



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

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**Committee on the Elimination of Discrimination  
against Women  
Eighty-first session**

**Summary record of the 1855th meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 9 February 2022, at 3 p.m.

*Chair:* Ms. Acosta Vargas

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*The meeting was called to order at 3 p.m.*

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

*Eighth periodic report of Panama (continued)* (CEDAW/C/PAN/8 and CEDAW/C/PAN/QPR/8)

1. *At the invitation of the Chair, the delegation of Panama joined the meeting.*

*Articles 10–14*

2. **Ms. Bonifaz Alfonzo** said that she would like to know what changes the State party was making on the educational front to ensure that discrimination and violence against women were recognized as a matter of concern to the general public. In particular, she wondered what measures were being taken to combat sexual harassment and bullying in schools. She would also like to know what the State party was doing to prevent girls from dropping out of school owing to pregnancy. In addition, she would be interested to know what problems it had encountered in its efforts to introduce sex education in schools and what solutions it envisaged in the short term, particularly with a view to preventing teenage pregnancy. Lastly, she would like to hear about any steps being taken to narrow the differences in educational provision between rural and urban areas, a problem that had a particularly adverse effect on indigenous and Afrodescendent girls and adolescents.

3. **Ms. Akizuki** said that the Committee was concerned at the persistent gender pay gap in the State party, which had been exacerbated by measures taken by employers as part of attempts to contain the COVID-19 pandemic. She would like to know what was being done to narrow the gap. She would also be interested to hear about the implementation and monitoring mechanisms the State party had put in place under the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100).

4. With regard to the implementation of the new legislative measures to address and prevent sexual harassment and discrimination in the workplace, she noted that pregnancy tests continued to be requested from women job applicants and would like to know what specific measures were being taken, in accordance with the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), to ensure that female workers had adequate protection against discrimination because of pregnancy or maternity. She wondered whether the State party intended to ratify the ILO Violence and Harassment Convention, 2019 (No. 190).

5. It would be useful to know what implementation and monitoring measures were in place to protect the basic legal employment rights of refugee applicants; indigenous women; lesbian, bisexual and transgender women and intersex persons; and persons with HIV/AIDS, whose rights were frequently denied them owing to ignorance of the anti-discrimination laws. Domestic workers, three quarters of whom worked in the informal sector, continued to be disadvantaged. She would like to know what measures the State party envisaged to ensure equal treatment of such workers in terms of regular working hours, an eight-hour maximum working day, overtime compensation, daily rest periods and social security.

6. **Ms. Castillo de Sanmartín** (Panama), speaking via video link, said that significant progress had been made in the area of education on sexuality and relationships. The National Council on Support for Adolescent Mothers had developed an intersectoral strategy to prevent teenage pregnancy and drawn up a set of guidelines on sex education, now being applied by the Ministry of Education. In addition, a bill to set up a system of protection for boy and girl adolescents was due for presidential approval in the very near future. The bill set forth the right of adolescents to receive science-based education in sexuality and relationships appropriate to their age and level of development and would, for the first time, establish the right to sex education in law.

7. **Ms. Argüelles** (Panama), speaking via video link, said that, as part of its efforts to reduce stereotyping, the Ministry of Education had produced material for use in sex education classes, which had been rolled out nationwide. Among other things, it explained sexual and workplace harassment, its causes and what legal means were available to address it. The

Ministry had also produced human rights education modules and videos describing the history and basic principles of human rights and giving examples showing their importance in everyday life and in personal relationships.

8. Other teaching materials dealt with the protection of women's human rights, and those rights were also referred to in modules on gender, human trafficking, the sustainable development goals, migration and refugees, sexually transmitted infections, prevention of child sexual abuse and cyberbullying. The Ministry's sex and relationships education programmes included courses designed for the various levels of education, from primary school upwards, and also for teenage mothers and their families, and for parents. The relevant legislation was Act No. 29/2002, on the health and education of pregnant adolescents, as amended and supplemented by Act No. 60/2016 and regulated by Executive Decree 27/2019. The Ministry's records showed that school enrolment rates for girls in recent years had ranged from 94 per cent in 2016 to 99 per cent in 2020 at the primary level; the rate for lower secondary was around 83 per cent and for upper secondary around 57 per cent.

9. **Ms. Castillo de Sanmartín** (Panama), referring to the gender pay gap, said that Panama was implementing a national plan under the Equal Pay International Coalition (EPIC) initiative. In addition, the updated implementing regulations for Act No. 4/1999, on equal opportunities, provided for equal pay, awareness-raising and training measures and incentives to employers, as well as a system of indicators that would make it possible to monitor pay gaps and penalize wage discrimination.

10. **Mr. Sánchez** (Panama), speaking via video link, said that, under the law, the minimum wage in Panama was equal for men and women. The State of Panama had ratified ILO Convention No. 111. The Government had several programmes in place to help ensure decent work for all women and men. They included a "learning by doing" programme to support people entering the labour market; a programme to improve employment for persons with disabilities; another to encourage companies to comply with decent work standards and implement workers' rights; and one to support women wishing to set up cooperatives in which they could subsequently find work.

11. Panama had also recently ratified the ILO Maternity Protection Convention, 2000 (No. 183), under which, among other things, mothers had the right to breastfeed their children in the workplace. With regard to workplace violence and harassment, ratification of ILO Convention No. 190 was currently under discussion by the National Assembly. In addition a working group had been set up to develop the implementing regulations for Act No. 7/2018, aimed at preventing, prohibiting and penalizing acts of discrimination in employment and in the workplace. A survey carried out to establish the number of domestic workers in Panama had facilitated the regulation of that area of work. Domestic workers now received more equitable contracts setting out all their rights with regard to working hours, the working day and rest periods.

12. **Ms. Herrera**, speaking via video link, said that, under Act No. 202/2021, amending Act No. 82/2013, on violence against women, employers in both the public and the private sectors were obliged to grant any leave of absence requested by any woman in connection with the pursuit of judicial proceedings concerning a crime of violence against her. The State party regarded the introduction of those provisions as a major step forward in its efforts to implement ILO Convention No. 190.

13. **Ms. Pérez Herrera**, speaking via video link, said that social security legislation provided for financial and other benefits, such as retirement, widows' and orphans' pensions; maternity leave; family allowances; funeral allowances; and benefits for disability and workplace accidents. Certain of the benefits, notably in relation to pregnancy, applied specifically to women, but otherwise coverage extended without discrimination to men and women, public and private sector workers and domestic workers. Independent professionals and diplomatic and consular workers were able to contribute to the social security fund on a voluntary basis. A retiree's spouse or companion was also covered by the relevant benefits.

14. **Ms. Castillo de Sanmartín** (Panama) said that the Ministry of Labour and Workforce Development guaranteed women free legal representation services in workplace harassment cases. In 2021, some 780 women had availed themselves of such services; around 650 of those cases had been resolved in favour of the women concerned.

15. **Ms. Rana** said that the State party was to be commended for the significant progress made recently in the area of maternal health. In rural areas, however, maternal mortality was still high and alternate sources reported that rural women found it hard to reach health centres. She would therefore like to know what measures the State party planned to put in place to guarantee adequate prenatal, childbirth, and postnatal care and ensure access to health and medical facilities in all parts of the country, particularly in rural areas, in order to bring down maternal mortality. She would also be interested to know how it intended to improve access to health services generally for all women and in particular for the most vulnerable groups, such as rural and indigenous women and women of African and Asian descent.

16. In view of reports from alternate sources of high death rates resulting from unsafe abortions, particularly among rural, indigenous and Afrodescendent women, she would like to know what plans the State party had to adopt a clear public policy guaranteeing the decriminalization of abortion in cases of rape or of danger to women's lives, and safe access to abortion services in such cases. Given the high number of pregnancies among pre-adolescent and adolescent girls, especially in indigenous and rural communities, she would like to hear about any legislation that the State party envisaged to recognize the right to sexual and reproductive health and ensure access to the relevant services, in particular in those communities. With regard to the implementation of Act No. 60/2016, she wondered whether the National Council on Support for Adolescent Mothers had adopted its rules of procedure.

17. The livelihoods of many women, particularly indigenous women working in the tourism sector, had been severely affected by the pandemic. There had also been a rise in domestic violence, sexual crimes and femicide. The State party's gendered response to the pandemic, under which women and men could each only leave the house on designated days, had been heavily criticized, since it had sidelined the transgender community. She wished to know what policy measures the State party planned to take to alleviate the economic and social impact of the pandemic on women and the transgender community and how women would be included in the country's post-pandemic recovery strategy.

18. **Ms. Akizuki** said that it would be helpful to know the timeline for extending the social security system to self-employed women and for introducing a system to monitor the number of women in low-income occupations. The Committee was aware that Panama was an important international financial centre and had several concerns in that regard. Jurisdictions operating an offshore financial sector and offering low tax rates and financial secrecy were generally understood to be facilitating tax evasion, tax avoidance and profit-shifting. Illicit financial flows often diverted resources away from public budgets, which hindered the implementation of social and development programmes for women and girls and the achievement of substantive gender equality. She would like to know whether any assessments had been conducted to determine the impact of the State party's financial secrecy policies, corporate reporting practices and taxation policies on women's rights and whether the State party intended to revise its tax policies to address inequality and to ensure the economic empowerment of women.

19. **Ms. Castillo de Sanmartín** (Panama) said that adolescent-friendly health-care services were available to teenage girls under the adolescent pregnancy prevention strategy adopted by the National Council on Support for Adolescent Mothers. Those services were provided by the Ministry of Health in cooperation with the United Nations Population Fund.

20. **Ms. González** (Panama), speaking via video link, said that the Constitution established the duty of the State to safeguard the health of the whole population, including migrants, and to protect the health of mothers and provide women with comprehensive care during pregnancy. Under the National Plan for Sexual and Reproductive Health 2020–2025, migrants had access to free sexual and reproductive health services.

21. Several decisions and decrees had been adopted to ensure that women had access to free prenatal and post-partum care. Under the current maternal mortality reduction plan, pregnant adolescents had free access to such care. The adolescent fertility rate had continued to fall owing to the family planning, guidance and counselling services provided to adolescent girls by the national network of adolescent-friendly health-care services. By Decision No. 322 of 18 August 2005, the Ministry of Health had extended free health-care services to indigenous peoples, thus putting an end to any difference in treatment between indigenous

and non-indigenous women in that sphere. Some indigenous women had also been trained to serve as midwives in their local communities.

22. In general, the country's maternal mortality ratio had been steadily decreasing. While the desired target had already been reached in urban areas, the maternal mortality ratio remained relatively high in indigenous regions, which were the focus of the current maternal mortality reduction plan. While the maternal mortality ratio had doubled towards the beginning of the pandemic, it had since fallen, with significantly fewer maternal deaths having occurred in 2021 than in 2020 and no further maternal deaths having been reported following the roll out of the country's COVID-19 vaccination programme.

23. **Ms. Herrera** (Panama) said that, in February 2021, a working group had been set up to consider the possibility of amending the legislation in force to extend social security benefits to persons working in the informal sector. Representatives of business, the Government and civil society, including women's groups, were taking part in those discussions. Thanks to the efforts of four public sector financial entities, more women working in the informal sector would be able to gain access to the official banking sector.

24. **Ms. Reddock** asked what proportion of maternal deaths in Panama were attributable to unsafe abortions and whether free or low-cost contraception was readily available in indigenous and rural communities.

25. **Ms. González** (Panama) said that, under the Criminal Code, abortion was a punishable offence. The Criminal Code did, however, allow for the termination of a pregnancy when it was the result of rape, provided that it was performed in a public health centre within eight weeks and the doctor designated to carry out the procedure did not object. Similarly, a pregnancy could be terminated on medical grounds if the life of the mother was in danger or the fetus presented a fatal abnormality. In such cases, the abortion had to be performed before the twenty-second week of pregnancy. The Ministry of Health did not possess any data on unsafe abortions, as they were illegal and most women who had undergone such a procedure did not wish to admit it.

26. The country's maternal mortality ratio was not considered high by central American standards and was continuing to decline. The main causes of maternal mortality in Panama were post-partum haemorrhage, hypertensive disorders and septic shock following caesarean section or other surgical interventions. No maternal deaths caused by unsafe abortions had been reported in five years. Family planning services were available to all women free of charge. Although the budget available for family planning activities had been reduced during the pandemic, educational interventions had been carried out, especially among adolescent girls, on family planning and the use of long-term contraceptive methods. Contraceptives could be purchased privately without a prescription.

27. **Ms. Peláez Narváez** said that Panama was to be congratulated on the range of economic empowerment and business development programmes it had put in place for rural women. She wished to know, however, how the Government ensured that rural women, including indigenous and migrant women and women of African descent, were aware of such programmes and could gain access to the benefits they provided. It would be interesting to hear how many such women had benefited from such programmes during the pandemic. She would also appreciate information on any assessments conducted of the human rights and environmental impact of investment, infrastructure, mining and agro-industry projects on indigenous women and women of African descent and on any measures taken to compensate women in regions negatively affected by such projects.

28. She would like to hear more about the protection offered to migrant women passing through the national territory and about any plans to amend Executive Decree No. 5 of 14 January 2018, on refugee protection, to simplify the procedure for identifying at-risk refugee women. As Act No. 7 of 14 February 2018, on measures to prevent, prohibit and punish discriminatory acts, appeared to make no reference to sexual orientation or gender identity, she wondered how the State party went about protecting lesbian, bisexual and transgender women from discrimination, harassment and violence, including by the police, and ensuring that they had access to justice, particularly in family matters. She would also welcome information on the treatment of transgender women in prisons.

29. The Committee was concerned by reports that women with certain disabilities continued to be forcibly sterilized in Panama and that the restrictions on the rights of persons with disabilities imposed by the Civil Code disproportionately affected women with disabilities, who could be prevented from marrying or raising their own children. She would be grateful if the delegation would explain how the State party ensured that women with disabilities, including those in institutional care, had access to justice. The delegation might also describe the support offered to women living with HIV/AIDS and indicate whether there were plans to change the rules preventing them from gaining access to certain technologies and medication.

30. **Ms. Castillo de Sanmartín** (Panama) said that various social development programmes targeted families living in rural areas and indigenous regions as one of their priority groups. The purpose of those programmes was to increase such families' productive capacity and capacity for entrepreneurship with a view to improving their social inclusion. To date, some 7,300 families headed by women had benefited from those programmes. Several State entities were in the process of drafting public policy guidelines on rural women in Panama based on an intercultural, intergenerational and human rights approach.

31. **Ms. González de Valenzuela** (Panama), speaking via video link, said that one of the strategic priorities of the national policy on disability was to ensure respect for the rights and dignity of persons with disabilities. Under the Family Business Programme, persons with disabilities were granted non-refundable seed capital to start their own business. Between 2017 and 2021, over 570 women with disabilities, including women living in rural areas or indigenous regions, had benefited from the Programme. Some 560 women with disabilities had received financial assistance to help cover the cost of health care under an economic subsidy programme. Technical assistance was made available to persons with disabilities through a revolving fund administered by the National Secretariat for Persons with Disabilities. In Panama, women with disabilities were not sterilized unless there was an extremely pressing reason for doing so. Even then, the procedure could only be performed in a government health facility and in accordance with the legal requirements relating to informed consent.

32. **Ms. López Córdoba** (Panama), speaking via video link, said that women leaders of indigenous communities had contributed to the development of a plan for the economic empowerment of indigenous women for the period 2022–2025 encompassing a range of thematic areas and measures. Indigenous women and women of African descent benefited from programmes including the Beehive Plan, which addressed multidimensional poverty; the Study without Hunger programme and the Panamá Solidario programme, which had been launched during the COVID-19 pandemic and had distributed more than a million bags of food to indigenous communities.

33. **Ms. Acuña** (Panama), speaking via video link, said that 63 per cent of the beneficiaries of the Seed Capital Programme were women. A follow-up study of around a quarter of the enterprises funded by the Programme had found that, as of October 2021, more than 90 per cent remained operational and 68 per cent belonged to women. The Opportunity Bank Programme had benefited almost 2,000 people, half of them women, and the microcredit financing fund (Microcredit Trust Panama) had granted loans at flat rates of interest to more than 2,000 women owners of micro- and small businesses.

34. **Mr. Vásquez** (Panama), speaking via video link, said that Panama had been the first country in the region to allow refugee status to be granted on grounds of gender, and victims of gender-based violence could therefore request international protection. The approach adopted by the National Office of Refugee Affairs incorporated a gender perspective and provided comprehensive assistance for women asylum seekers and refugees who were victims of violence, prioritized the best interests of the child and respected due process. In addition to the Convention, the authorities applied other international instruments, such as the Brasilia Regulations Regarding Access to Justice for Vulnerable People.

35. **Ms. Saravia** (Panama), speaking via video link, said that, with some exceptions related to security matters, Panamanians and foreigners were equal before the law, and migrants' fundamental human rights, such as the right to health and access to justice, were recognized regardless of their migration status. The State provided coordinated, inter-agency

assistance in host communities, including sexual and reproductive health care, for women migrants, including those whose migration status was irregular, from the moment they entered the country. Law enforcement officers received training in humanitarian assistance in remote and border areas, where the National Office of Refugee Affairs also maintained a presence to facilitate asylum applications. The Ombudsman's Office also assisted in protecting migrant women in transit as they travelled through the country. Panama and Costa Rica had entered into an agreement aimed at controlling the flow of migrants across their shared border in which both countries had committed to respecting the human rights of migrants.

36. **Ms. Peláez Narváez** said that she would welcome responses to the Committee's questions on lesbian, bisexual and transgender women and intersex persons, women living with HIV and AIDS and the treatment of transgender women in prisons. She would also like to know whether the border police received training on ensuring equal treatment and combating stigma against certain groups of women.

37. **Ms. Campos** (Panama), speaking via video link, said that police officers received training on human rights topics, including the rights of lesbian, gay, bisexual, transgender and intersex persons. An awareness-raising day on preventing and addressing gender-based violence had been held in 2021, and training on human rights was provided on an ongoing basis. The number of training sessions had increased significantly in recent year. The plan of action to strengthen the police departments that specialized in domestic and gender-based violence included training and awareness-raising on those forms of violence, and on human rights in general, for all police officers.

38. **Ms. Pérez** (Panama), speaking via video link, said that lesbian, bisexual and transgender women and intersex persons who were deprived of their liberty received the same treatment as other prisoners and had access to health care, education and other programmes. A specific health programme allowed women prisoners living with HIV to access treatment, gynaecological care, antenatal care, monitoring and check-ups.

39. **Ms. González** (Panama) said that the many measures adopted under the National Multisectoral Strategic Plan on HIV/AIDS 2014–2019 included the free provision of antiretrovirals to all persons living with HIV, regardless of nationality; the reduction of mother-to-child transmission of syphilis and HIV; free laboratory testing for pregnant women and early detection. Consent must be obtained prior to HIV testing. During the COVID-19 pandemic, HIV care coverage had been extended and antiretrovirals delivered to patients' homes where necessary.

#### *Articles 15 and 16*

40. **Ms. Dettmeijer-Vermeulen** said that the Committee was concerned that, while a single individual who was lesbian was not prohibited from adopting a child and raising the child with her partner, a recently approved bill would prohibit same-sex couples from adopting children. As a consequence, the partner of a lesbian adoptive mother who died might face difficulty in establishing custody of the child. Lesbian and sexually diverse women who left unions or marriages often lost custody of their children, while the same was not true for gay men. She wished to know how the Government planned to address those inequalities in law and in practice and remedy the gap in protection for lesbian women. The Committee would welcome information on whether provisions on divorce, in particular for de facto unions, were in line with the Convention; on whether the concept of joint marital property would be extended to include intangible property such as pensions and insurance benefits; on measures to ensure that joint property was divided equally and fairly; and on whether violence against women in the home was taken into consideration in judicial proceedings involving children. The Committee would also like to know whether the 2020 census had collected data on the division of household responsibilities. If so, what had the data shown and, if not, why had such questions not been included?

41. **The Chair**, noting that there was insufficient time for the delegation to provide oral responses to the Committee's questions on articles 15 and 16, invited the delegation to provide written responses within 24 hours of the closing of the meeting.

42. **Ms. Castillo de Sanmartín** (Panama) said that, although much progress had been made in implementing the Convention in Panama, a number of persistent challenges would require attention if the rights of women and girls were to be guaranteed. It was only through constructive and sincere dialogue that progress could be made in promoting and protecting women's rights, which were human rights.

43. **The Chair** urged the State party to adopt the measures necessary to implement the Committee's recommendations in order to achieve broader application of the Convention throughout Panama.

*The meeting rose at 4.25 p.m.*