Panama

1. Discriminatory family code

Under Panama’s Family Code, the minimum age for marriage with parental consent is 16 for males and 14 for females, and 18 for both without parental consent. The law provides that women and men may freely choose their spouse and enter into marriage by their own free will. Concerning early marriage, according to 2002-2012 data, 3.8% of children were married by the age of 15 and 22.2% by the age of 18.

Women – both married and unmarried – can be heads of household in Panama. There is no data available on parental authority, though Article 1 of the Family Code stipulates “equal rights and duties” for spouses. The Equal Opportunities for Women law states that the government must provide services that allow for an equitable distribution of family responsibilities in couples. The right to jointly decide on the location of the family home is stipulated in the Family Code.

There is no legal discrimination on the basis of gender with respect to inheritance under the Civil Code. Indigenous groups in Panama, however, do have inheritance systems based on indigenous laws, though it is unclear how these affect women’s rights.

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Both spouses have the right to initiate a divorce, after two years of marriage, as established by the Family Code. Moreover, child custody may be shared or sole, depending on the particular case, and is decided by a judge. However, in its 2010 report, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) raised concerns that equal sharing of marital property upon divorce only relates to tangible property and does not include property such as pension and savings funds. Additionally, in their shadow report to the CEDAW Committee,

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1 Article 33
2 UN Statistics Division (2008)
3 CEDAW (2010a), p. 37
5 World Bank (2013a)
6 FAO (n.d.)
7 CEDAW (2010a), p. 14
8 CEDAW (1997), p. 116
9 FAO (n.d.)
10 FAO (n.d.)
11 Family Code Article 212
12 Family Code Article 217
13 CEDAW (2010b), p. 12
representatives from several indigenous groups in Panama described the “very strong cultural and religious” influences on the number of children in families.\footnote{National Indigenous Women’s Coordination of Panama (2009)}

2. Restricted physical integrity

**Domestic violence** is covered under the 2001 Law against Intra-family Violence, which amended the Penal Code, providing for a comprehensive definition of violence against women that includes physical, psychological and sexual components.\footnote{OAS (2012), p. 108} Under revisions to the Criminal Code in 2007, the sentence for the crime of domestic violence rose to 2-4 years in prison and in some cases to 4-6 years imprisonment, up from 1-3 years under previous laws.\footnote{CEDAW (2010a), p. 11} Further, under the new Criminal Code, prison sentences are also longer for a person who assaults or murders another in an act of domestic violence.\footnote{CEDAW (2010a), p. 11} The Organization of American States, in its review of Panama’s compliance with the Belem do Para Convention on Violence against Women, observed that “under Panama’s Domestic Violence Law, traditional community leaders may apply protective measures (Article 7) as well as those measures prescribed by their own internal normative systems” and noted that more information was needed on the implementation and the impact on victims of violence.\footnote{OAS (2012), p. 68}

Although the state has developed a mechanism to compile and co-ordinate statistical data in the form of the Panamanian Observatory on Gender Based Violence, there is limited available data on the prevalence of violence against women.\footnote{OAS (2012), p. 188} According to the most recently available data from the government, there were 3,047 domestic violence crimes in 2008 and 3,179 in 2009.\footnote{OAS (2012), p. 198} In its 2010 shadow report to CEDAW, the non-governmental organisation Latin American and the Caribbean Committee for the Defense of Women’s Rights reported that the number of deaths of women associated with domestic violence is increasing.\footnote{Latin American and the Caribbean Committee for the Defense of Women’s Rights (2010)}

According to its report to the Organization of American States on compliance with the Belem do Para Convention on Violence against Women, Panama directed 1% of the 2010 budget of the Ministry of Social Development to projects tackling violence against women, and projects were also funded by the Inter-American Development Bank, UNFPA and UNIFEM (now UN Women), including several public campaigns intended for various populations, including youth.\footnote{OAS (2012), pp. 182, 138} There is only one shelter for women fleeing domestic abuse in the country.\footnote{OAS (2012), p. 173}

The Criminal Code in Panama prohibits **rape**, with a punishment of 5-12 years imprisonment. The sentence is 10-15 years if the rape is committed by a person who knows they are infected with an incurable sexually transmitted disease or HIV.\footnote{CEDAW (2010a), p. 20} Marital rape is included in the definition of rape.\footnote{OAS (2012), p. 116}

**Sexual harassment** is addressed on several levels. Article 19 of Panama’s Constitution stipulates that “there shall be no discrimination on the grounds of race, birth, social class, sex, religion, or political
Further, Law No. 9 of June 1994 “Establishing and Regulating the Administrative Career” includes a provision that establishes sexual harassment as immediate grounds for dismissal in administrative careers.\textsuperscript{27} Also, Law No. 4 on Equal Opportunities for Women (1999) has a provision for the prevention of sexual harassment.\textsuperscript{28} Finally, Law No. 28 of 2001 classifies sexual harassment as a crime, punishable with 1-3 years imprisonment.\textsuperscript{29}

According to the shadow report to CEDAW by the non-governmental organisation Asociación Panameña de Personas Trans (Panamanian Association of Trans People), lesbian, bisexual, transsexual and transgender women are especially prone to discrimination and violence in Panama. This is particularly so with transsexual and transgender sex workers, who are vulnerable both to violence by individuals, as well as violence and arbitrary arrest by police.\textsuperscript{30}

A representative from the United Nations Population Fund reported in 2010 that, as in several other countries in the region, femicide was on the rise in Panama; 54 cases of femicide were reported in 2009.\textsuperscript{31} However, as the UN Deputy High Commissioner for Human Rights pointed out in a recent statement, no laws addressing femicide exist in Panama; at least seven Latin American countries do have such laws.\textsuperscript{32}

The NGO Latin American and the Caribbean Committee for the Defense of Women’s Rights reports that trafficking is a particular problem in Panama because of its position as a corridor of transit.\textsuperscript{33}

Limitations on women’s reproductive rights also infringe upon women’s physical integrity in Panama. Abortion is permitted to save a woman’s life or health or in the event of rape or incest. It is not permitted in the event of foetal impairment, on request or on social or economic grounds.\textsuperscript{34} In the event of rape, there is a limitation that the termination is carried out within the first two months of pregnancy and the rape is evidenced in court proceedings.\textsuperscript{35}

\section*{3. Son bias}

The male-to-female \textbf{sex ratio} at birth in 2013 is 1.05 and for the working age population (15-64 years old) 1.02.\textsuperscript{36} There is no evidence to suggest that Panama is a country of concern in relation to \textbf{missing women}.

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There is virtually no gender gap in pre-primary education, based on data from 2008 to 2012.\textsuperscript{37} The ratio of female to male primary education enrolment was 97.1 in 2012. For the same year, there is a slight gender gap in primary school enrolment percentage in detriment of girls. The trend is reversed in secondary education.\textsuperscript{38}

\begin{footnotes}
\item 26 CEDAW (2010a), p. 5
\item 27 CEDAW (2010a), p. 5
\item 28 Article 11.11
\item 29 CEDAW (2010a), p. 9
\item 30 Asociación Panameña de Personas Trans (2009), p. 2
\item 31 UNFPA (2010)
\item 32 UN Office of the High Commissioner for Human Rights (2013)
\item 33 Latin American and the Caribbean Committee for the Defense of Women’s Rights (2010)
\item 34 UN DESA (2013)
\item 35 CEDAW (2010b), p. 2
\item 38 World Bank (n.d.)
\end{footnotes}
4. Restricted resources and assets

There is no reported discrimination with respect to women’s access to land. In 2001, Law No. 68 was introduced which is considered a step forward in advancing women’s rights to own land.39 This law establishes that spouses or partners in a de facto union may legitimately purchase land and the state is required to promote joint titling of land. It is unclear how this legislation is implemented in practice, or whether these rights are fully enjoyed by indigenous groups in Panama.

Legally, women have the same rights as men regarding access to property other than land.40 However, as noted in the Family Code section, the Committee on Elimination of Discrimination against Women raised concerns that the equal sharing of marital property upon divorce only relates to tangible property and does not include intangible property such as pension and savings funds.41

With respect to access to bank loans, Law No. 4 on Equal Opportunities for Women establishes that credit unions and retail co-operative societies must support women, particularly in rural areas.42 The government reported in 2010 that women are the main participants in saving and loan co-operatives.43 According to the latest data from the World Bank, in 2011, a slightly higher percentage of men (11.2%) than women (8.3%) had received a loan from a financial institution.44

Women made up approximately 40% of borrowers at microfinance institutions in the country in 2012,45 and the data on women’s participation in the entrepreneurial sector also indicates that women’s access to credit is improving. The number of enterprises registered by women has risen from 1,863 in 2001 to 4,002 in 2005, although there was an unexplained decrease to 2,505 in 2006. Women’s entrepreneurial activities mainly take place in the commercial and services sectors.46

5. Restricted civil liberties

There are no legal restrictions on women’s access to public space in Panama although, some groups of women, such as lesbians and transgender women, do not enjoy full freedom of access.

With respect to political voice, evidence suggests that there is a strong and active women’s movement in Panama. In 2010, the government reported that women’s civil society organisations have played a critical role in advocating for and proposing gender equality architecture, laws and policies.47 However, in their shadow report to the CEDAW Committee, representatives from several indigenous groups in Panama described women’s disadvantages in the areas of social and political participation, noting that “little help has been forthcoming from the traditional and government authorities towards achieving participation by women (in boards of congresses, elected government positions and public posts)”48. In 2012, seeking to address these shortcomings, Panama instituted a quota law which requires nominating lists for positions in the National Assembly to be composed of at least 50% women.49 (There is no information on whether there is a quota for indigenous women

39 CEDAW (2010a), p. 10
40 CEDAW (2010a), p. 37
41 CEDAW (2010b), p. 12
42 CEDAW (2010a), p. 32
43 CEDAW (2010a), p. 33
44 World Bank (2013b)
45 Microfinance Information Exchange (2013)
46 CEDAW (2010a), p. 33
47 CEDAW (2010a)
48 National Indigenous Women’s Coordination of Panama (2009)
49 Electoral Code, Article 234, Amended by law 54, Article 6; The Quota Project (2013)
specifically.) However, this mandatory provision applies to nomination lists for parties’ primaries and internal elections, but not to the parties’ candidate lists in the national or sub-national elections.  

Based on 2014 data, there are 6 women, out of 71, in Panama’s single house Parliament. This represents 8.5%.

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The Equal Opportunities for Women law in Panama provides for women’s equal treatment in the workplace. Women’s right to equal pay is set out in the Constitution. Executive Decree No. 53 of June 2002 prohibits the use of pregnancy testing by employers in both the public and private sectors.

The Labour Code provides for 14 weeks maternity leave to be paid at 100% of wages. All women in public and private sectors are covered, although domestic, casual and seasonal workers are covered under special provisions (which are unclear). Wages are paid by the Social Security Fund up to a certain amount, and the employer is required to cover the difference (if the amount paid by the Fund does not cover 100% of the regular salary).

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50 The Quota Project (2013)
52 CEDAW (2010a), p. 28
53 CEDAW (2010a), p. 28
54 ILO (2011)
55 CEDAW (2010a), p. 29
56 ILO (2011)
Sources


UN Office of the High Commissioner for Human Rights (2013) Statement of the UN Deputy High Commissioner for Human Rights at the Gender Related Killing of Women,


USAID (2004), Gender Assessment for USAID/Panama, US Agency for International Development, Washington, DC.

