earlier, one of the main functions of the National Council of Women is to ensure the enforcement of CEDAW; in addition to the implementation of the Platform of Action of Beijing '95. These national mechanisms are a sample of the agreements made by the State and the civil society for the advancement of the status and conditions of women in Panama. Within this context, the State has created other sectoral mechanisms with the purpose of institutionalizing the gender perspective.

At present, within the framework of the Equal Opportunity Promotion Program in Panama, through the National Council of Women and the National Directorate of Women, important actions are being carried out in order to monitor the nationwide implementation of the Women In Development Plan of Action, the state of execution of the Platform of Action of Beijing '95, evaluation of women's human rights, of the status of rural women, and of the governmental mechanisms for women. These researches also allow to make an evaluation of the degree of enforcement of CEDAW in Panama.

Dr. Ungo considers that one of the strengths behind these agreements on the implementation of CEDAW is "the new attention that the women's movement is now paying to CEDAW. The fact that there exists a political process, a widespread recognition that women have the right to change their condition. I think that these are the major strengths because this creates a social need; there is a government's disposition, which, in some way, has committed itself in this process. However, I think that there are many weaknesses. Both sectoral and national mechanisms are endowed with scarce resources, and therefore, they do no work efficiently".

On the other hand, Ms. Nischma Villarreal, head of the Human Rights Department of the National Directorate of Women (DINAMU), considers that one of the strengths is deeply

connected with the Facultative Protocol resulting from the ratification of CEDAW. “This document (still a rough paper) would constitute the support of the commitments made by the States in the Conferences in Vienna ‘93 and Beijing ‘95; which would allow to measure the level of enforcement of the *Convention*, thus strengthening the undergoing process of recognition and respect of women’s human rights. DINAMU and the Ministry of Foreign Affairs have jointly established a mechanism for the permanent monitoring and direct participation in the approval process taking place in the United Nations. This has brought positive results which are evidenced by favorable opinions and the government support to such an important proposal.”

Consequently, in view of these advances and promising perspectives, the Government measures for the change of female condition are going to require the support from the society as a whole, and from the women’s movement itself, so that they become more effective.

6. Identify who/which category of people is using the Convention in any particular way, for what purposes?

There exist, at least, four categories of people who are using CEDAW in different fields:

1. For the women’s movement, CEDAW has become a key element for supporting its proposals on the change of the condition and status of Panamanian women in all areas.
2. CEDAW is an obligatory reference document for academicians, researchers, studious scholars, and advocates of human rights.
3. At the governmental level, it is used by representatives from national and sectoral mechanisms, as an essential support to the formulation and implementation of public policies in favor of women.
4. At the professional lawyers level, to support their lawsuits and judgments.

Recommendations

In order that the *Convention* be applied more extensively throughout the country, it is necessary to develop specific guidelines and

strategies, with the consensus of the civil society as a whole, of women’s organizations, in particular, and of the Government of Panama.

The little knowledge about CEDAW calls for the carrying out of actions in order to disseminate and distribute the *Convention* at the different levels and a clear, simple language that can be understood at the grassroots level. As a priority, it is necessary to design training actions about the principles of the *Convention* and how to use them, directed to the female members of NGOs, judges, lawyers, mass communicators, teachers, etc. A higher level of deepening into CEDAW should be promoted at schools and universities, in lectures on Human Rights (through case study, practical and theoretical exercises, among others). Some actions are required with the purpose of promoting a greater political support for the approval of the Facultative Protocol of CEDAW.

The Women’s Movement should ensure a more active functioning of the local mechanisms, which deal with the follow-up of CEDAW and, in particular, of the National Council of Women.

Panamanian Women’s Movement and government institutions need to establish a higher level of collaboration with international organizations on human rights, with the aim of exchanging experiences on the impact of CEDAW, and how to get a higher level of collaboration from governments.

A study conducted by Ms. Alma Montenegro de Fletcher in 1989, named “¿Dónde están las mujeres a la luz del Cumplimiento de la Convención contra la Discriminación de la Mujer en Latinoamérica y el Caribe?” (Where are women in the light of the Compliance of the Convention on the Discrimination Against Women in Latin America and the Caribbean?), states some recommendations, still in vogue, which are summarized as follows:

- National mechanisms should promote the knowledge of the Convention among women’s groups, trade and labor unions, governmental and non governmental organizations.
- A public campaign to make known the objectives of the *Convention*.

- The objectives of the *Convention* and the forms and ways for its implementation should be the subject of discussion in assemblies, political parties, municipalities, and local councils.

- Introduction of the most important articles of the *Convention* into the curricula of the university, high schools and higher education institutes.

- Spreading of reports, recommendations, and decisions of the Committee, through the mass media.

- Formal establishment of the *Convention* dissemination mechanisms through a well-defined Plan of Action.

- To promote the analysis of the *Convention* in national meetings and conferences related to social, economic and political matters.

- To encourage the exchange of experiences through regional and inter-regional meetings with the purpose of facilitating and divulging the Convention.

Addendum

On December 28, 1998, after the third reading, the Legislative Assembly unanimously approved the Law (having no number and pending the President's approval) "whereby Equal Opportunity for Women is established". It is particularly based on the rights and principles of equality stated in CEDAW as well as in other Conventions on Human Rights. This law has, therefore, become one of the main impacts of CEDAW in our country.

The backgrounds of this law are found in the first two bills submitted to the Assembly in 1994 and 1995, which did not pass the first reading.

This last bill No. 69 of 1998 was submitted in October by Legislator Gloria Young, to the Legislative Commission on Matters related to Women, Children's Right, the Youth and the Family, and approved after the first reading on November 26, 1998.

In December, it was approved after the second and third reading by common consent of all of the Legislators.

It is a Law that was supported by the wom-

en's movement, through its representative in the National Council of Women, and by the Government, through the Ministry of the Youth, Women, Children, and Family.

Synthesis of the Law

"WHEREBY EQUAL OPPORTUNITY FOR WOMEN AND MEN IS ESTABLISHED."

The *Law of Equality* is divided into two main Titles: "On the Equality of Opportunities," and "On the Rights contained by the Equality of Opportunities."

Title One is subdivided in a chapter that establishes the State's public policy on Equal Opportunities for women and men. It states the principles on which this law is based, such as:

- Prohibition of all discrimination based on gender

- Equal rights before the Law

- Guarantee of Basic Human Rights and equal treatment and opportunities of social development as stated in CEDAW.

- Condemnation of all types of violence against women

- Protection to all human rights for girls and boys

- Equity, justice, and respect for human life

- Respect for the rights established in national legislation and international declarations and conventions

Its objective is to develop an anti-discriminatory public policy on gender, on the part of the State.

Its articles include a glossary of terms used in the law, such as: androcentrism, discrimination, discrimination against women, sexist education, equity, gender, gender perspective, among others.

It was established as a State's policy that the principle of equal opportunities will govern in every action, measure and strategy implemented by the Government. For this purpose, the Ministry of the Youth, Women, Children and Family was designated as the state entity in charge of the coordination, promotion, development, and supervision of the

public policy on the promotion of equal opportunities for women, through the national mechanism, that is, the National Directorate of Women.

**Annex No. 1:
Summary of Claims for
Unconstitutionality put in by Ms
Mariblanca Staff Wilson based on
CEDAW**

All the claims for unconstitutionality stated below received a favorable judgment by the Supreme Court of Justice.

1. Claim for Unconstitutionality against Article 1167 of the *Civil Code*, which limited the freedom of married women to sign a contract with their spouses, unless there was a legal separation of property.

Legal Basis of the Claim: It violates Articles 19 and 20 of the National Constitution, Article 7 of the *Universal Declaration of Human Rights*, and Article 15 of CEDAW.

2. Claim for Unconstitutionality against Articles 1192 and 1193 of the *Civil Code* whereby men are solely granted the administration of the property acquired in married life and faculties to sell and bind said property for a valuable consideration, without women's consent.

Legal Basis of the Claim: It violates Articles 19 and 20 of the *National Constitution*, Article 7 of the *Universal Declaration of Human Rights*, and Article 15 of CEDAW.

3. Claim for Unconstitutionality against Article 217 of the *Civil Code*, which established that the father who recognizes a child born out of wedlock, can omit the name of the child's mother.

Legal Basis of the Claim: It violates Articles 19 and 20 of the *National Constitution*, Article 7 of the *Universal Declaration of Human Rights*, and Article 15 of CEDAW.

4. Claim for Unconstitutionality against Article 19 of the *Civil Code* that established some restrictions for a married woman to administrate her property.

Legal Basis of the Claim: It violates Articles 19, 20 and 53 of the *National Constitution*, Article 7 of the *Universal Declaration of Human Rights*, and Articles 15 and 16 of CEDAW.

5. Claim for Unconstitutionality against Article 112a of the *Civil Code*, which established that a married woman is obliged to follow her husband, wherever he takes up his residence.

Legal Basis of the Claim: It violates Articles 19, 20, 27 and 53 of the National Constitution, Article 7 of the *Universal Declaration of Human Rights*, and Articles 15 and 16 of CEDAW.

6. Claim for Unconstitutionality against Number 2 of Article 35 of the *Family Code*, which established that a divorced woman is not allowed to remarry, within 300 days after the date of the dissolution of her marriage, or before giving birth in case she was pregnant, unless she certifies that she was not pregnant at the moment of the divorce.

Legal Basis of the Claim: It violates Articles 19 and 53 of the *National Constitution* and Articles 15 and 16 of CEDAW.

7. Claim for Unconstitutionality against Articles 1007 and 1008 of the *Administrative Code*, which established that a “*de facto*” separation of a woman from her husband was only accepted when there was a justified reason, and that if her husband duly alleged in a lower court, the woman's tendency to perversion, she should be placed in an honest house, or in grave cases, in a reformatory.

Legal Basis of the Claim: It violates Articles 19, 20, 27 and 53 of the *National Constitution* and Articles 15 and 16 of CEDAW.

8. Claim for Unconstitutionality against paragraphs contained in Number 1 of Article 311 of the *Labor Code*, which established that when the labor risks cause the worker's death, his or her surviving spouse or member of the marriage or “*de facto*” union, will have the right to receive an income equivalent to 20 percent of the annual salary of the victim, for six years. When the income is to be given to the husband, he only will have

the right to receive it in case he can justify that he is unable to work, and the woman would lose this right if she remarried or lived a married life with another man.

In addition, unconstitutionality is claimed against the last paragraph of Article 56A of *Decree-Law No. 14* of August 27, 1994, organic law of the Social Security Agency, which established that the widow of an active contributor or pensioner, will be entitled to receive a widow's pension. The disabled widower will have the same rights given to the widow provided that he was economically dependent on the deceased active contributor or pensioner.

Unconstitutionality is also claimed against the last paragraph of Article 56B of *Decree-Law No. 14* of August 27, 1994, which established that the widow's pension would cease to be paid if the widow remarried or lived together with another man, and she would only receive a payment equivalent to a year of her pension, or the remaining time of her pension, if it were less than twelve months, and thereafter she would lose all her rights.

Legal Basis of the Claim: It violates Articles 19,20, 53 and 109 of the *National Constitution*, Ordinal a), Number 1 of Article 16 of CEDAW, and Number 2 of Article 17 of the *Inter-American Convention on Human Rights*.

9. Claim for Unconstitutionality against Article 139 of the *Civil Code* which established that if a woman having children under parental authority or under guardianship or tutorship, from a previous marriage, dissolved or declared void, wanted to remarry, she should seek permission from the competent authority who would appoint a tutor or guardian for her children, that will substitute her. If there is no evidence that said guardian has been appointed, she cannot remarry; otherwise, she will be fined.

Legal Basis of the Claim: It violates Articles 19 and 20 of the *National Constitution*, Article 15 of CEDAW, and Article 7 of the *Universal Declaration of Human Rights*.

Annex No. 2

Interviews

Members of NGOs

Licda. Marta Barría, President of CODIM or "Coordinadora para el Desarrollo Integral de la Mujer" ("Coordinator for Women's Integral Development")

Licda. Margarita Muñoz, Co-coordinator of the "Foro Mujer y Desarrollo" (Women In Development Forum)

Licda. Nilda Moreno, Member of the "Foro de Mujeres de Partidos Políticos" (Forum of Women of Political Parties)

Ms. Mariela Arce, Director of CEASPA; Member of the "Foro Mujer y Desarrollo" (Women In Development Forum)

Licda. Gladys Miller, Director of CEFA; Co-ordinator of the "Red contra la Violencia (Network Against Violence)

Licda. Dagmar Alvarez, Member of CODIM

Licda. Ismenia Fitzgerald, Member of the "Colectivo Feminista Clara González" (Clara Gonzalez Feminist Group)

Other Interviews

Dr. Amelia Marquez de Pérez, Consultant of UNDP-Panama (United Nations Development Program in Panama)

Licda. Rosina Pérez, Member of CLADEM; Consultant of the "Programa Mujer, Justicia y Género" ("Women, Justice and Gender" Program) of ILANUD

Licda. Rina Barba, Consultant; Former Director of the "Oficina de la Mujer" (Women's Office)

Licda. Magaly Castillo, Director of the "Comisión de Justicia y Paz" (Commission on Justice and Peace)

Officials of Governmental Organizations:

Licda. Alma Montenegro de Fletcher, General Attorney of the Administration

Dr. Urania Ungo, National Director of Women, Ministry of the Youth, Women, Children and Family

Licda. Nischma Villarreal Chávez, Chief of the Department of Human Rights, National Directorate of Women, Ministry of the Youth, Women, Children and Family

Licda. Mariblanca Staff Wilson, General

Director of the Public Registry

Licdo. Janio Iván Tuñón, Director of the Department of Social and Humanitarian Development, International Organizations and Conferences Directorate, Ministry of Foreign Affairs.

Note: The title “Licda,” (Licenciada) for women, and “Licdo,” (Licenciado) for men, in Panama, is given to person holding a university’s degree which is equivalent to Bachelor of Arts or Bachelor of Science.

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