



Gender Assessment for USAID / Panama

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The Women in Development (WID) IQC

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ACRONYMS AND ABBREVIATIONS

ACDI/VOCA	Agricultural Cooperative Development International/Volunteers in Overseas Cooperative Assistance
ACP	Panama Canal Authority
ADS	Automated Directives System
ANAM	The National Environment Authority
APS	Annual Program Statement
CAM	USAID regional designation for Central America and Mexico
CBO	community-based organization
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CICH	Inter-Institutional Commission of the Panama Canal Watershed
CODIM	Coordinator of Organizations for the Integral Development of Women
CSP	Country Strategy Plan
CTO	Cognizant Technical Officer
DAC	Development Assistance Committee
D&G	Democracy and Governance
DINAMU	National Directorate for Women
EG	Economic Growth
EGAT/WID	USAID/Washington Office of Women in Development
ERA	Equal Rights Act
EU	European Union
FAO	Food & Agriculture Organization of the United Nations
FTA	Free Trade Agreement
FUNDAMUJER	Fundación para la Promoción de la Mujer
FY	fiscal year
GBI	Gender Budget Initiatives
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICT	Information and Communication Technologies
IDB	Inter-American Development Bank
IDRC	International Development Research Centre (Canada)
IFES	International Foundation for Election Systems
IICA	Interamerican Institute for Agricultural Cooperation
IIDH	Interamerican Institute for Human Rights
ILO	International Labor Organization
INRENARE	National Institute of Renewable Natural Resources
IPED	Institute of Private Enterprise Development
IR	Intermediate Result
IT	Information Technology
IUCN	World Conservation Union
IWRAP	International Women's Rights Action Watch
MEDUC	Ministry of Education
MIDA	Ministry of Agriculture
MINJUMNFA	Ministry of Youth, Women, Children, and Family
MINSA	Ministry of Health

MIPPE	Ministry of Planning and Economic Policy
NDI	National Democratic Institute
NDS	National Development Strategy
NGO	Non-Governmental Organization
NRDC	National Resource and Documentation Center for Gender and Development
NRM	Natural Resource Management
OECD	Organization for Economic Co-operation and Development
OIT	Office of Information Technology
PILA	Parque Internacional de la Amistad
PIOM II	Second Plan for Equality of Opportunity for Women 2002-2006
PLWHAs	People Living With HIV/AIDS
PMP	Performance Monitoring Plan
PRA	Participatory Rural Appraisal
PROIGUALDAD	Equal Opportunity Promotion Project
RFA	request for assistance
RFP	request for proposal
SME	Small and Medium Enterprises
SO	Strategic Objective
SPO	Special Objective
TIFI	Trade, Industry, Finance and Investment
UN	United Nations
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Program
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
VAW	Violence against Women
WHO	World Health Organization
WID	Women in Development
WTO	World Trade Organization

EXECUTIVE SUMMARY

The Gender Assessment for USAID/Panama was completed in February 2004 as part of the preparation of the new Country Plan for 2004-2008. USAID requires both the assessment and the integration of gender considerations in the Country Plan itself. The identification of gender issues in the strategy is the first step in the process of mainstreaming gender in Mission programs and activities, focusing on the effects of gender differences on program results and of the program on the relative status of men and women. Gender integration involves an understanding of the relationship between men and women in terms of the roles they play, which are interdependent, of the relationships of power between them, and their differential access to resources. This understanding is necessary at the level of the USAID Mission, its implementing partners, and the community-based groups.

The report includes an overview of factors affecting the status of women in Panama, key gender issues in the country, and government, non-governmental organizations (NGOs), and donor resources directed to these issues. It then focuses directly on USAID/Panama strategic program areas to identify gender issues specific to these programs and the implementing partners, and to make recommendations for gender mainstreaming in the country plan and projects. This report is intended as a working document for the Mission, to serve as a starting point and a reference in the mainstreaming process. Key steps continue after this report. Using the recommendations as a guide, the Mission will incorporate gender considerations into activity designs, contract awards, and program implementation. Monitoring data may alert the project to needed mid-course adjustments.

USAID has affirmed the importance of gender relations for results of development programs. Integration of gender requires management to accept responsibility for ensuring that gender is integrated in all processes and activities of the organization. The tools available for the integration of gender must clearly reflect the vision, mission, objectives and strategies that are in place. A decision to integrate gender within an organization and its activities calls for strong commitment, clear guidelines and an overall framework for reference.¹ With a clear understanding of gender integration the Mission staff will be able to work effectively with the implementing partners on gender mainstreaming in Mission activities.

Gender mainstreaming is required of all Panamanian government organizations. All ministries have a gender or women's office, and agencies must report how their programming and activities incorporate gender. The women's movement and women's NGOs have been a significant force for advocacy and change, bolstered by links to international conventions and UN conferences. Several donor organizations, especially the EU, have provided support for improving the legal and governmental foundation for gender equality.

In many respects, the relationship between men and women in Panama, in terms of roles, access to resources and power are similar to other Latin countries. Women, compared to men, have less income, are paid differently, and tend to be more limited in the roles society has placed on them. Women are usually the primary caregivers in the home. Increasingly, women also are heads of households, assuming a role traditionally reserved for men. The effectiveness of the

¹Friedrich-Ebert-Stiftung, Practicing Gender: THE TOOL BOOK, 2003.

extensive legislation enacted during the past decade to reinforce the human and legal rights of women is limited by weak enforcement.

- Women are more likely to be living in poverty, and are increasingly carrying sole responsibility for household maintenance and childrearing. In Panama 25 percent of the heads of household are women.
- In the formal sector, public and private, women are in lower paying jobs than men and less likely to be in decision-making positions.
- Although women overall have higher levels of schooling than men, they generally earn less than men, even in very similar positions.

As the Mission moves forward, with an emphasis on governance, participation, and community development, in addition to national level policy and institution building, gender issues take on increased importance for program results and sustainability.

Watershed and Buffer Areas Management

The Mission's continuing support to strengthen the institutions and technologies for sustainable management of the Panama Canal watershed involves collaborative work with the Government of Panama, through the Panama Canal Authority (ACP) and the Inter-institutional Commission for the Canal Watershed (CICH), and projects with NGOs, municipalities, and communities. The program is implemented through two groups of activities. First, working through a co-funding agreement with the ACP, model community projects implemented by NGOs will provide technical assistance and local infrastructure for integrated management in five pilot sub-watersheds. USAID also is funding several similar projects on a small scale outside the pilot areas. The CICH will play a central coordination and documentation role in these and other grassroots efforts. The second group of activities focuses on two national parks and protected areas within the canal watershed and their buffer zones. The objective is coordinated involvement of communities, government, and the private sector to make the parks ecologically and economically sustainable, through improved park management and alternative economic activities.

The recommendations for gender mainstreaming focus on the process for implementing these activities, particularly those at the local level:

- Include gender specialists in the design work with partners. Support baseline and feasibility studies in the communities, using a participative methodology. Design and implement projects for the sustainable use of resources that take account of gender-specific factors like access and use of water sources, the impact of domestic tasks on the environment, and the equitable participation of women in decisions about planning and implementation.
- Include capacity building in gender analysis and gender mainstreaming for all implementing partners.
- Support efforts to measure and document experience in previous community watershed projects built around a broad-based participative methodology and gender analysis in design and implementation.
- Develop gender-sensitive indicators to monitor and measure the impact of gender relations on project results and the impact of the project on the relative status of men and women.

- Encourage and support the CICH to take a leadership role in (1) providing case studies of successful projects that have integrated gender considerations, (2) including sex-disaggregated statistics in the community database, and (3) developing examples of gender-sensitive indicators for projects in the sub-watersheds.
- Consider providing training for *corregidores* and other local authorities about the relationship of gender roles, needs, and resources to harmful and illegal activities such as illicit logging. Incorporate this knowledge in enforcement protocols.
- In its programs at the institutional level, USAID could support actions and policies to strengthen the spirit and content of the section of *Ley No.4, Igualdad de Oportunidades*, on gender and environment.

Governance and Transparency

Panama's highly centralized justice system is recognized as "inefficient and unaccountable," unresponsive to the needs of all citizens, men and women, and inaccessible especially for the poor. The Mission's current pilot program in this sector lays the foundation for a combination of activities to strengthen civil society organizations to contribute to broad-based reform of the justice system, and activities to improve access to the justice system at the local level, especially in the Darien.

The overriding issues confronted in administration of justice are national in scope, encompassing all citizens, both men and women. The organizations of the women's movement, as key advocates in defining women's issues for the public agenda, have shown little interest in the justice system *per se*. At the same time, while gender has not been a prominent factor in identifying the broad issues in the USAID justice and governance program, gender is an important consideration in the construction of the solutions to these issues. Along this line, two women's organizations have recently affiliated with *Alianza Ciudadana pro Justicia*, the NGO umbrella organization supported by USAID as its principal partner in this program. The USAID program is proposing a number of activities at both the national and the local level. Gender mainstreaming recommendations focus on these activities.

- Monitor the participation of civil society organizations for representation of gender-specific concerns and women's points of view. Take steps in terms of outreach to correct any imbalance.
- Include gender issues as a component of all requests for proposals for grants to NGOs and community-based organizations (CBOs).
- Arrange to have gender specialists involved in the drafting and review of all new legislation. Continue to reinforce the use of gender-aware language in all publications developed under the program.
- Continue sex disaggregation of data for monitoring the Mediation Centers, including the number and kinds of cases, and outcome of the mediation.
- Include a discussion of gender relations in training with justice sector officials, mediation counselors, police, community groups, and NGOs, and specifically address gender-based violence and domestic violence, and legal and human rights of women. Take steps to ensure that all training for *corregidores* includes a gender focus.
- Seek to strengthen the database of basic statistics in justice administration, and ensure that sex disaggregated statistics are collected and reported.

Selected Darien Communities Strengthened

While the current rural community development project in the Darien will conclude at the end of FY 2004, the Mission anticipates continuing activities in the province under the two strategic objectives of the new Country Plan. The focus on community-level programs and developing community infrastructure requires intensive grassroots work over an extended period, complicated by the isolation and poverty of the region, relative absence of government institutions, and diverse ethnic and cultural sub-groups.

In part as a response to pressure to move the program quickly, gender differences and inequalities were not explicitly addressed in the early stages of the project. Project implementers have the impression that men and women have participated in community meetings and strategy sessions more or less the same but no concrete data are available. The next phase proposed for the Darien includes community development and infrastructure projects within the context of the Watershed Management strategic objective, and improved local governance and local access to national institutions through the Governance strategic objective. Recommendations for gender mainstreaming in future activities in the Darien are extensions of the recommendations for the Watershed Management and Governance programs.

- Include a gender specialist in Darien activities to: (1) assist in employing gender-inclusive methodologies in the community strategy process; (2) carry out baseline gender analyses for communities and ethnic groups; and (3) train project field staff to increase their awareness of gender issues and their ability to identify gender roles and relationships that affect project activities and results.
- Develop indicators at all levels of the project, from the community up to the project as a whole to monitor participation of men and women, including the numbers of participants in various activities, leadership positions, community organizations, etc., and the impacts of this participation on the community.
- Engage in outreach directed to women to educate them about their rights and the ways to access legal and social services of the community.
- Working with the *Fundación Pro Niños del Darien*, consider joint activities and meetings among communities for demonstration/training by progressive communities and to begin to foster community networks. Specific attention can be given to ensuring women's participation in these activities, and to including gender content in the training.

Next Steps in the Mission

As the first step in the programming process, the Gender Analysis for the Country Plan may serve as a guide for identifying points at which gender considerations and constraints could be incorporated into projects and activities, and the accompanying Performance Monitoring Plan. The Mission has a Gender Officer with responsibility for managing this process and ensuring that the requirements are met. It is important that this person have the full support of senior management, and access to the necessary resources to acquire the technical assistance and training for Mission staff and project implementers. Although, as a small Mission, a Gender Committee with representatives from various program areas may not be recommended, it may be useful to identify a core of persons who will support the Gender Officer in these tasks. The on-going relationship anticipated with the local gender specialist could be particularly valuable.

Since gender mainstreaming is new to the Mission, most Mission contractors and partners lack clear direction and guidance on how to approach gender mainstreaming in USAID activities. There is a strong desire and commitment to follow the new gender mainstreaming guidelines. A training session/workshop for all Mission staff and partners on gender and development and gender mainstreaming in development programs is a necessary first step to establish a common understanding. The workshop, perhaps facilitated by a local gender specialist, also could be used to identify appropriate gender-sensitive indicators for the projects. Training/technical assistance with the contractors and NGOs affiliated with each program area will be useful to identify gender factors in particular activities. The Mission also may wish to provide written guidance to the umbrella contractors showing how to incorporate gender into RFPs/RFAs that they are issuing for community-level activities, including recommendations on how to evaluate the bidder's response to this topic in the proposals.

Recommended methods for expanding the effectiveness of gender mainstreaming, for implementation of gender mainstreaming within the Mission, and compliance with the ADS requirements include:

- Training in gender awareness and particularly in gender analysis for USAID Mission staff and implementing partners to define gender parameters, so that “everyone speaks the same language.”
- Providing partners with tools to write the gender section of requests for proposals/requests for assistance (RFPs/RFAs), and to assess the bids for compliance and enhance the probability of successful gender implementation.
- Including gender as a part of periodic portfolio reviews and quarterly reports.
- Including responsibility for gender mainstreaming in job descriptions and performance review criteria.
- Providing assistance to partners in development of gender-sensitive indicators to monitor the progress and impact of gender mainstreaming in the activities.
- Ensuring senior management support and resources for the Gender Advisor for management of the implementation of ADS requirements related to gender. Provide access to technical assistance for field activities, and ensure that gender is appropriately integrated into all Mission training activities.

I. Introduction

USAID/Panama is in the process of completing the Country Plan for the period FY 2004 to 2008, incorporating its program within the framework of the Central America and Mexico Regional Strategy for USAID. In support of this process, the Mission requested assistance to carry out an assessment of the intersection between gender as a factor in development and the proposed strategy. The assessment was developed during two weeks in February 2004 by a team of three consultants: Janice Jorgensen, team leader; Silma Pinilla Diaz, local gender expert; and Virginia Lambert, technical advisor.

A gender assessment is a required element of the USAID strategy preparation process. Its purpose is to provide an overview of key gender issues and to make recommendations about how the Mission may deal with these issues and achieve greater gender integration in its programs. Gender integration in USAID programs focuses on two main factors: the impact of gender relationships on program results, and the impact of the program on the relative status of men and women.

The assessment involved a review of documents from the Mission, other donors and the government, as well as interviews with government officials, donors, NGOs, and project implementers. The team met with project managers of all the projects as well as with the program office and others involved in development of the strategy. The team also provided a short training session concerning the USAID requirements for gender mainstreaming in the program cycle, and a de-briefing discussion with the staff. The Scope of Work for the assessment is found in Annex A. Individuals interviewed for the assessment are listed in Annex B. Annex C lists documents consulted, and Annex D provides additional data and statistics on gender issues in Panama.

The team acknowledges with gratitude the collaboration of the Mission staff and numerous other individuals contacted, who gave generously of their time and information. The report reviews the concept of and requirements for gender integration and mainstreaming in USAID. This section is followed by an overview of contextual factors affecting the status of women and gender relations in Panama, including the activities of government agencies, women's NGOs, and other donors. The report then reviews each SO and provides recommendations for gender integration in the program. Finally, it outlines next steps for implementation of gender mainstreaming in the Mission and the Mission program.

The team would also like to report that it received compliments about the Mission's current activities. One interviewee, the head of a local institution said, "This is the best USAID mission in years."

II. Gender in Development

In its current ADS, USAID has instituted specific requirements to ensure that appropriate consideration is given to gender as a factor in development. The integration of gender considerations in development involves an understanding of the relationship between men and women in society, in terms of the roles they play, which are interdependent, and of the relationships of power between them and their differential access to resources. Both aspects of the definition of this relationship are important in applying gender analysis to development – different and interdependent roles, and relations of power and access to resources between men and women.

Gender refers to “the economic, social, political and cultural attributes and opportunities associated with being male and female.”²

From the point of view of development programming, the concern with gender integration focuses on the impact of these relationships on program results, and on the impact of the program on the status of women. The point is to look for the implications of any program or policy for men and women, and to incorporate the needs and experiences of women and men as an integral part of the design, implementation and monitoring.

Gender integration, or gender mainstreaming, usually – but not always – involves a focus on women because women almost always are in a subordinate position in society. USAID pays attention to gender not only because gender affects program results but also to promote gender equality and empowerment of women.

Gender Integration means taking account of both the differences and the inequalities between men and women in program planning, implementing, and assessing. Experience has shown that sustainable changes are not realized through activities focused on women alone.

Gender Mainstreaming is the term adopted by the 1995 Fourth World Conference on Women in Beijing to designate the methods and institutional arrangements for achieving gender equality. Gender mainstreaming goes beyond accounting for gender considerations in programs. Rather than regard gender issues as special interests to be taken up separately, gender mainstreaming is an approach that treats gender as a critical consideration in policy formulation, planning, evaluation, and decision-making procedures.

Like gender integration, gender mainstreaming refers to the practice of taking account of the differential roles of men and women and of the relationship and balance between them, but it also confronts the institutional structures that support this relationship. Gender mainstreaming involves the analysis of gender-based constraints and effects at all levels and the incorporation of this information into policy-making, decision-making, budgeting, and program design and implementation.

² Development Assistance Committee (DAC) Guidelines for Gender Equality and Women’s Empowerment in Development Cooperation. OECD: Paris. 1998.

Basically the ADS requirements involve:

- Technical Analyses & Strategic Planning (ADS 201.3.8.4), and incorporation of the analysis in the strategic objective statements (ADS 201.3.7.1);
- Performance Monitoring Systems for Strategic Objectives and Intermediate Results (ADS 203.3.4);
- Activity Design (ADS 201.3.12.6) and Activity Approval Documents (ADS 201.3.6.3);
- Issuance and evaluation of RFPs (ADS 302.5.14) and RFAs (ADS 303.5.5b).

The present report deals with the first item, Technical Analyses and Strategic Planning. The ADS states, “Gender analysis is a required component of technical analyses done for strategic planning and development of results frameworks.” The Gender Assessment is not a stand-alone document. Gender integration means that gender analysis is a part of each sector assessment. This report is intended to provide the Mission with a baseline and reference document, a broad overview of the status of women in Panama and key gender issues.

Gender analysis refers to the socio-economic methodologies that identify and interpret the consequences of gender differences and relations for achieving development objectives. An examination of gender differences and relations cannot be isolated from the broader social context.

Differential access to and control over resources (land, labor, capital, produce, tools, knowledge, institutions, social networks) is an essential component of the analysis, as is the comparative participation of men and women in the exercise of power and decision-making. Collection of sex-disaggregated quantitative and qualitative data provides the empirical foundation for assessing potential impact of gender relations on the program and the relative benefits to men and women.

III. Overview: The Context for Gender Integration in Panama

Background³

During the decade of the 1990s, considerable progress was made in women's rights at the political and institutional levels as a result of pressure from the women's movement. Several proposals emerged during this process, sponsored by women from different political, religious, and social sectors, with the goal of identifying their demands in an articulate and coherent manner. The Women and Development Forum was created in 1992, to develop the strategy later adopted by the government, the 1994-2000 National Women and Development Plan, "Let Us Build a Future With Equality."

Using this framework, the coordinating organizations began activities to implement the Plan with support from the European Union. The agreement between Panama and the European Union was approved in 1996. The program consisted of six (6) major projects, divided into 38 components. (For more details see Annex D.1: Summary of Projects of the Equal Opportunities Programs in Panama). Currently, the women's movement is planning a public event to present a new Women and Development Pact for political candidates to sign, pledging to include the current PIOM II⁴ in the government agenda if they are elected.

Other Actions concerning Women and Gender during the Last Decade

- Elaboration of public policies, plans, programs, and projects with a gender perspective, including two National Plans:
 - The Women and Development Action Plan and its Implementation. 1994-1996.
 - Women's Equal Opportunities Plan (PIOM No. II). 2002-2006.
- Establishment of national and sectoral mechanisms for the advancement of women's condition, such as the National Council of Women and its technical secretariat, the National Directorate of Women in the Ministry of the Youth, Women, Children, and Family; and mechanisms within state institutions. The National Council of Women is a forum for dialogue about implementation of the demands set forth by the women's movement and stated in the Women and Development Plan of Action, and PIOM II.
- Promotion of the institutionalization of the gender perspective (PROIGUALDAD-European Union/Government of Panama; and others). The Equal Opportunity Promotion Program in Panama, through the National Council of Women and the National Directorate of Women, is monitoring nationwide implementation of the Women and Development Plan of Action and the Platform of Action of Beijing 1995: the evaluation of women's human rights; the status of rural women; and the governmental mechanisms for women.
- Progress has been made through the adoption of a series of laws of special interest for women. (See Annex D.2 and D.3.)

³ Some aspects have been taken from Pinilla Díaz, Silma, contribution to the IWRAW international meeting on CEDAW in the follow up process for Beijing 5, New York 22 January 2000. Besides the bibliographic references, other aspects have been taken from the document Situación actual de la Mujer en el Desarrollo (WID) en Panamá. Japan International Cooperation Agency (JICA), 1998, and updated information.

⁴ Women's Equal Opportunities Plan (PIOM No. II) 2002-2006, a continuation of the former Women and Development Plan.

The Ministry of Youth, Women, Children, and the Family, which includes the National Directorate of Women, was created in 1997, by Law No. 42, and charged with management of public policies concerning equality of opportunities. It seeks to work closely with NGOs and other organized civil society groups, and can subsidize NGO activities that serve the sub-populations targeted by the Ministry. It also has created organizations like the *Consejo Nacional de la Mujer* to serve as forums for formulating, discussing, and developing a consensus around national policies for women. In general, the Ministry and the Directorate for Women have capable staff and have made strides in defining policies and in collaborating with other Ministries, but they are perpetually under-funded. Among Ministries, this Ministry has the smallest proportion of the national budget, and most activities depend on funding from international organizations, especially the United Nations (UN) system, the European Union (EU), and regional organizations like the Interamerican Institute for Agricultural Cooperation (IICA) and the Interamerican Institute for Human Rights (IIDH). Presently, the Ministry is seeking funding for implementation of the Second Plan for Equality of Opportunity for Women 2002-2006 (PIOM II).

Despite these efforts, discriminatory laws and situations still exist in the judicial system. For example:

- Gender has not been mainstreamed in all public institutions;
- Women's participation in the design of public policies remains marginal;
- Public officials responsible for implementation and enforcement have insufficient training in a gender perspective; and
- Women lack understanding of their rights and laws regarding social equality.

Priority Problems Related to Gender in Panama

Critical areas that continue to affect women disproportionately include:

- Poverty;
- Low labor force participation and unequal wage conditions;
- Weak participation in politics: in political power and decision-making positions; and
- Domestic violence and gender-based violence.

1. Poverty

The Republic of Panama has a population of nearly three million (2,839,177 persons, 49.5 percent of whom are women).⁵ Panama has one of the highest per capita income levels in Latin American, but it also has one of the most skewed income distributions in the world, similar to that of Brazil and a little lower than South Africa.⁶ The most recent poverty assessment,⁷ the 1997 "Living Standards Study: A profile of Poverty in Panama" (MIPPE, 1998),⁸ showed that poverty affects 37 percent of the population and 28 percent of households in Panama. Poverty is most intense in indigenous and rural areas: 16.2 percent in urban areas; 63.4 percent in rural areas; and 90 percent in indigenous and remote areas. In marginal urban zones the situation of women is critical, and it is even worse in rural and indigenous areas, where women face high

⁵ Contraloría General de la República de Panamá. Censo Nacional de Población y Vivienda. 2000.

⁶ Banco Mundial, Panamá Estudio sobre Pobreza, 2000.

⁷ An update of this assessment is currently being carried out.

⁸ The methodology for measuring poverty differs from that used up to present based on income. This study measures poverty in terms of consumption.

levels of illiteracy, limited access to basic social services, reduced land ownership and strong cultural barriers.

- Illiteracy rates are highest among poor indigenous women (50 percent).
- Unemployment rate for women is higher than for men and even higher for poor and extremely poor women (three times as high as that for men). Poor and extremely poor women between the ages of 15 and 29 years are the most affected.
- Poor women in rural and indigenous areas have more children (3.86) than non-poor women (2.38).
- With less education, women have more children. Women without schooling have 5.14 children on average, while those who completed basic schooling have 3.58. Among poor women, these averages increase to 5.30 and 4.02, respectively.
- Poor women show a higher incidence of early pregnancies (ages 15 to 20).

According to estimates from the National Report on Human Development (Informe Nacional de Desarrollo Humano, Panama 2002),⁹ using the official definition of poverty, “Poverty measured by income in Panama reaches 40.5 percent of the population, of whom 26.5 percent live in extreme poverty.” Between 1970 and 2000, poverty affected between 37 percent and 42 percent of the population, and extreme poverty varied between one fourth and one fifth of the population.

2. Employment

Article 60 of the National Constitution establishes employment as a right and duty of the individual, and economic policies directed to the achievement of full employment as an obligation of the State. Article 19 prohibits personal privileges and discrimination for reasons of race, birth, social class, sex, religion or political orientation. In spite of these statements, discrimination exists, based on sex, age, ethnic group, and physical handicaps.¹⁰

Key positive changes during the last decade include:

- Increase in school attendance, especially in urban areas;
- Decrease in fertility rate;
- Progressive increase in economic modernization; and
- Growth of the service sector, with high level of female employment.

The high educational level achieved by Panamanian women in the last three decades has been a crucial factor in their increasing participation in the country’s economic development. Nevertheless, despite having higher levels of education than men, women have more difficulty in getting jobs and face lower salaries for the same work.

Panamanian women always have had a lower employment rate¹¹ than men, but the gap has narrowed during the last decades. In 1970, women’s labor force participation rate was 26 percent; in 1990, 28 percent; and in 2000, 35 percent. Men’s participation in 2000 was 70

⁹ Informe Nacional de Desarrollo Humano, Panamá 2002. El Compromiso con el Desarrollo Humano: Un Desafío Nacional, pages 41-42.

¹⁰ As discussed in PIOM II.

¹¹ Per 100 people.

percent. At the same time, historically, female unemployment rates have been 1.5 to 2.0 times higher than male rates. (See Table on labor force participation and unemployment, Annex D.4.)

Women are found disproportionately in positions of low prestige and remuneration and/or in jobs traditionally held by women. Between 1985 and 1995, the average monthly income of Panamanian women was US\$289, or 83 percent of men's average monthly income of US\$349.¹² These inequalities persist across educational categories: the monthly average income of women with basic education (\$120.60) represents 70.7 percent of that of men (\$170.50); women with university educations only receive 80 percent of the monthly average income of men in the same category (\$508.40 and \$629.60).¹³

By area of activity, women in both urban and rural areas work mostly in the household. Men in the urban areas are most often in business activities, and those in rural areas are involved in agriculture, livestock, hunting and forestry. Women working in the informal sector (urban and rural areas), and indigenous women, black women, women with disabilities, housemaids, sex workers, and migrant workers tend to be more disadvantaged than others (see PIOM II, page 29).¹⁴

Based on official reports and academic and professional publications, discriminatory practices and labor-rights violations that negatively affect women¹⁵ include:

- Requirement for a pregnancy test prior to the signing of a labor contract;
- Newspaper ads requesting male applicants for executive positions, and for other jobs not usually held by women (e.g., jobs in construction or as drivers, cooks, etc.);
- Violation of the legally established principle of equal pay; and
- Sexual harassment practices at work.¹⁶

3. Political Participation

Typically, power is held by men. In the socialization process males learn from childhood to be dominant, aggressive and competitive, while females learn to be submissive and dependent. Consequently, these characteristics are reflected in all aspects of men's and women's lives. In Panama, women have had the right to vote and to be elected for fifty years, but their access to political power and decision-making positions is still limited. Even without legal restrictions,

¹² For more detail, see OIT/DINAMU 1998, page 11.

¹³ Para mayores detalles, véase III Informe Nacional Clara González, 2000-2001, página 25, con base al Censo Nacional de Población del 2000.

¹⁴ The women who face the worst working conditions are housemaids. Although the Labor Code has some provisions regarding their hiring, these are less favorable than those for other occupations. In addition, the provisions are not usually taken into consideration. Housemaids have the lowest minimum wage in Panama City and its neighborhoods. Article 131 of the Labor Code establishes that housemaids are not subjected to a working hour schedule, and they are entitled only to a 9 hour daily rest. Article 231 stipulates that employers can terminate their labor relations without justified reasons, provided that they give them the legal severance pay, which is also lower than that of other private sector employees. Neither are house workers entitled, as other employees are, to overtime payment, job permanence, retirement, and occupational risk and disease insurance, unless otherwise agreed by employers. (For more detail, see OIT/DINAMU, 1997, page 24.)

¹⁵ CODIM/Foro Mujer y Desarrollo/Foro Nacional de Mujeres de Partidos Políticos, 1998, page 23.

¹⁶ Law No. 9 of June 20, 1994, "whereby the Administrative Career is established and regulated," defines, prohibits, and penalizes sexual harassment in the public sector. Also, Law No. 44 of August 12, 1995, incorporates some provisions regarding the prohibition of sexual harassment in the Labor Code.

discriminatory forms and practices constrain women's potential and capacity, nourished by stereotypes, cultural prejudice and misconception about women's social roles.

Statistics on women's political participation:

- In the Executive Branch, women's participation dropped from 16.6 percent in 1980 to 15.4 percent in 1994, with two of thirteen Ministries directed by women, the Ministry of Health (MINSAs) and the Ministry of Youth, Women, Children, and Family (MINJUMNFA). In the present administration, there are four women Ministers in the Ministry of Agriculture (MIDA), MINJUMNFA, the Ministry of Education (MEDUC) and the Ministry of the Presidency.
- In the Legislative Assembly, women's participation has increased slightly: in 1948, one of 42 legislative seats was occupied by a woman (2.4 percent), while in 1994 women occupied seven of 72 seats (8.3 percent). In the present administration, the proportion is the same as in the previous administration.
- In the Judicial Branch, of nine Supreme Court Magistrates in 1996 two were women, the same as in 2000. In the year 2002, there was only one woman Magistrate. Mireya Moscoso of the *Partido Arnulfista*, the President of the Republic, is the only woman serving as chairperson of the board of directors of one of the seven political parties. To encourage greater political participation by women, an amendment to the Electoral Code proposed by the National Forum of Women in Political Parties, was adopted in 1998, requiring a minimum electoral quota of 30 percent women. The effects of this legislation have not been as expected. Only 9.9 percent of the women who stood for election in 1999 were elected, seven as legislators for the National Assembly, seven as mayors, 60 as representatives of *corregimientos*, and two as governors.

4. Violence against Women

Women are more exposed than men to domestic and gender-based violence. In Panama, considerable efforts have been made by both NGOs and governmental organizations to confront this situation. Through the National Network against Violence towards Women and Family, NGOs are working on data collection, and assistance and advice to abused women.

Statistics on the problem are inadequate because of under-reporting and duplicate reporting of cases. In 1994, 5,633 cases of violence against women and girls were attended by the Institute of Forensic Medicine in the province of Panama and by NGOs in various *corregidurías* in the District of Panama.¹⁷ In 1997, 2,285 cases of domestic violence and 1,327 cases of sexual abuse were treated in eight State Judicial Institutions and Hospitals in the District of Panama. In recent years, claims for mistreatment and aggression have increased.

Data from the NGO, *Centro de Apoyo a la Mujer Maltratada*, show that from 1994 to 2001, 16,110 persons were served and provided with legal assistance (38.9 percent), information and education (26.4 percent) and social work assistance (10.4 percent). Shelter was provided on 546 occasions. Fundación para la Promoción de la Mujer (FUNDAMUJER) at the *Centro de Asistencia Legal Thelma King Harrison* served 1,244 cases in 2001, of which 1,220 were women (98%). Cases included child support (347 cases), education and information (277 cases), domestic violence (182) and divorce (163).

As a result of the efforts of NGOs, more attention is being given to the need for legal modifications and other actions to eliminate domestic violence. As a part of the revision of the

¹⁷ CODIM/Foro Mujer y Desarrollo/Foro Nacional de Mujeres de Partidos Políticos, 1998, page 12.

Family Code, the government created Family Courts to work in coordination with the *corregidurias*. Panama also ratified the Belém-Do-Para Convention (Law No. 12 of April 20, 1995) to prevent, penalize and eliminate violence against women, and it enacted Law No. 27 of June 16, 1995, whereby “crimes related to domestic violence and child abuse are typified; the establishment of specialized departments for the attention of victims of these crimes is ordered; some articles of the Penal and Judicial Code are reformed and added; and other measures are adopted.” Enforcement has been hindered by lack of knowledge and understanding of the provisions. Work also is underway through governmental and non-governmental institutions to establish a national policy (*Plan Nacional contra la Violencia Intrafamiliar y Formas de Convivencia Ciudadana*). At the local level, two initiatives are being developed, one in a rural municipality and the other in an urban area (Soná y San Miguelito), to establish the framework for local plans against domestic violence. The national and local plans will be carried out by MINJUMNFA, with the support of international donors.

5. Other Areas of Interest

Education

Panama has made important advances in education. In Central America, only Costa Rica has a higher adult literacy rate. Panama allocates more resources to education than most other Latin American countries.¹⁸ With a net enrollment ratio of 94.8 percent, the country has achieved nearly universal coverage of elementary education, and the difference by sex is small (95.9 percent for males and 93.6 percent for females). In the last three decades, the illiteracy rate has dropped from 25.2 percent in 1960, to 10.7 percent in 1990, and 7.8 percent in 2000 (8.2 percent for women and 7.1 percent for men). Illiteracy is concentrated in the 60 and above age group, and among rural and indigenous women. In indigenous areas, illiteracy rates among various ethnic groups range between 45.9 and 34.5 percent. In higher education, women are a majority of the students. The University of Panama, in the first semester of 1999 had an enrollment of 63,992 students, 68 percent of whom were women. During the past three years, two women graduated university for every man.

The Women’s Office in the Ministry of Education is responsible for “formulating and proposing public education policies favoring the full development of women, ensuring the incorporation of the gender perspective in all actions related to the development of the educational curriculum, and implementing the National Development Plan as well as the different proposed actions in favor of women” (Office of Woman Affairs, 1997). Sexist messages and stereotypes in school textbooks and teaching materials are being eliminated, and teachers and principals at the primary and secondary level are receiving gender training. These efforts have been supported by the World Bank (actions began in 1996) and the European Union (PROIGUALDAD, 1997).

Health

The Ministry of Health (MINSa) has been engaged in a process of reformulation of health policies to expand coverage and improve the efficiency and efficacy of services. During the

¹⁸ Expenditures in education have represented on average 4.9 percent of GDP and 10 percent of the government budget. (MIPPE, 1998, page 30).

past decades, nutrition and health indicators have improved, reflecting the emphasis on primary health care, expansion of coverage, complementary nutrition programs, and basic sanitation activities.¹⁹ Even so, additional efforts must be made in rural and indigenous zones; facilities continue to be concentrated in the cities of Panama and Colon, with a shortage in the rest of the country, especially in the rural areas.²⁰

Indicators of the achievement in this sector include:

- The infant mortality rate dropped from 69 per thousand live births in 1960, to 21.9 in 1997, and to 16.8 in 2001.
- The percentage of births attended by a medical professional increased from 52.7 percent in 1960 to 89.9 percent in 1996.
- The average number of children per woman was reduced by 50 percent from six in 1965 to three in 1995. According to the 2000 Population Census, the average varies from two children per woman in the province of Panama, to 3.8 and 3.7 children in the Emberá and Ngäbe Buglé indigenous zones, respectively.
- Life expectancy has increased from 70.4 years in 1980 to 74.3 years in 2001. Life expectancy for women is higher than for men, rising from 72.6 years in 1980 to 77.1 years in 2001.

Considerable progress has been achieved in the application of a gender perspective in the definition of health policies, with the incorporation of topics like sex, gender and health, self-esteem, self-care with gender perspective, mental health, domestic violence, and the duties and rights of women. The Women, Health and Development Department (National Directorate of Health Promotion) is trying to insert the gender perspective in every program of the Ministry of Health.²¹ Among MINSA priority programs are Maternal and Child Health, Workers' Health, Environmental Sanitation, Senior Citizens, Chronic and Social Diseases and Contagious Diseases and Vectors Control. A holistic approach to care for children, adolescents and women is promoted nationwide.

There are no specific studies available concerning women's access to health service. A remaining challenge is the formulation of gender indicators and the separation of information by sex, to provide a complete picture of the health situation of men and women across the life cycle.

Environment

The National Environment Authority (ANAM), formerly the National Institute of Renewable Natural Resources (INRENARE), is in charge of establishing public environmental policies. ANAM has a nationwide extension system that attempts to cover the entire country including remote forest areas and indigenous communities. Extension agents in these remote areas are usually men.

ANAM has taken some actions to promote women in environmental programs through the National Administration of Environmental Education, including a few, infrequent training programs on gender. With support of the European Union (the PROIGUALDAD program), a

¹⁹ For further information, see MINSA, 1996.

²⁰ Additional reference documents on health policies are found in Annex D.5.

²¹ For further information, see MINSA, 1998.

National Survey on Gender was conducted among ANAM officials, and a Gender Diagnostic was completed. “In Panama the participation of women in positions of environmental management (management, coordination, planning, surveillance, advising and other related) is limited even with a significant technical representation at medium level. Besides, women’s participation in decision-making is low and sometimes questioned and/or ignored.”²²

²² See Women and Development Plan. 2001 – 2006, CODIM 2000.

IV. Gender Issues and Recommendations by Program Area

USAID/Panama is in the process of transition to envelope its program within the framework of the regional USAID strategy for Central America and Mexico (CAM). Currently, the program has three major activity areas: the Strategic Objective, sustainable management of the canal watershed and buffer areas; and two special objectives, judicial reform and community strengthening in the Darien. The new Country Plan will operate within Strategic Objectives 1 and 2 of the CAM Strategy (SO1: Ruling justly and SO2: Economic freedom; IR2.4: Improved management and conservation of critical watersheds). Funding for the current Special Objective for the Darien, mandated under the Andean Regional Initiative, will expire at the end of FY2004, although elements of the program are expected to continue. The discussion here is organized around the three program areas, which are constants across the existing strategy and the new Country Plan, without direct reference to the particular activities still under discussion for the new Country Plan.

Several themes are common to the gender analysis across program areas:

- The majority of Mission activities are implemented through umbrella contractors, which in turn subcontract with various NGOs and local communities. Effective gender analysis and attention to gender issues in program results will need to occur consistently at all levels in the management process.
- A number of the sub-contractor organizations have experience incorporating gender concerns and participatory techniques into the design and implementation of their projects. Others are unfamiliar with gender mainstreaming and with the issues and resources in Panama. Finding ways to transfer this experience among sub-contractors (e.g., distribution of case studies, interchange/training between NGOs) would make the process of gender mainstreaming less theoretical and more grounded.
- Gender relations are a particularly important topic in a program that is directed to strengthening social infrastructure. The Country Plan, across activities, reflects common concerns with local capacity building, strengthening civil society, and sustainability. Identifying ways to ensure the participation of men and women in defining a vision, setting priorities, working toward objectives, leadership, etc., and recognizing the different advantages and constraints that men and women face, are repeated messages throughout the analysis.

A. Panama Sustainably Manages the Canal Watershed and Buffer Areas [Improved Management and Conservation of Critical Watersheds]

Management of the Panama Canal Watershed has been a priority of USAID programming for many years. The watershed is the most important economic resource for the country and source of drinking water and electricity for 20 to 30 percent of the country's population. The integrated management approach emphasizes coordinated roles of macro-level institutions, private sector enterprises, NGOs, and communities. The USAID program for watershed management is in two parts.

The first part of the program focuses on the communities, farms, and institutions in the canal region and their activities, providing technical assistance and training for watershed

management and conservation. In an activity jointly funded by the Panama Canal Authority (ACP) and USAID, five sub-watersheds have been identified as sites for setting up model local-level projects and developing practices that later can be extended throughout the region.

The formation of the Inter-Institutional Canal Watershed Commission (CICH) was an important step forward in coordinating the activities of multiple donors, government entities, and communities. The CICH will not only play a central role in avoiding duplication of efforts, but also in developing indicators and methods for monitoring results. The CICH is also creating partnerships with communities in the targeted sub-watersheds.

The CICH Executive Director recognizes the value of incorporating a gender focus in the community projects. The community background studies being developed by the CICH are designed to ensure the participation of both men and women, and the statistics collected reflect differences by sex. Women's roles in the household and the community make them important decision-makers in household water use and sanitation, although women generally are not in community leadership positions. Unless women are active in community discussions and decisions about water use, household requirements for use may not be adequately articulated and improved technologies for conservation and sanitation may be less readily adopted.

Some of the NGOs and government entities working with community projects in the watershed already incorporate gender in their project activities to different degrees. Becoming familiar with and documenting their methodology and indicators could be a useful tool for the CICH to disseminate and use in work with the communities. NGOs and government institutions working in the watershed understand the need to include gender and women in their activities to achieve the desired results. Some of the NGOs interviewed were able to provide examples of project activities that were structured to increase women's role in decision-making within their communities. In a few cases, women's NGOs have partnered successfully with other development or environmental NGOs in community projects to ensure that women's interests are included. USAID may want to encourage this type of arrangement in future RFAs for community activities.

A more difficult problem in the integrated watershed management programs that anticipate both environmental and social impacts is the development of indicators and monitoring criteria for tracking change in social factors including gender, in addition to indicators commonly used to measure environmental impacts. Gender-sensitive indicators are essential not only for reporting the results of a project but also for monitoring to uncover and correct unintended consequences of the project or disproportionately positive or negative impacts on women or men (or other social groupings such as ethnic minorities, the elderly, etc.). An appropriate role for both USAID and the CICH as the program moves forward might be to develop and/or compile social indicators for the projects and communities in the sub-watersheds, to be included in the CICH monitoring and information system.

USAID implements its program through an umbrella contractor, which is responsible for ensuring that all of the activities meet USAID requirements. It is important that USAID provide clear and consistent guidelines on the expectations for gender mainstreaming in the proposals, project implementation, and reporting of results. USAID requirements for gender integration

mean that gender considerations should be incorporated at each link in the project chain, from USAID to its principal contractors to the sub-contractors to the communities. USAID umbrella contractors could provide technical assistance and training on gender to NGOs and other organizations bidding on community projects, as a part of organizational capacity building. Gender integration is particularly important in the model projects of USAID and the Panama Canal Authority, since future activities will be built around them.

The second part of the program for the canal watershed involves improved management of the national parks and protected areas in the watershed, and their buffer zones. This project focuses on two parks, Soberania National Park and Chagres National Park. Although the specific activities in the two areas differ, in response to location, population density, and the history of the parks themselves, the underlying mechanisms and objectives are the same. USAID seeks coordinated involvement of communities, government, and the private sector so that the parks are both ecologically and economically sustainable. Likewise, the mechanisms for the two programs are similar. USAID contracts with an umbrella organization, which in turn subcontracts with local NGOs and enterprises. The observations cited earlier about the importance of clear guidelines, technical assistance and leadership in gender mainstreaming from the umbrella organization apply equally to these programs.

Few people reside within the protected areas. The principal focus will be with neighbors of protected areas living in the buffer communities, which are facing increasing population pressure, involving demands for public services like land and water as well as for economic resources. How can these protected areas become an asset to them? A number of gender issues could be considered. Men and women view this land differently and traditionally have used it in diverse ways. The points of view and requirements of both men and women need to be incorporated into management plans. In drawing up plans for job creation through alternative economic activities (e.g., eco-tourism) differences in the tasks and the work loads of men and women in the local labor force, the availability of appropriate workers, and equity of access to employment and training are central considerations.

Ideally, all members of the communities neighboring a protected area could become involved in addressing the community's partnership with this land. The Nature Conservancy, one of the implementing partners, reported in an interview that they had seen this type of positive result at the community level in working with a women's group (Azalea) in the buffer community of Los Nubes, Chiriqui, next to the *Parque Internacional de la Amistad*, another of the Parks in Peril in Panama. The women's group evolved out of various community activities to increase conservation awareness. The women initially were making and selling food to park visitors. Now they have been granted concession rights by ANAM, and have taken on non-traditional roles in addition to their traditional roles, by monitoring the use of the protected area. They have become park guides and are responsible for collecting park entrance fees. Dissemination of the lessons learned from examples of this type could facilitate the incorporation of gender in other similar local projects.

Recommendations:

➤ Include gender specialists in the design of the work with partners in the coming year to ensure gender is addressed. Support baseline and feasibility studies in the communities, using a

participative methodology. Consider the gender-based differences in use of natural resources, and the styles of conservation. Design and implement programs for the sustainable use of resources that take account of gender-specific factors like access and use of water sources, the impact of domestic tasks on the environment, and the equitable participation of women in decisions about planning and implementation.

- Include capacity building in gender analysis and gender mainstreaming for all implementing partners to provide a common understanding of how gender relations affect community-based programming.
- Support efforts to measure and document the impact of previous community-level watershed projects that used a broad-based participative methodology and gender analysis in design and implementation. Based in part on these experiences, develop gender sensitive indicators to monitor and measure the impact of gender relations on project results and the impact of the project on the relative status of men and women.
- Encourage and support the CICH to take a leadership role in (1) providing case studies and similar documentation of successful examples of projects that have integrated gender considerations, (2) including sex-disaggregated statistics in the community database, and (3) developing gender sensitive indicators to be used in the planned model projects in the sub-watersheds.
- Consider providing training for *corregidores* and other local authorities to recognize and understand the relationship of gender roles, needs, and access to and control of resources to harmful and illegal activities such as illicit logging. Legislation and enforcement mechanisms could incorporate this knowledge.
- *Ley No. 4, Igualdad de Oportunidades* includes a section on gender and environment. In its programs, particularly at the institutional level, USAID could support actions and policies that are in accordance with and strengthen the spirit and content of this law.

B. Ruling Justly: More Responsive, Transparent Governance

(1.1) Strengthened Rule of Law and (1.2) Greater Transparency and Accountability

The new Country Plan for the CAM strategy will expand and extend the Mission's pilot programs in Administration of Justice (developed first as a special objective, and more recently, through the 2003-2004 bridge program), to contribute to the regional Strategic Objective 1, "more responsive and transparent governance." Panama's highly centralized justice system is recognized as "inefficient and unaccountable," unresponsive to the needs of all citizens, men and women, and inaccessible especially for the poor. For the expanded program, the Mission envisions a combination of activities to strengthen civil society organizations to contribute to broad-based reform of the justice system, and activities to improve access to the justice system at the local level, with a particular focus on local services in the Darien. USAID also will be a part of an integrated program whereby various US government agencies in Panama join in a coordinated effort to respond to growing clamor from the public to deal with corruption and lack of transparency and accountability in government.

While gender has not been a prominent factor in identifying the broad issues and shortcomings of the justice system in Panama, gender should be taken into account as an important factor in the construction of the solutions to these issues. As the USAID program expands to define new forms of administration, gender analysis will be one of the tools applied to the task. The

women's movement in Panama, key advocates in defining women's issues for the public agenda, has not highlighted distinct concerns of women in this arena, but two women's organizations recently have affiliated with *Alianza Ciudadana pro Justicia*, the NGO umbrella organization supported by USAID as its principal partner in this program. Gender issues in this sector are concerned generally with questions of human and legal rights, in terms both of laws and enforcement of those laws, access to and treatment by institutions of the justice system, participation in decision-making and systems of governance, and systematic differences between men and women in power and authority.

The USAID program proposes a number of activities at both the national and the local level. The recommendations for gender mainstreaming focus on these activities. In the initial years of the strategy, the program has a strong component to strengthen civil society organizations to broaden the demand for justice sector reform and for increased transparency and less corruption. Efforts should be made to ensure that the interests, ideas, points of view, and needs of both men and women are represented in these activities. For example, the program could advertise to encourage women's organizations to participate in activities to strengthen advocacy skills; activities with journalists and the media would include topics like domestic violence that affect men and women differently; business organizations representing micro-, small- and medium-size enterprises as well as big business would be recruited to participate in the activities. In the later years of the strategy, when the program moves to actually re-structure the justice system, it will be essential to maintain the broad base of input and review of proposals for laws. Some group or individual gender experts should be engaged to ensure that new laws reflect gender concerns.

At the local level, the governance program also stresses the participation of civil society. Support for grassroots women's organizations, or work through community organizations that involve women (e.g., school community organizations) is necessary to ensure women's needs and constraints are clearly voiced. In rural communities of the Darien, targeted outreach programs for women may be needed to inform them of their rights and sources of assistance (see Darien section).

As discussed above, the legal structure addressing the human rights of women and equality is strong. The existence of laws, however, does not in itself mean that rights will be implemented and enforced. It is only when the courts as well as the other judicial players including lawyers, prosecutors, law enforcement, and service providers fully understand the implementation of the laws as it relates to gender that they can be expected to enforce these rights through the judicial and legal process.²³ The Panamanian justice system faces inefficiency, lack of independence, corruption, intimidation of judges, prosecutors, police and witnesses, lack of knowledge and lack of will. Gender-based differences in power may be a factor within the structure of the justice system itself, since the majority of the judges, who are public sector employees, are women while men dominate in the more lucrative market of private sector lawyers. All of the above hinder and prevent the desire and capacity to enforce rights that exist on paper. Additionally, tradition and customary law can impede the implementation of the laws.

²³ Annual Report on Best Practices, Lessons Learned and Success Stories: Illustrations from Albania, Guatemala and Southern Africa, by Joan D. Winship - Development & Training Services, Inc. (DTS)

Various donors and government agencies, including USAID, have supported activities to train justice sector officials about the law and appropriate procedures for enforcing it. For example, through work with the *Alianza Ciudadana Pro Justicia* and the *Procuradora de Administración*, a training program and handbook were designed and implemented for the more than 600 *corregidores* throughout the country. These locally appointed officials, who tend to be unprepared for their positions, are the most accessible and common point of contact for women who seek adjudication of the law.

During the next five years, USAID anticipates building on earlier training activities through continuing work with the Judicial School and the Public Defender Institute as well as *corregidores* and mediators. Training activities related to law enforcement and adjudication should include sessions devoted to understanding how gender differences and stereotypes may affect ability to access the system and treatment within the system. The most urgent issue that disproportionately affects women is gender-based violence and domestic violence. Training is required to educate public officials (and citizens) about the issues and the legal structure for dealing with these crimes. Training for the *corregidores* is particularly important since they are often the first officials approached by women who feel threatened. Conversely, another issue on the USAID agenda, the excessive and extended detention of individuals who have been accused of a crime but not charged or tried, disproportionately affects men. Examining this situation with a gender lens also may shed new light on this issue.

Gender like class and ethnicity affects a person's interaction with public officials and institutions. Training justice officials, mediation counselors, police, community groups, and NGOs about the importance of gender and other social factors in the administration of laws is an important step toward equality. Gender-based and domestic violence and legal and human rights of women are often hidden issues in the justice system and deserve a more prominent place on the training agenda. Assistance in developing this training might be available through the Ministry of Youth, Women, Children, and Families, or through local NGOs that are advocates on these issues.²⁴

USAID has taken a leadership role in setting up a model mediation center in Panama City to demonstrate the value of Alternative Dispute Resolution. The pilot effort has been effective in increasing access to the system, as demonstrated by a constantly growing number of cases presented. Monitoring data indicate that, in this urban setting, men and women have used the center in equal numbers, although there are differences in the types of cases they present. Support for additional centers is anticipated, with the hope that some may be opened in more remote locations. A more thorough analysis of the monitoring data from the pilot project from the point of view of gender differences would be useful for future centers. The pilot project has been modeled on the experience in other countries in the region, including awareness of the risk

²⁴ USAID has participated marginally in the Interagency Thematic Group on Gender, a coalition of international donor organizations concerned with gender issues, organized in 1998. The three year strategic plan of the group emphasizes support for public policy development in gender mainstreaming, gender-based violence, and poverty. Current action plans include support for government and non-governmental agencies in the elaboration and implementation of a National Plan against Violence and support and implementation of the second Plan for Equality of Opportunities for Women (PIOM II).

involved in attempting to mediate inappropriate cases such as domestic violence. It is important that the gender awareness content of the current training for mediators be continued as the program grows.

USAID has outlined other possible activities to increase access to the justice system – support for Public Defenders, *Casas de Justicia*, support of the Citizens’ Public Advocate (i.e., Citizens’ Public Advocate), etc. In all cases, the underlying question to answer about gender is whether there are systematic differences between men and women in the issues they need to bring to the system and in the barriers they face in accessing the system.

The Citizens’ Public Advocate (*Defensor del Pueblo*), which USAID will support in expanding its reach into the Darien, has an *Oficina de la Mujer* which is focused on legal issues affecting women in Panama through compilation of data, research and publication, and distribution of information about rights and laws. The office has a full-time staff person dedicated to these issues, who is presently developing an action plan for women for the next four to five years. Although the office has strong support from a group of activist women, activities are limited by shortage of funds.

National statistics for the justice system and its operations are not disaggregated by sex, limiting the capacity to define the extent of disparities between men and women, or to track progress. Attention to these data would help in the development of gender sensitive indicators. They are of paramount importance in understanding the depth and impact of gender-specific issues like gender-based and domestic violence.

Recommendations:

- Monitor the participation of organizations in activities to strengthen civil society for representation of gender-specific concerns and women’s points of view. Take steps in terms of outreach to correct any imbalance.
- Include gender issues as a component of all requests for proposals for grants to NGOs and CBOs.
- Arrange to have gender specialists involved in the drafting and review of all new legislation. Continue to reinforce the use of gender aware language in all publications developed under the program.
- Continue sex disaggregation of data for monitoring the Mediation Centers, including the number and kinds of cases, and outcome of the mediation. Further analysis of these data will assist in the determination of next steps to successfully integrate gender.
- Include gender relations as a topic in training with justice sector officials, mediation counselors, police, community groups, and NGOs, and specifically address gender-based violence and domestic violence, and legal and human rights of women. Take steps to ensure that all training for *corregidores* includes a gender focus.
- Work to strengthen the database of basic statistics, and ensure that sex disaggregated statistics are collected and reported as a part of the institutional strengthening activities in justice administration.

C. Selected Darien Communities Strengthened

(1.1) Social infrastructure in Selected Communities Improved

(1.2) Organizational Capacity of Local Governments and Community-based Organizations Strengthened

(1.3) Productive Infrastructure in Selected Communities Improved.

Historically, the Darien has been the forgotten province of Panama. It is the largest in area, but the smallest in population. It is not easily accessible and has minimal government presence and services. During the four-month dry season communities face a severe shortage of water. The people of the Darien are among the most neglected, marginalized, and poor in Panama. At the national level, the women of Panama have more schooling than the men. In the Darien, the reverse is true, and the government neglect for schools in the province is evident in a relatively high rate of illiteracy.

The region is characterized by cultural diversity. Today the multiple indigenous groups find themselves increasingly confronted by in-migration from elsewhere in Panama as well as refugees from the conflict in Colombia. In the past, the isolation and sparse population have been important in protecting the rich physical resources of the province. Growing pressure of in-migration is contributing to a substantial increase in illegal logging and ranching. The tropical forests and biodiversity at risk from these activities may be the region's most valuable natural resources.

The cultural diversity also increases vulnerability to conflict and weak community social infrastructure (Panama Conflict Vulnerability Assessment, Dec. 2003). It also is an important consideration in efforts to appropriately integrate gender into USAID projects since gender relations vary across groups, and program design will need to accommodate to these differences. Awareness of human and legal rights of women also is likely to be low relative to other provinces.

The current project in the Darien, mandated under the Andean Regional Initiative and being implemented as a Special Objective, focuses on strengthening communities as a buffer for residents against increasing conflict and social challenges. Understanding the cultural diversity and taking it into account in the project is critical if the outcomes are to be sustainable and successful. It is highly advisable to include local people in as much of the design, implementation and evaluation as possible.

ACDI/VOCA, the prime contractor on the project, has not explicitly addressed gender issues or gender mainstreaming in its work with the communities. The methodology for community planning, organization, setting priorities, and carrying out community projects relies on attendance and participation in community meetings. The impression is that both women and men are active in this process.²⁵ It will be instructive not only to monitor the number of male and female participants and leaders, but also to keep track of the weight given men's and women's priorities. The ACDI/VOCA partner organization, Fundación Pro Niño del Darien, an

²⁵ In part, this participation reflects the fact that the entry into the communities and announcements of the community meetings usually has been done through the schools and parent groups, where women tend to be active. It also is important that, at least initially, the project has worked primarily in non-indigenous communities, and therefore on more familiar ground culturally.

NGO, has worked in the Darien for over 17 years and has a wealth of history, credibility, and first hand knowledge of most of the communities the project has entered to date. The staff also knows the consequences of not including gender in their activities. Their success in addressing gender in Darien communities can easily be utilized.

One of the factors that may affect women's participation compared to men is women's sense of insecurity and lack of safety. "Feeling safe" was one of the top complaints received by the Ombudsmen office from women in the Darien. Recognizing and addressing how insecurity and fear might play a role in the participation of women in community projects and leadership roles is an example of potential gender-based constraints in the project.

At the conclusion of this activity, the Mission seeks to continue work in the Darien in response to the poverty and isolation as well as its strategic location. The proposed new program will include elements under both the Governance and the Watershed Management strategic objectives. The community strengthening focus, with an emphasis on social infrastructure, is projected to continue in selected communities as part of the Governance program. In addition to working with local community organizations and civil society, the Governance activities also may include activities to increase access to justice and legal services in Darien communities, like mediation centers, *Casas de Justicia*, local offices of the Citizens' Public Advocate, and training for the *corregidores*.

In the context of the isolation of the Darien, women are likely to feel particularly cut off and vulnerable.²⁶ Direct efforts may be needed in these communities to educate women about their legal rights and mechanisms for exercising them, so that men and women may benefit equally from these initiatives. It also may be important to have specific outreach activities to include women in emerging community organizations and leadership positions. For future activities in the Darien, the Mission should consider a gender analysis specifically directed to the areas in which USAID is operating, and frequent monitoring of the relative participation of men and women, and of their use of new outreach activities of national institutions. Training for *promotores* and local officials on gender issues and the unique constraints faced by women will be useful in alerting them to potential problems and inequities in the programs.

The Mission also is proposing that the Darien be considered as one of two geographic focal areas for the watershed management activities, with an emphasis on community participatory approaches to integrated watershed management, conflict mitigation, and environmental governance. Considerable literature and experience exists on methodologies to promote the participation of both women and men in community development activities, both in terms of identifying priority issues, and executing and maintaining community projects. For example, work with the community may begin with a community mapping exercise. Experience has shown that men and women map their communities differently, because of the importance they attach to different locations (e.g., men may focus on the cooperative while women emphasize the school). In the same way, men and women may be expected to prioritize community needs differently. Not only is it important that both points of view are heard and considered in the

²⁶ This is based on an assumption that, because of household responsibilities and cultural norms, women are less likely than men to travel, to interact with others in the community, or to have contact with public institutions. This assumption needs to be verified in individual community settings and diverse cultural groups.

process of setting community project proposals, but also that the community social infrastructure that evolves out of the project over the next five years encourage and train women as well as men to serve as community leaders.

Recommendations:

- Include a gender specialist in the project to assist the implementing partners in incorporating gender-sensitive methodologies in activities to build community social infrastructure. All staff involved with projects in the Darien may benefit from gender training to increase their awareness of gender issues and their ability to identify gender roles and relationships that affect project activities and results.
- Develop indicators at all levels of the project, from the community up to the project as a whole to monitor participation of men and women, including the numbers of participants in various activities, leadership positions, community organizations, etc., and the impacts of this participation on the community.
- Provide a gender analysis specific to the activities in the Darien, differentiated for each separate cultural entity. Ideally, this analysis could precede activities within particular cultural communities so that it can be incorporated into the training for the *promotores* and other project personnel involved at the community level (e.g., for activities related to *Casas de Justicia* or the Citizens' Public Advocate as well as to infrastructure).
- Engage in outreach directed to women to educate them about their rights and the ways to access legal and social services of the community.
- Working with the Fundación Pro Niños del Darien, consider joint activities and meetings among communities for demonstration/training by progressive communities and to begin to foster community networks. Specific attention should be given to ensuring women's participation in these activities, and to including gender content in the training.

There are clear ties between the community strengthening and democracy and governance programs. Gender is defined not only in terms of roles but also in terms of relationships of access to resources and power. Community strengthening that fosters access to information and to decision-making is an important aspect of increasing equality and improving the status of women.

V. Next Steps for the Mission

The ADS requires gender mainstreaming in USAID programs and activities when gender relations are likely to have an impact on the results achieved and/or when the program will affect the relative status of men and women. The purpose of the assessment as a part of the strategy development process is to identify potential gender issues and to set the baseline for gender analysis and mainstreaming in subsequent activities.

Mainstreaming gender means that gender considerations are built into each step in programming. The Gender Assessment is only the beginning of an on-going process. Gender is not an element added to the rest of the program but a fundamental consideration in the program itself.

While gender mainstreaming cuts across all programs, someone (or a Gender Committee) in the Mission should be assigned the responsibility for oversight of the implementation and monitoring of these requirements. The Mission has taken a valuable step in beginning a relationship with a specialist in gender and development in Panama, so that she can assist the Mission in implementing the various recommendations and moving the projects through the gender mainstreaming process. Her growing understanding of the program will be an asset as choices are made about implementation as the program moves from strategy to concrete, evolving activities. The EGAT/WID Indefinite Quantity Contract and the Task Order for Short-term Technical Assistance and Training could be accessed to assist the local specialist in understanding and meeting USAID requirements.

Recommended methods for expanding the effectiveness of gender mainstreaming, for implementation of gender mainstreaming within the Mission, and compliance with the ADS requirements include:

- Training in gender awareness and particularly in gender analysis for USAID Mission staff and implementing partners to define gender parameters, so that “everyone speaks the same language.”
- Providing partners with tools to write the gender section of RFPs/RFAs, and to assess the bids for compliance and enhance the probability of successful gender implementation.
- Including gender as a part of periodic portfolio reviews and quarterly reports.
- Including responsibility for gender mainstreaming in job descriptions and performance review criteria.
- Providing assistance to partners in development of gender-sensitive indicators to monitor the progress and impact of gender mainstreaming in the activities.
- Identifying a focal point for management of the implementation of requirements related to gender and to provide access to technical assistance for field activities. The ADS requires gender mainstreaming in all Mission activities and in the Performance Monitoring Plan. In addition, particular attention should be given to ensure that gender is appropriately integrated into all Mission training activities.

VI. Conclusion

The initial gender assessment identifies areas where gender roles and relations may affect the results achieved in USAID programming, and/or where USAID activities may have an impact on the relative status of men and women. This assessment provides a baseline scan of issues, and illustrative recommendations that flow from gender analysis. To the extent that gender analysis is a part of the sectoral analysis for the strategy development, the activities that flow from the strategy will respond appropriately to gender issues. The progression of steps to achieve gender mainstreaming in USAID programs is laid out in a series of requirements in the ADS 200 and 300 series.

The Mission is well positioned with implementing partners to incorporate gender. They are interested and supportive. Many have considerable experience that can be tapped to increase the responsiveness of the USAID program. Everyone is ready to go forward.

SCOPE OF WORK: GENDER ANALYSIS, USAID/PANAMA

1. BACKGROUND

USAID/Panama is in the process of developing a new *Country Plan* for the 2004-2008 period as part of the Central America and Mexico (CAM) Regional Strategy recently approved by the LAC Bureau. The Mission expects to submit the *Country Plan* to USAID/W by April 2004.

Currently the Mission is implementing its 2000-2006 Country Strategy focused on the achievement of the following three objectives:

- *SO Panama Sustainably Manages the Canal Watershed and Buffer Areas*
- *SpO1 Momentum Towards Fairer and Faster Justice Established*
- *SpO2 Selected Darien Communities Strengthened*

The new *Country Plan* will be built around these three objectives, although expanding SpO1 to address a broader range of democracy and governance development issues.

As indicated in the Planning Parameters Cable issued by the LAC Bureau for USAID/Panama *Country Plan*, activities under the new Plan will contribute primarily to the achievement of the following objectives of the CAM Regional Strategy:

- SO1 Ruling Justly: More Responsive, Transparent Governance
- SO2 Economic Freedom: Open, Diversified, Expanding Economies

The Planning Parameters Cable also instructs the Mission to undertake and incorporate into the *Country Plan* a *gender analysis* as part of the mandatory technical analyses required by ADS 201.3.8.

2. PURPOSE OF THE GENDER ANALYSIS

ADS 201.3.8.4 provides that Strategic (Country) Plans must reflect attention to gender concerns. USAID's gender mainstreaming approach requires that appropriate gender analysis be applied to the range of technical issues that are considered in the development of a given Strategic Plan. Analytical work performed in the planning and development of SOs and IRs must address at least the following two questions:

- 2.1 How will gender relations affect the achievement of sustainable results?
- 2.2 How will proposed results affect the relative status of men and women?

Addressing these questions involves taking into account not only the different roles of men and women, but also the relationship and balance between them and the institutional structures that support them.

Within this framework, the purpose of this analysis is to respond, for the particular case of USAID/Panama Country Plan, to the two questions formulated above. The Gender Analysis for the Country Plan is the first step in a process of gender mainstreaming. The Gender Analysis will serve as the basis for the continuing process of gender mainstreaming in the implementation of Mission programs and will provide guidance and recommendations to the Mission on how best to integrate gender into its new *Country Plan*.

4. DELIVERABLES

4.1 *Assignment Report*

The contractor will prepare an assignment report (not to exceed 30 pages excluding annexes) containing, at a minimum, the following:

- *Executive summary*: to be prepared with appropriate detail, not to exceed 5 pages, to be used as the Gender Analysis Annex of the Country Plan.
- *Introduction*: including background, analysis development, and purpose etc.
- *Findings*: based on empirical facts collected, to include: government and civil society context and resources; gender integration in the current program; gender mainstreaming in the plan.
- *Conclusions*: the analysis team's interpretation and judgment based on findings
- *Recommendations*: concrete actions or measures that USAID may undertake to best incorporate gender into its new Country Plan, and follow-on steps, including guidelines for developing a gender action plan, which lays out the steps for mainstreaming gender in Mission policies and activities, and a management structure for gender mainstreaming throughout the program cycle.
- *Annexes*: describing the analysis methodology, information collection methodologies, schedules, interview list, etc.

4.2 *Draft Gender Analysis Section for the Country Plan*

The contractor will prepare in draft, in a format and content acceptable to USAID/Panama and USAID/W, the gender analysis section to be incorporated as an annex of USAID/Panama's Country Plan. The Mission expects a quality "finished product" that will require only minor refinement or adjustment for submittal to USAID/W.

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BIBLIOGRAPHY AND DOCUMENTS CONSULTED

ACDI/VOCA and The Center for International Conflict Resolution (CICR) at Columbia University. Panama Conflict Vulnerability Assessment. December 2003.

ANAM. Estrategia Institucional para la Incorporación de la Perspectiva de Género en la Autoridad Nacional del Ambiente. Panamá, 2002.

Banco Internacional de Reconstrucción y Fomento / Banco Mundial. Panamá: Estudio sobre Pobreza. Prioridades y Estrategias para la Reducción de la Pobreza. EE. UU. Abril de 2000.

Centro para el Desarrollo de la Mujer CEDEM. Perfil de la Situación de la Mujer en Panamá y Lineamientos de Acciones Prioritarias. Panamá, Agosto de 1992.

CODIM. Foro Mujer y Desarrollo. Plan Nacional Mujer y Desarrollo. Actualización de la Operativización 2001-2006. Panamá, Diciembre de 2000.

CODIM/ForoMujer y Desarrollo/Foro Nacional de Mujeres de Partidos Políticos, Informe Sobre el Monitoreo de la Implementación de la CEDAW. Desde la Perspectiva de las Organizaciones no Gubernamentales. 1998.

Constitución Política de la República de Panamá, (1985), Editorial Alvarez.

Contraloría General de la República. Dirección de Estadística y Censo. Situación de la Población Panameña con Perspectiva de Género. Panamá, Agosto de 1999.

Contraloría General de la República. Dirección de Estadística y Censo. Censos Nacionales de Población y Vivienda. X de Población. VI de Vivienda. Resultados Finales Básicos. Volumen II: Población. 2000. Panamá, Junio de 2001.

Development Assistance Committee (DAC) Guidelines for Gender Equality and Women's Empowerment in Development Co-operation. OECD: Paris, 1998.

DINAMU / PROIGUALDAD. Componente 1. Informe de Avance. "Elaboración del Plan de Igualdad de Oportunidades para las Mujeres en Panamá" 2002-2006. Panamá, Febrero de 2002.

Foro Mujer y Desarrollo, Plan Nacional. Mujer y Desarrollo, 1994-2000. Panamá.1993.

Friedrich-Ebert-Stiftung. Practicing Gender: THE TOOL BOOK, 2003.

Guidebook with hands on tips for implementing gender within a project.

Grupo Temático de Interagencial de Género. Plan Estratégico 2002-2004. April 2002.

JICA. Estudio sobre la Situación Actual de la Mujer en el Desarrollo (WID) en Panamá. (Isabel Atencio y Silma Pinilla Díaz, consultoras). 1998.

Ministerio de la Juventud, la Mujer, la Niñez y la Familia / Dirección Nacional de la Mujer / PROIGUALDAD. III Informe Nacional “Clara González”: Situación de la Mujer en Panamá. Panamá, Abril de 2002.

Ministerio de la Juventud, la Mujer, la Niñez y la Familia / Dirección Nacional de la Mujer. Plan de Igualdad de Oportunidades para las Mujeres PIOM II. 2002-2006. Panamá, 2002. (Pinilla Díaz, Silma, Coordinadora).

Ministerio de la Juventud, la Mujer, la Niñez y la Familia / Dirección Nacional de la Mujer. Plan de Igualdad de Oportunidades para las Mujeres PIOM II. 2002-2006. Panamá, 2002. Diagnóstico. (Pinilla Díaz, Silma, Coordinadora).

Ministerio de la Juventud, la Mujer, la Niñez y la Familia / Dirección Nacional de la Mujer. Ley 38 Sobre Violencia Doméstica y Maltrato al Niño, Niña y Adolescente. Panamá, Noviembre de 2001.

MIPPE. Estudio de Niveles de Vida. Perfil y Características de los Pobres. 1998.

MIPPE. Panamá Informe Social 1997. 1998.

Ministerio de Salud. Situación Nutricional de Panamá. 1996.

Ministerio de Salud. Promoción de la Salud. Mujer Salud y Desarrollo. 1998.

OIT/DINAMU, (1997), Informe Nacional Mujer y Mundo Laboral en Panamá. (Vielka Bolaños, Consultora.)

PNUD / Procuraduría de la Administración. República de Panamá. Desarrollo Sostenible de Comunidades Rurales. Acción Local, Visión Global. Panamá, Junio de 2001.

PNUD. Informe Nacional de Desarrollo Humano: Panamá 2002. El Compromiso con el Desarrollo Humano: Un desafío Nacional. Panamá, Junio de 2002.

Pinilla Díaz, Silma. Contribution to the IWRAW international meeting, on CEDAW in the follow-up process for Beijing 5, New York, 22 January 2000.

USAID. Regional Strategy for Central America and Mexico FY 2003-2008. Volume 1: Core Strategy. August 2003.

USAID/Panama. Annual Report FY 2004. December 2003.

USAID/Panama. SO1: Ruling Justly: More Responsive, Transparent Governance draft. February 2004.

USAID/Panama. Special Objective No. 2 Selected Darien Communities Strengthened. August 2002.

USAID/Panama. Sustainable Management and Protection of the Panama Canal Watershed within a Framework of Reliable Commercial and Criminal Justice Systems. Strategic Plan FY 2000-2006. November 1999.

Joan Winship. Annual Report on Best Practices, Lessons Learned and Success Stories-Illustrations from Albania, Guatemala and Southern Africa. Development & Training Services, Inc. (DTS) February 2004.

SUMMARY OF PROJECTS OF THE EQUAL OPPORTUNITIES PROGRAMS IN PANAMA¹

Project	Implementing Organization	Objective
1. Public Policies and Gender	DINAMU/ME/INAFORP/CONAMU/Instituto de la Mujer-UP	To strengthen public Gender policies.
2. Non Sexist Education	ME/INAFORP/CONAMU /Instituto de la Mujer-UP	To promote a non-sexist education in the formal and informal education system.
3. Gender training	MJMNF/MINSA/MIDA/ANAM	To improve policies, plans and programs of Panama's governmental institutions and civilian organizations focused on the promotion of gender equality.
4. Empowerment and Citizen participation	Foro Mujer y Desarrollo/ CODIM/Foro Nacional de Mujeres de Partidos Políticos/Asociación Panameña de Pequeños y Medianos Empresarios/ Coordinadora Nacional de Mujeres Indígenas/Central Nacional de Trabajadores de la Confederación de Trabajadores de la República de Panamá/Federación de Organizaciones Campesinas e Indígenas de Veraguas/ Red juvenil "Llenando un Vacío"/organización de las Mujeres Ngäbe/Organización de Mujeres Campesinas de la Pastoral Cristiana	To promote participation of women in joint or women popular organizations and their leadership skills.
5. Action against violence and other priorities	CEASPA/CAL de FUNDAMUJER/CEPAM/ CEALP/PROMUCOOP/ CEDEM/Red Mujer y Trabajo/Instituto Panameño de Desarrollo Municipal	To sensitize the population on the effects of violence against women and establish the bases for a transformation strategy in order to improve the present levels of actions against it.

6. Sensitization and communication	Sindicato Nacional de Periodistas/CEFA/CEMP/CEPAS/Cámara de Comercio-APEDE-COSPAE	To contribute to the incorporation of Gender in social communications.
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¹The Program consists of six (6) major projects, divided in 38 components following the guidelines defined by parameters set forth in the Agreement signed by the Panamanian Government and the European Union in 1995.

Sources: DINAMU, MJMNF.

LEGAL ACTIONS DURING THE 1990S OF PARTICULAR IMPORTANCE FOR WOMEN

- Approval of legislative amendments that eliminate legal provisions containing vestiges of discriminations against women.
- Law No. 22 of December 7, 1990, whereby married women are given the right to decide whether or not to use their husband's surname.
- Law No. 3 of May 17, 1994 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.
- Law 7 of February 5 of 1997, which created the Defensoría del Pueblo.²⁷
- Law No. 4 of January 29, 1999, whereby Equal Opportunity for Women is established. (Approved by consensus.)
- Law 38, on Domestic Violence.
- The approval of the Facultative Protocol resulting from the ratification of CEDAW.²⁸
- Law on responsible parenthood 2003.

²⁷ Allows women and men to present complaints and violations of their human rights.

²⁸ Allows measuring of the level of enforcement of the Convention, thus strengthening the undergoing process of recognition and respect of women's human rights.

SYNTHESIS OF LAW 4, JANUARY 29, 1999

“WHEREBY EQUAL OPPORTUNITY FOR WOMEN 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; and
- 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.

Title Two is subdivided into thirteen (13) Chapters:

<u>Chapter I “Human and Economic Development”:</u>	Sets forth that the State will involve women in the elaboration of national development plans including the gender perspective.
<u>Chapter II “Political Power and Participation”:</u>	Stresses the obligation of political parties to make the respective regulations of Article 196 of the Electoral Code, which guarantees a 30-percent female participation in the electoral lists and internal election positions.

	Describes the requirement to establish the 30-percent female participation in the Executive Branch, and that by the year 2000 30 percent of the members of community groups, non-governmental organizations, unions, cooperatives, professional trades, and associations are women.
<u>Chapter III “Juridical Equity”:</u>	Establishes the elimination of discriminatory vestiges in the laws, as well as awareness training for justice administrators on gender.
<u>Chapter IV “Family”:</u>	Stresses conducting campaigns on sharing family responsibilities equally between women and men, as well as the encouraging the establishment of child care centers.
<u>Chapter V “Labor”:</u>	Establishes the encouragement of equal access and promotion on the job.
<u>Chapter VI “Violence against Women”:</u>	The State will support the implementation of services, programs and publicity in cases of violence against women, permanent campaigns in mass media. Incorporates the topic of violence and its forms of demonstrations, as well as prevention programs such as upbringing without violence, into the curricula.
<u>Chapter VII “Health”:</u>	Deals with the redefinition of health policies with a gender perspective.
<u>Chapter VIII “Housing”:</u>	Proposes the increasing opportunities for low-income women to own homes.
<u>Chapter IX “Education and Culture”:</u>	Establishes updating the curricula, by removing the sexist contents of text and teaching materials, as well as the training of teachers on gender.
<u>Chapter X “ Mass Media”:</u>	Points out the need for developing awareness campaigns directed to mass media directors and technicians to promote a respectful image of women’s rights.
<u>Chapter XI “Environment”:</u>	Sets forth that the State shall develop a public policy for the existence and survival of human species, so that it will take into consideration the designing and implementation of projects that train and involve women in environment conservation activities.

<u>Chapter XII “Groups of Special Interest”</u>	Eight sections regulating public policy for the promotion of equal opportunities for girls, young, adult, indigenous, peasant, Afro-Panamanian, disabled, and imprisoned women.
<u>Last Chapter of “General Provisions”:</u>	Contains provisions for regulations, budget, and the creation of sectoral women’s mechanisms within state entities that will be in charge of the coordination, promotion, development and supervision of the policy established in this law.

**SUMMARY OF CLAIMS²⁹ FOR UNCONSTITUTIONALITY PUT IN
BY MS. MARIBLANCA STAFF WILSON**

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 Numeral 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.

²⁹ Those claims for unconstitutionality are based on 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 Numeral 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 men, 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), Numeral 1 of Article 16 of CEDAW, and Numeral 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 could 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.

LABOR FORCE PARTICIPATION AND UNEMPLOYMENT, BY SEX

CUADRO No. 1. POBLACIÓN DE 10 AÑOS Y MÁS DE EDAD EN LA REPÚBLICA, POR SEXO, SEGÚN CONDICIÓN DE ACTIVIDAD: CENSOS 1980-2000

	1980			1990			2000		
	TOT.	HOMBRES	MUJERES	TOT.	HOMBRES	MUJERES	TOT.	HOMBRES	MUJERES
Total	1,253,558	633,123	620,435	1,769,488	892,588	876,900	2,206,868	1,109,656	1,097,212
Económicamente Activa	546,852	394,012	152,840	839,695	594,408	245,287	1,161,612	777,051	384,561
Tasa de Actividad (por 100 personas)	43.6	62.2	24.6	47.5	66.6	28.0	52.6	70.0	35.0
Ocupados	500,672	366,538	134,134	741,567	532,281	209,286	1,010,837	690,639	320,198
Desocupados	46,180	27,474	18,706	98,128	62,127	36,001	150,775	86,412	64,363
Porcentaje de desocupación	8.4	7.0	12.2	11.7	10.5	14.7	13.0	11.1	16.7
No económicamente activa	706,706	239,111	467,595	929,793	298,180	631,613	1,045,256	332,605	712,651

FUENTE: Censos nacionales de Población y Vivienda 2000. Dirección de Estadística y Censo. Contraloría General de la República. Volumen II Población. Pág. 5. de la República.

ADDITIONAL DOCUMENTS ON HEALTH POLICIES

- “La Política y el Plan Nacional de Salud Minsal 1990” (MINSA’s Policy and National Health Plan 1990) centered on prevention, monitoring and control of health problems or conditions affecting the majority.
- “Lineamientos Políticos y Estratégicos de Salud 1994” (Health Policy and Strategy Guidelines 1994).
- “Plan Nacional de Salud de la Mujer, la Madre, la Niñez, el Escolar y el Adolescente” (National Health Plan for Women, Mothers, Children, Schoolchildren and Adolescents, 1995-1999).
- El Plan Nacional de Salud Sexual y Reproductiva (National Sexual and Reproductive Health Plan).
- Normas y protocolos de Atención (Norms and Protocols of Attention).
- Normas Integrales de Salud de la Población y el Ambiente (Integral Population Health Norms and the Environment).
- Programa Integral de Atención a la Niñez (Manual de Normas Ambulatorias de Niños de 0 a 5 años) Integral Program of attention to the Child, a manual of ambulatory norms for children ages 0 to 5 years.
- At present, the Plan Nacional contra la Violencia Intrafamiliar y Promoción de Formas de Convivencia Solidaria, or National Plan against Domestic Violence is being elaborated.