



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the eighth periodic report of Panama\*

1. The Committee considered the eighth periodic report of Panama (CEDAW/C/PAN/8) at its 1853rd and 1855th meetings (CEDAW/C/SR.1853 and CEDAW/C/SR.1855), held on 8 and 9 February 2022.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report, which was prepared in response to the list of issues prior to reporting (CEDAW/C/PAN/QPR/8). It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/PAN/CO/7/Add.1). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Social Development, María Inés Castillo de Sanmartín, and included representatives of the Ministry of the Interior, the Ministry of Multilateral Affairs and Cooperation, the Supreme Court of Justice and the Permanent Mission of Panama to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's combined fourth, fifth, sixth and seventh periodic reports (CEDAW/C/PAN/7) in undertaking legislative reforms, in particular the adoption of the following:

(a) Executive Decree No. 10 of 16 January 2019, regulating Laws No. 28 and No. 29 of March 2011, establishing a procedure for the recognition of the status of statelessness, in line with the Convention relating to the Status of Stateless Persons;

(b) Law No. 7 of 14 February 2018, which provides for the protection against discrimination, including on the basis of sex, and establishes the duty of private and

\* Adopted by the Committee at its eighty-first session (7–25 February 2022).



public entities to prevent and criminalize bullying, sexual or other forms of harassment, racism and sexism;

(c) Law No. 56 of 11 July 2017 establishing the requirement of participation of women in the boards of directors of State agencies, whereby women shall make up at least 30 per cent of board members across all positions;

(d) Law No. 60 of 30 November 2016 adopting measures to guarantee health, education and social protection for pregnant adolescent girls;

(e) Law No. 73 of 18 December 2015 providing for psychosocial assistance for survivors of domestic violence and expediting the identification of perpetrators;

(f) Law No. 82 of 24 October 2013 recognizing femicide as a criminal offence and establishing free legal aid for women victims of gender-based violence.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The National Strategic Plan (2019–2024), which includes a pillar aimed at combating gender inequality;

(b) The National Policy “Panama Starts Up and Grows” (2017–2022), which promotes entrepreneurship, including for women;

(c) The National Action Plan for Equality of Opportunity for Women (2016–2019), adopting measures for the promotion of women's rights and their right to equality;

(d) The National Plan of Action to Combat Trafficking in Persons, through Executive Decree No. 125 of 2018.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 16 February 2017;

(b) The International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), on 15 June 2015;

(c) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 2 June 2011;

(d) The International Convention for the Protection of All Persons from Enforced Disappearance, on 24 June 2011.

### C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

## D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## E. Principal areas of concern and recommendations

### **Women's rights and gender equality in relation to the coronavirus disease pandemic and recovery efforts**

9. The Committee welcomes the information provided by the delegation during the dialogue indicating the adoption of a national emergency and social assistance plan that includes digital transfers and covers 51.58 per cent women out of the total number of beneficiaries. It also notes the information on programmes to ensure universal vaccination, in which 51.53 per cent of the beneficiaries are women. The Committee, nonetheless, remains concerned that women have been extremely affected by the coronavirus disease (COVID-19) pandemic and measures taken to contain it, in particular due to: the loss of jobs, including for domestic workers; the reduction of wages; recourse to the informal economy; or the loss of livelihoods for indigenous women in areas where tourism was the main income-generating activity before the pandemic, exacerbating situations of hunger and malnutrition faced by indigenous women. It is also concerned about information indicating the spread of gender stereotypes that overemphasize women's role as housewives and caregivers during the pandemic and about discrimination against transgender women during the confinement periods, when activities outside the home were allowed on the basis of sex. It is furthermore concerned about the limited participation of women in the high-level government commissions established to address the impacts of the pandemic and about the absence of measures to ensure gender equality and women's empowerment in the recovery period.

10. **The Committee, in line with its guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, issued on 22 April 2020, recommends that the State party:**

(a) **Implement specific strategies in response to the pandemic and in the recovery aimed at achieving gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals;**

(b) **Implement targeted programmes to address situations of hunger and malnutrition exacerbated during the pandemic in indigenous regions, and ensure that measures to mitigate the socioeconomic impact of the pandemic target all groups of women, including: rural women; indigenous and Afrodescendant women and girls living in remote areas; women domestic workers; migrant, refugee and asylum-seeking women; women with disabilities; and lesbian, bisexual and transgender women and intersex persons;**

(c) **Ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles, and that sex is no longer a criterion for leaving homes in future lockdowns;**

(d) **Promote and facilitate the equal participation of women, including indigenous women, Afrodescendant women and women with disabilities, in the State party's official national recovery programmes, across all sectors of policy.**

**Legislative protection from discrimination**

11. The Committee takes note of the State party's efforts to develop its legislative and policy framework concerning gender equality and non-discrimination, including recognizing sexual or other types of harassment, bullying in the workplace, racism and sexism as criminal offences. Nonetheless, it remains concerned about:

(a) The insufficient implementation of legislation and public policies on gender equality, in the absence of comprehensive monitoring and evaluation mechanisms and data collection systems relating to the rights of women;

(b) The absence of measures to review and amend provisions that are assumed to be gender-neutral but that discriminate against women and girls;

(c) The lack of provisions in the legislative framework to protect lesbian, bisexual and transgender women and intersex persons against discrimination on the basis of gender and sexual orientation, including the lack of remedies and mechanisms to file complaints;

(d) Intersecting and de facto discrimination faced by: indigenous and Afrodescendant women; women with disabilities; women living with HIV/AIDS; migrant, asylum-seeking and refugee women; and lesbian, bisexual and transgender women and intersex persons.

12. **In line with article 1 of the Convention and general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and recalling its assessment of the follow-up report issued on 13 May 2016 (CEDAW/C/PAN/CO/7/Add.1) and its recommendations therein, the Committee recommends that the State party:**

(a) **Establish mechanisms to monitor the implementation of legislation and policies aimed at guaranteeing gender equality and non-discrimination, both de jure and de facto, in all areas covered by the Convention, including through the adoption of specific time frames, and strengthen human, financial and technical resources to promote gender equality across the territory;**

(b) **Address indirect discrimination against women, including by reviewing and amending gender neutral provisions in the civil, labour, criminal and procedural codes that discriminate against women, including with respect to inheritance rights;**

(c) **Amend Law No. 7 of 14 February 2018 on anti-discrimination to ensure that it encompasses gender as a ground of discrimination, and ensure that lesbian, bisexual and transgender women and intersex persons have access to complaint mechanisms in cases of gender-based discrimination and are targeted by concrete programmes and policies to ensure equality in all areas covered by the Convention;**

(d) **Establish comprehensive statistical databases and systems for collecting data disaggregated by sex and gender, to identify and address multiple and intersecting forms of discrimination against women, and in particular against women belonging to specific, most marginalized groups.**

### **Women's access to justice and remedies**

13. The Committee acknowledges the establishment of free legal aid for survivors of crime irrespective of socioeconomic status and throughout all judicial procedures, and it welcomes measures adopted to expedite judicial proceedings in family courts, including through the use of audio and video technical equipment during judicial hearings, and to increase access by indigenous women to justice through mobile family courts in the Province of Chiriquí. The Committee, nonetheless, remains concerned by:

(a) The lack of information on measures to ensure women's access to justice and remedies in all areas of law, including during the COVID-19 pandemic;

(b) The lack of information disaggregated by age, sex, disability status, migrant, refugee or asylum-seeking status, race and ethnicity on complaints and recommendations issued by the Directorate for the Protection of Women's Rights of the Ombudsperson's Office, concerning human rights violations and discrimination against women;

(c) The use of plea agreements in the criminal prosecution system in cases of gender-based violence against women, including femicides;

(d) The lack of information on measures to ensure access to justice and remedies for women with disabilities, including those who have been subjected to abuse and violence in institutional care settings;

(e) Stigma and discriminatory stereotypes among law enforcement officers, including the police, which impede access to justice for indigenous, Afrodescendant, refugee and asylum-seeking women, including in cases of gender-based violence against women and throughout immigration law enforcement proceedings.

**14. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

**(a) Adopt a comprehensive plan of action to modernize, expedite and ensure access to justice for women in all areas of law, including in relation to land and property matters, labour law, citizenship, and administrative and immigration procedures, and ensure that recovery programmes encompass measures to address the setbacks in women's access to justice experienced during the COVID-19 pandemic by addressing the underreporting of cases;**

**(b) Collect information disaggregated by sex, gender, age, race, ethnicity, migrant, refugee or asylum-seeking status, and disability situation, regarding the complaints and decisions taken by the Ombudsperson's Office concerning violations of women's rights;**

**(c) Remove plea agreements in cases of gender-based violence against women and ensure criminal prosecution under the accusatory criminal system;**

**(d) Design a strategy and set up indicators aimed at guaranteeing access to justice for women with disabilities, introducing procedural adjustments responsive to disability, providing information in accessible formats throughout court proceedings, and improving the physical accessibility of courts, access to sign language interpreters and the accessibility of mechanisms to file complaints;**

**(e) Strengthen systematic capacity-building for judges, prosecutors, lawyers and law enforcement officials concerning equality and non-discrimination against women, and adopt indicators to ensure that cases of gender-based violence and discrimination against indigenous women,**

**Afrodescendant women, refugee women and women asylum seekers are managed in a gender-sensitive manner.**

**National machinery for the advancement of women**

15. The Committee welcomes the information about the political and financial autonomy of the National Institute for Women and the establishment of the Network of Government Mechanisms for the Promotion of Equal Opportunities in Panama and other entities for the advancement of women, including the National Women's Council, the National Committee on Violence against Women, and employment and gender directorates (CEDAW/C/PAN/8, paras. 37, 38, 40 and 46). However, it remains concerned about:

(a) The lack of ministerial rank and scope of action of the National Institute for Women to conduct and coordinate policymaking processes to guarantee gender equality at the national level, and the still insufficient budgetary allocation to fulfil its mandate;

(b) The absence of coordination systems among different mechanisms across sectors and in regions and provinces to implement gender equality policies and programmes and the limited awareness among women about the centres of the National Institute for Women (ibid., para. 43);

(c) The absence of mechanisms across all sectors of policy to ensure appropriate consultations with and the meaningful participation of women's organizations, including indigenous and Afrodescendant women and women with disabilities, in the national machinery for the advancement of women.

**16. The Committee recommends that the State party:**

(a) **Provide the National Institute for Women with ministerial rank, ensuring appropriate budgetary allocations for the implementation and monitoring of policies in the area of gender equality, and expediting the process to establish the Ministry of Women's Affairs as provided for in the National Strategic Plan 2019–2024;**

(b) **Establish better coordination systems across various sectors to implement public policies in the area of gender equality and mainstream gender equality;**

(c) **Ensure mechanisms for the participation of and cooperation with women's civil society organizations in the national machinery for the advancement of women across sectors and at the provincial level, and disseminate information about measures to promote women's rights at the centres of the National Institute for Women.**

**Temporary special measures**

17. The Committee is concerned about provisions in the Electoral Code that limit the implementation of parity in lists of candidates to elected positions, in particular by allowing political parties to replace women candidacies with male candidates. It also observes the absence of information about temporary special measures to achieve substantive equality in all areas covered by the Convention by overcoming the marginalization of women subjected to multiple and intersecting forms of discrimination.

**18. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Amend the Electoral Code to ensure that equal numbers of women are nominated to contest political positions throughout the State party's governance systems at the national and local levels and eliminate their replacement by males;**

(b) **Eliminate other barriers to increasing ethnic and geographical diversity in the composition of political parties' candidate lists;**

(c) **Adopt temporary special measures to accelerate the achievement of the substantive equality of women and men in all areas covered by the Convention, in particular to guarantee the access of women to employment, positions at the managerial level, education, international representation, health care and universal access to social security;**

(d) **Allocate budgetary resources to develop temporary special measures aimed at accelerating substantive equality and eliminating intersectional discrimination affecting indigenous and Afrodescendant women, migrant, refugee and asylum-seeking women, female heads of households and women with disabilities.**

### **Discriminatory stereotypes and harmful practices**

19. The Committee takes note of measures to combat gender stereotypes, in particular the review of the school textbooks to address gender representations of women and discriminatory stereotypes, and to raise public awareness about gender equality. The Committee is nevertheless concerned about:

(a) The persistence of deep-rooted gender stereotypes about the roles and responsibilities of women and men in the family and in society and the lack of measures to raise awareness among men about gender equality and women's rights to equality and non-discrimination;

(b) The lack of information about measures to monitor the implementation of Law No. 6 of 2000 concerning the implementation of the review of textbooks with a gender equality perspective;

(c) The higher prevalence of adolescent pregnancies among indigenous women and girls and the lack of information on measures to foster autonomy in the exercise of their sexual and reproductive rights.

20. **Recalling the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and its previous recommendations (CEDAW/C/PAN/CO/7, para. 23), the Committee recommends that the State party:**

(a) **Adopt comprehensive and long-term programmes with benchmarks and indicators to modify stereotypical attitudes and cultural norms about the responsibilities and roles of women and men in society, such as nationwide gender-informed teacher education and non-sexist parenting programmes, in keeping with articles 2 (f) and 5 (a) of the Convention;**

(b) **Adopt measures to systematically monitor and evaluate progress in the reform of the educational curriculum that fulfils the mandatory use of language, content and illustrations with a human rights and gender perspective in schoolwork and textbooks, and train teachers in their application and use;**

(c) **Adopt a community and school-based comprehensive strategy, engaging men and boys in creating an enabling environment that supports the empowerment of women and girls, with the aim of tackling harmful practices and changing underlying social norms that underpin sexual violence and social**

**norms concerning sexual and reproductive health and adolescent pregnancies, including in rural and indigenous communities;**

**(d) Reinforce effective partnerships with the mainstream media to support the implementation of awareness-raising programmes and promote public discussions on gender equality, and encourage the creation and observance of self-regulatory mechanisms that respect the privacy of individuals.**

#### **Gender-based violence against women**

21. The Committee welcomes the legislation in the State party recognizing femicide as a criminal offence as well as reforms to increase penalties for different forms of sexual violence, including rape, sexual exploitation and child pornography. It also takes note of the measures included in the Public Policy for Equal Opportunities for Women (Executive Decree No. 244 of 18 December 2012) to prevent gender-based violence against women. However, the Committee remains concerned about:

(a) The persistence of various forms of gender-based violence against women in public and private spaces, including the prevalence of domestic violence and sexual violence against adolescent girls, in residential alternative care centres, and affecting women with disabilities, indigenous and Afrodescendant women (CEDAW/C/PAN/8, para. 95) and migrant women;

(b) Hate speech and sexual harassment against lesbian, bisexual and transgender women and intersex persons and xenophobia affecting migrant, asylum-seeking and refugee women;

(c) The low conviction rates for perpetrators of gender-based violence against women, compared with the number of complaints received, and limited information about redress and remedies available to victims of gender-based violence against women;

(d) Barriers to the reporting of cases of gender-based violence against women and access to psychosocial support, including during periods of quarantine and confinement related to the COVID-19 pandemic;

(e) The lack of coordination of data collection systems on gender-based violence against women, preventing a comprehensive understanding of the phenomenon that recognizes ethnic and regional diversity, and limiting the effectiveness of measures to tackle gender-based violence against women.

**22. The Committee, in the light of its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, recommends that the State party:**

**(a) Ensure the actual implementation of all legislation and institutional measures to tackle and eliminate all forms of gender-based violence against women, targeting violence against women who face intersecting forms of discrimination, particularly adolescent girls, women with disabilities, indigenous and Afrodescendant women, and migrant, refugee and asylum-seeking women, establishing benchmarks, indicators of progress and a time frame for monitoring implementation;**

**(b) Increase the human, technical and financial resources of the National Institute for Women and the National Committee on Violence against Women to better coordinate, monitor and assess the national, regional and local implementation of policies to prevent and eliminate gender-based violence against women, and provide them with financial resources to reinforce their engagement with local communities in provinces with a high incidence of gender-**

based violence against women, including the Provinces of Panamá, Panamá Oeste, Chiriquí, Bocas del Toro, Coclé and Veraguas;

(c) **Conduct prompt and impartial investigations into hate crimes and xenophobia affecting migrant women and lesbian, bisexual and transgender women and intersex persons, and provide reparations, including compensation, to victims of such crimes;**

(d) **Eliminate barriers to the reporting of cases of gender-based violence against women and ensure that cases are investigated and that the perpetrators are prosecuted and brought to justice;**

(e) **Ensure the availability of and strengthen support services for victims of gender-based violence, including counselling, psychosocial and rehabilitation services, ensuring that shelters for and information directed at women who are victims of gender-based violence are accessible throughout the State party, including for women with disabilities, that staff are properly trained, and that the quality of the services provided is regularly monitored;**

(f) **Strengthen its systems of data collection and ensure that statistical data on the number of complaints about all forms of gender-based violence against women cover all forms of violence, including technology-mediated violence, and that information is disaggregated by age, type of violence, relationship between the victim or survivor and the perpetrator, and region, and in relation to intersecting forms of discrimination against women and other relevant sociodemographic characteristics, including the age of the victim or survivor.**

#### **Gender-based violence against women in border areas**

23. The Committee acknowledges the information provided by the State party about measures to recognize temporary residency on a humanitarian basis for a six-year period to migrant women who are victims of gender-based violence. It also recognizes the measures taken to reinforce access to justice and legal advice through the services of the Ombudsperson's Office in border and remote areas. However, the Committee observes with concern:

(a) The prevalence of gender-based violence against migrant women, particularly Afrodescendant women, including those of Haitian origin, who are in transit through the State party's territory of the Darién Gap, including disappearances, rape, intimidation and threats by armed non-State actors, and the barriers to survivors' access to justice and remedies, psychosocial and health care, and redress;

(b) Specific barriers preventing migrant women in transit in the Darién Gap and refugee women from gaining access to assistance programmes offered by the National Institute for Women, due to the requirement imposed on survivors to file complaints with the Office of the Public Prosecutor as a precondition for access to psychosocial, economic or other types of assistance for victims;

(c) The limited number of prosecutions and convictions of perpetrators of gender-based violence against women in transit in the Darién Gap and information about instances of revictimization of women who have filed complaints.

24. **Recalling its general recommendation No. 35, the Committee recommends that the State party:**

(a) **Adopt an emergency plan to tackle and eliminate all forms of violence against migrant women in transit in the Darién Gap, based on a human rights approach to the crisis, ensuring victim-oriented and gender-sensitive policies and measures to address the situation;**

(b) **Remove the requirement to file a complaint with the Office of the Public Prosecutor in order for women to have access to the National Institute for Women survivor assistance programmes, including shelters for victims of gender-based violence against women;**

(c) **Reinforce cooperation and partnerships with the international community and civil society and women's organizations to ensure that migrant women have access to the State party's full range of services providing redress to survivors of gender-based violence against women, including in the areas of health care and psychosocial support;**

(d) **Implement protection measures to guarantee the life and safety of women victims and witnesses of gender-based violence, including girls and family members, and increase the availability of shelters for high-risk victims of gender-based violence, allocating financial resources for them;**

(e) **Guarantee access to justice for women in the border area of the Darién Gap regardless of their status, intensifying its efforts to investigate and punish the persons responsible for rape and other types of violence, and establish a mechanism within the criminal justice system to address complaints related to gender based-violence against migrant women in transit, ensuring the recognition of protection measures for witnesses and survivors;**

(f) **Collect data, disaggregated by sex, age and nationality, on women migrants and asylum seekers entering the State through the Darién Gap who have been victims of violence, including sexual violence, as well as information on the outcome of the investigation and prosecution of registered cases.**

#### **Trafficking and exploitation of prostitution**

25. The Committee notes with concern:

(a) The requirement for movement among the elements of crime in the definition of trafficking contained in the State party's legislation, which is not in conformity with international standards on trafficking in persons;

(b) The fact that the State party is a country of origin, transit and destination for trafficking in persons for purposes of sexual exploitation, forced labour and sexual servitude affecting women and girls (CEDAW/C/PAN/8, para. 104), and the absence of information about measures for victim identification in the labour sector;

(c) The use of Internet-based platforms to subject women and girls to trafficking in persons, including mobile phone apps, and the use of beauty parlours, spas and private homes rented by traffickers in persons;

(d) The low number of investigations, prosecutions and convictions of traffickers, particularly during the COVID-19 pandemic, and the lack of protocols for conducting investigations and prosecutions with respect to victims identified by the National Commission on Combating Trafficking in Persons and the police;

(e) The increased vulnerability of women victims of trafficking during the pandemic due to unemployment or limited access to bare essentials, including hygiene products, or a lack of health care, including the absence of medical services for women during childbirth.

26. **Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

(a) **Strengthen its efforts to combat trafficking in women and girls, and promote meaningful engagement with relevant stakeholders, including women**

and girls, in decision-making and at all stages of efforts to prevent and combat trafficking;

(b) **Bring the definition of trafficking in persons in its legislation (Law No. 79 of 9 November 2011) into conformity with the Convention, the Palermo Protocol and all relevant international human rights standards;**

(c) **Allocate sufficient human, technical and financial resources to the Identification and Assistance Unit of the Secretariat General on Combating Trafficking in Persons;**

(d) **Redouble its efforts to raise awareness among the general public, adolescent girls and women, through social media and Internet-based applications, spas and beauty parlours, about trafficking in persons and channels to report trafficking;**

(e) **Establish clear protocols and mechanisms for conducting prosecutions and investigations of trafficking in women, and adopt protocols to mainstream gender-sensitive and child-friendly procedures;**

(f) **Adopt measures to prevent and to provide specialized support to women victims of sexual violence in migrant reception stations, to improve referral systems of women and girl victims of trafficking to the appropriate social services, and to establish specialized shelters for women and girl victims of trafficking, including measures to guarantee the safety of women under protection.**

27. The Committee observes that prostitution is legal in the State party. However, it is concerned about the absence of information on measures to ensure the effective access of women in prostitution to health care and social protection, and about exit programmes for women who wish to leave prostitution.

28. **The Committee recommends that the State party ensure that health care and social protection are available to women in prostitution, strengthen income-generating opportunities for women and provide exit programmes for women who wish to leave prostitution.**

#### **Equal participation in political and public life**

29. The Committee notes with concern:

(a) The low representation of women in the National Assembly, with only 16 out of 71 seats being occupied by women, representing 22.5 per cent of the legislative body;

(b) The decrease in the representation of women in the executive branch, particularly the number of women appointed as ministers, from 31.3 per cent in January 2021 to 18.7 per cent in February 2022, as well as the low representation of women in decision-making positions at the municipal level, where only 11 per cent of mayors are women, as only 9 out of 81 municipalities and towns have women mayors, and in decision-making positions at the judiciary;

(c) The ineffectiveness of the Electoral Code to promote gender parity, and hate speech and violence experienced by women in politics;

(d) The absence of measures to promote the participation in political and public life of indigenous women, Afrodescendant women and women with disabilities, or in leading positions at the international level.

30. **The Committee recommends that the State party:**

(a) Amend Law No. 56 of 2017 promoting gender parity in local and general elections, establishing sanctions for non-compliance with the obligation of parity; develop a strategy to promote the full, equal, free and democratic participation of women on an equal basis with men in political and public life; and support women's candidacies and political campaigns, including through capacity-building and campaign financing;

(b) Strengthen structures within the political parties to facilitate women's political participation;

(c) Put in place mechanisms to increase women's representation in executive posts and adopt special measures to promote women's access to leading positions in the judiciary, including targeted selection processes and quotas in nomination lists of judges and justices;

(d) Implement legislative measures to combat hate speech and negative attitudes toward the participation of women in political life, and raise awareness among political leaders, including members of the National Assembly, and the public about gender equality and equal rights between women and men to participate in political life;

(e) Strengthen mechanisms to facilitate women's participation in the international arena; adopt legislation and policy measures that promote diversity and political participation at all levels, including the representation of indigenous and Afrodescendant women, young women, rural women and women with disabilities, in international affairs, including in organizations and in leading positions at diplomatic missions; and implement measures to reduce negative attitudes associated with women in high-level international leadership positions.

#### **Nationality**

31. The Committee welcomes the adoption of Executive Decree No. 10 of 16 January 2019 to apply the 1954 Convention relating to the Status of Stateless Persons, and measures taken by the State party to proceed with the registration of all births that take place in migrant transit centres, including children born to Haitian women. However, the Committee is concerned about challenges in accessing birth registration and identity documents for children born to undocumented women, which increases their risk of statelessness.

32. **The Committee recommends that the State party:**

(a) **Reform its birth registration and identity procedure, with a view to creating an equal and accessible birth registration and identity procedure for women and their children, and give full effect to the 1954 and 1961 conventions relating to the status of stateless persons, recognizing the legal status of children born to undocumented women;**

(b) **Establish criteria and gender-sensitive mechanisms throughout all procedures for the recognition of the condition of statelessness and support for stateless persons by the State.**

#### **Education**

33. The Committee is concerned about:

(a) The higher illiteracy rates among women compared with men (CEDAW/C/PAN/8, para. 142), which particularly affect indigenous and rural women, and the lack of information disaggregated by age, ethnicity, disability, socioeconomic condition and migrant, refugee or asylum-seeking status on girls' and

women's access to education, in particular their enrolment, completion and dropout rates;

- (b) The school dropout rate among pregnant adolescent girls;
- (c) The lack of a framework and guidelines on appropriate, comprehensive sexuality education at all levels, and the rejection by societal groups of education on sexual and reproductive health and rights;
- (d) The underrepresentation of women enrolled in non-traditional fields of study and career paths;
- (e) Barriers preventing indigenous women and girls from attending virtual education programmes during the period of confinement during the COVID-19 pandemic, in particular due to the lack of technology devices.

**34. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and its previous concluding observations (CEDAW/C/PAN/CO/7, paras. 35 and 37), the Committee recommends that the State party:**

- (a) **Set up a strategy with measurable indicators and time frames for the assessment of progress with regard to women's education, including in indigenous regions, and ensure that the Ministry of Education collects statistical data about their enrolment, completion and dropout rates, disaggregated by age, ethnicity, disability, socioeconomic condition, and migrant, refugee or asylum-seeking status;**
- (b) **Eliminate the stigmatization of pregnant adolescent girls; establish monitoring mechanisms to ensure that public and private school programmes comply with the mandate of Law No. 60 of 2016; and establish programmes, including funds for school expenses and childcare, and information campaigns among adolescent girls to facilitate the re-entry into school of young mothers in both the public and private education sectors;**
- (c) **Develop and introduce in school curricula programmes with a time frame and benchmarks to include education on women's rights, gender equality, positive masculinities and the role of men and boys in preventing sexual and gender-based violence and harmful practices, and ensure capacity-building in formal teacher education programmes;**
- (d) **Promote women's and girls' choice of non-traditional fields of study and career paths, such as science, mathematics, engineering and new information technologies, including by providing career counselling and guidance, and taking incentive measures;**
- (e) **Expand the coverage and human, technical and financial resources allotted to bilingual education for indigenous women, and adopt and implement a strategy to guarantee access to technology for indigenous girls and women, allowing them to enrol in Internet-based education programmes.**

### **Employment**

35. The Committee welcomes the legislation enacted by the State party to address and prevent sexual harassment and other forms of discrimination in the workplace, and information about the establishment of a minimum wage for all workers. Nonetheless, it is concerned about:

- (a) The remaining high rates of unemployment among women, including young women, and the occupational gap in the employment of women compared with men (in 2019 the employment rate was 55 per cent for women and 78.8 per cent for

men), due to prevailing gender roles emphasizing unpaid household and care work for women, and contract suspension during the COVID-19 pandemic affecting at least 120,796 women's jobs;

(b) The persistence of a gender wage gap, and the occupational segregation and concentration of women in low-paid jobs and in the informal sector of the economy or in jobs as domestic workers, which often lack social protection, exposing women to loss of income and housing during the COVID-19 pandemic;

(c) The continuous practice of requiring pregnancy tests for women to access jobs in the public and private sectors, the absence of labour legislation to protect pregnant women from dismissal, and the continuous discrimination against refugee applicants, indigenous women, women living with HIV/AIDS, and lesbian, bisexual and transgender women and intersex persons in the workplace;

(d) The lack of implementation of the ILO Domestic Workers Convention, 2011 (No. 189), and non-compliance of the State party's legislation concerning the definition of working hours, resting time and a minimum wage for domestic workers vis-à-vis the international standards;

(e) The underrepresentation of women in decision-making positions in private and public companies, and the information that about 71 per cent of companies have not hired women at the highest executive level.

**36. In line with target 8.5 of the Sustainable Development Goals on the promotion of full and productive employment and decent work for all women and men, the Committee recommends that the State party:**

**(a) Address the unemployment rate among women through temporary special measures that encourage, promote and facilitate women's access to formal employment across all sectors of the economy, especially for those from marginalized groups;**

**(b) Establish monitoring mechanisms concerning remuneration, in accordance with the ILO Equal Remuneration Convention, 1951 (No. 100), and adopt a plan of action to ensure women's access to formal employment, taking into account the guidance provided in ILO Recommendation No. 204 (2015) concerning the Transition from the Informal to the Formal Economy, in particular in the period of recovery from the COVID-19 pandemic;**

**(c) Introduce a system of social protection to cover women workers in low-income jobs and in self-employment to protect them from precarity due to loss of income;**

**(d) Reinforce the implementation of legislation to combat discrimination in the workplace, prohibiting employers from requesting pregnancy tests; strengthen complaint mechanisms available for women; and develop public campaigns to reaffirm the equal rights of women and men in the area of employment;**

**(e) Monitor the composition of boards of directors in public and private companies and implement temporary special measures to accelerate the access of women to managerial positions across all sectors;**

**(f) Implement the ILO Domestic Workers Convention, 2011 (No. 189), ensuring that women domestic workers, including migrants, enjoy decent work and have access to effective remedies to file complaints about exploitation and abuse by employers.**

## Health

37. The Committee observes the implementation of measures related to health, including the National Strategic Plan for the Reduction of Maternal and Perinatal Morbidity and Mortality 2015–2020. However, it notes with concern:

(a) The prevalence of maternal mortality among indigenous women, in particular those inhabiting the Ngäbe-Buglé *comarca* and the Darién province, and the lack of access to health-care facilities in indigenous regions;

(b) The absence of specific regulations and policies to provide access to termination of pregnancy in cases authorized by legislation, particularly in cases of rape and danger to the life of the mother, and the fact that abortion continues to be criminalized in other cases;

(c) The high number of adolescent pregnancies and the fact that a large number of pregnant adolescents are living with HIV/AIDS, and women's and girls' limited access to information on sexual and reproductive health and rights, modern forms of contraception and safe abortion services;

(d) Forced sterilization procedures performed on indigenous women and young girls and women with disabilities, at the request of a third party and without their free, prior and informed consent.

38. **The Committee recalls its previous concluding observations (CEDAW/C/PAN/CO/7, paras. 41, 43 and 45), and recommends that the State party:**

**(a) Assess the outcomes of the National Strategic Plan for the Reduction of Maternal and Perinatal Morbidity and Mortality 2015–2020, and introduce new strategies and programmes to address the prevalence of maternal mortality among indigenous and Afrodescendant women, including programmes on sexual and reproductive health and rights in the indigenous regions;**

**(b) Address the high rate of maternal mortality by guaranteeing adequate prenatal, childbirth and postnatal care and ensuring access to health-care facilities in all parts of the country, particularly in rural areas;**

**(c) Adopt specific health targets in national and provincial plans aimed at improving access to health services for all women, and in particular for indigenous women, Afrodescendant women and women with disabilities, and monitoring mechanisms that include the cooperation and participation of women and their civil society organizations;**

**(d) Adopt a public policy to guarantee safe access to abortion services by women in cases of rape and danger to women's lives, and amend the Penal Code to legalize abortion in all other cases, including in the case of incest or severe fetal impairment;**

**(e) Ensure adequate access to information for adolescent girls and young women about sexual and reproductive health and rights, including on the prevention of adolescent pregnancy and sexually transmitted infections, and conduct awareness-raising campaigns about modern forms of contraception, ensuring women's and adolescent girls' access to safe and affordable contraception, in particular in rural and remote areas, including indigenous and Afrodescendant communities;**

**(f) Prevent the forced sterilization of indigenous women and women with disabilities, including by eliminating legal provisions allowing for the sterilization of women with disabilities on the basis of impairment and at the**

**request of family members or guardians; ensure that women always provide their free, prior and informed consent regarding sterilization; and establish programmes at the national and regional levels to provide access by women with disabilities to sexual and reproductive health and rights.**

#### **Economic and social benefits and economic empowerment of women**

39. The Committee observes the initiatives to promote women's entrepreneurship, loan programmes, including agricultural loans, and facilities and cooperatives for agricultural production. However, it is concerned about:

(a) The lack of assessments of the actual impact of these agricultural programmes on rural women;

(b) The negative impact of the State party's financial secrecy policies, corporate reporting and tax policies on women's rights in its territory and on the ability of other States parties to mobilize maximum resources for the advancement of women's rights;

(c) The low percentage of women with social security coverage, particularly due to the prevalence of informal employment among women;

(d) The situations of poverty and deprivation, including food insecurity, among women, including women heads of households, women with disabilities or those caring for family members with disabilities, and rural, indigenous, Afrodescendant and migrant and refugee women.

40. **The Committee recommends that the State party:**

(a) **Conduct assessments of the impact of agricultural programmes on women in the short, medium and long terms, and reformulate agricultural programmes to achieve substantive gender equality and the economic empowerment of women;**

(b) **Conduct assessments of the impact of the State party's financial secrecy policies, corporate reporting and tax policies on women's rights and substantive gender equality, in the State party and in other States parties; adopt measures, including legislation and oversight mechanisms, to ensure that its domestic financial and professional services industries are not involved in transnational tax avoidance arrangements, which curtail the State party's capacity to achieve substantive gender equality; and undertake necessary reforms concerning tax policies with the aim of addressing inequality and ensuring the economic empowerment of women;**

(c) **Establish a universal social security system and benefits; implement a national strategy and a timeline for ensuring the enrolment in the social security system of self-employed women and women in the informal sector of the economy, in care-related work or in low-income jobs; and monitor systems of enrolment;**

(d) **Implement public policies and plans of action with time frames to eliminate poverty among women with disabilities, indigenous women, Afrodescendant women and migrant women, ensuring that they participate in entrepreneurial initiatives that empower them economically and opportunities to acquire necessary skills to participate in various sectors of the economy.**

#### **Rural women**

41. The Committee is concerned about the absence of information relating to the percentage of rural women beneficiaries of loan programmes, the effective access to

loans by indigenous and Afrodescendant women, and the lack of measures to ensure that women recipients of loans receive extension support to ensure repayment of the loans. It is also concerned by the lack of information about mechanisms to ensure rural women's participation in the benefits of agricultural development projects at the provincial level, and by limited access to land ownership.

**42. In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Expand access for rural women, including indigenous and Afrodescendant women, to loans with no or very low interest rates, income-generating activities and entrepreneurship opportunities, with the aim of combating poverty and promoting the advancement of rural women, and enhance their security of land tenure;**

(b) **Ensure that agricultural development policies, programmes and projects respond to the goal of substantive gender equality and effectively address the situation of rural women, ensuring that they can meaningfully participate in the development and implementation of agricultural and development policies, including with regard to decisions on land use;**

(c) **Develop policies and programmes to ensure the economic empowerment of rural women, work with indigenous and Afrodescendant women in short-, medium- and long-term programmes on poverty alleviation, and ensure rural women's access to basic services, including housing, clean water, sanitation and electricity, as well as to economic opportunities and technological progress.**

#### **Indigenous and Afrodescendant women**

43. The Committee observes with concern:

(a) That national agreements between Afrodescendant and indigenous women and incoming governmental and presidential candidates to implement policies for improving the situation of women have not been fulfilled;

(b) That indigenous and Afrodescendant women face intersecting racial, ethnic and gender discrimination and prevailing inequalities, including high levels of unemployment, an absence of adequate health-care services, and barriers preventing them from benefiting from economic empowerment and participating in public and political life;

(c) That there is a lack of mechanisms to seek the free and informed consent of indigenous and Afrodescendant women and their involvement in decision-making procedures concerning public policies, programmes and investment projects;

(d) That no environmental impact assessments are conducted on the consequences for the human rights of indigenous and Afrodescendant women of investment, infrastructure, mining and agroindustry projects in the light of current concerns with environmental degradation and disaster risk reduction.

**44. The Committee recommends that the State party:**

(a) **Implement decisions in the national agreements between indigenous and Afrodescendant women's organizations and the State party signed by the President of the State party;**

(b) **Address racial discrimination against Afrodescendant and indigenous women, such as discrimination against women and girls who wear natural, African-style hair;**

(c) **Adopt a strategy, including policy programmes at the national and provincial levels, for achieving substantive equality for indigenous and Afrodescendant women in all areas covered by the Convention;**

(d) **Ensure the meaningful participation of indigenous and Afrodescendant women in decision-making processes regarding the use of traditional indigenous lands and establish effective consultation mechanisms to secure the free, prior and informed consent of indigenous women, and assess and mitigate the impact of megaprojects on the rights of indigenous and Afrodescendant women;**

(e) **Protect indigenous women's access to and ownership of collective titles of their lands, protect them from eviction due to the business activities of large corporations in extractive industries, establish the duty for public and private investors to recognize benefit-sharing in relation to development projects and the use of natural resources and lands of indigenous and Afrodescendant women for other purposes, and adopt policies that provide for compensation and reparations to indigenous and Afrodescendant women in regions negatively affected by investment projects.**

#### **Migrant, refugee and asylum-seeking women**

45. The Committee welcomes the legal framework enabling women asylum seekers to obtain work permits while waiting for their refugee status to be determined. However, it is concerned about the vulnerability faced by migrant, refugee and asylum-seeking women, in particular those in an irregular situation, due to a lack of support networks, limited access to livelihoods, education and health care, and instances of exploitation and intersecting discrimination aggravated during the COVID-19 pandemic. It is also concerned about the absence of procedures, in the context of asylum-seeking claims, to pursue individual claims in the event of a change of family status due to marriage, divorce or legal separation. It is further concerned about the lack of issuance of documents to individual members of a family group in the context of requests for refugee status, which limits the access of refugee women and girls to rights and services in the community.

46. **In line with the Committee's general recommendation No. 26 (2008) on women migrant workers, and its general recommendation No. 32 (2014) on gender-related dimensions of refugee status, asylum, nationality and statelessness, the Committee recommends that the State party:**

(a) **Ensure that social programmes, including the "Plan Panama Solidario" adopted in the context of the COVID-19 pandemic and during the recovery, are inclusive of migrants, refugees and asylum seekers and remove the burdensome requirements for accessing these programmes, particularly those related to the type of documentation, employment contracts or bank accounts held by potential beneficiaries;**

(b) **Ensure that any change in the marital status of women seeking asylum is recognized and that asylum-seeking women can continue pursuing individual claims, particularly in cases of women facing domestic violence or divorce;**

(c) **Remove administrative barriers faced by refugee and asylum-seeking women and girls in obtaining identification documents, which are essential for them to access health care, housing, education and social protection;**

(d) **Reduce the delays in refugee determination procedures and decisions on appeal, including by increasing the human, technical and financial resources of the National Office for the Attention of Refugees.**

**Women with disabilities**

47. The Committee notes with concern legislation that limits the legal capacity of persons with disabilities and has a direct impact on women with disabilities, restricting their right to marry, to exercise parental rights and to access justice. It is also concerned about information on the prevalence of the welfare approach of policy measures concerning persons with disabilities and the impact on the recognition of women with disabilities as subjects of rights, in accordance with international human rights law.

48. **The Committee recommends that the State party:**

(a) **Set up clear goals and lines of action concerning gender equality in its policies and programmes in the area of disability and ensure that policies and programmes across sectors address intersecting forms of discrimination against women and girls with disabilities;**

(b) **Eliminate restrictions on the legal capacity of women with disabilities, ensuring their access to justice and protection from gender-based violence;**

(c) **Establish and implement legislation to ensure that all workplaces are accessible, that government buildings are made physically accessible and that information is provided in accessible formats such as Braille and sign language;**

(d) **Develop data and statistics on women with disabilities disaggregated by age, sex, location and impairment.**

**Marriage and family relations**

49. The Committee is concerned about:

(a) The lack of information about measures taken to extend joint marital property to include intangible property, pension insurance benefits and other career assets and to ensure that joint property is divided equally and fairly upon divorce;

(b) The fact that lesbian, bisexual and transgender women and intersex persons do not enjoy equality concerning marriage and family relations, including parental responsibilities;

(c) The disproportional burden on women concerning child-rearing responsibilities.

50. **The Committee recommends that the State Party:**

(a) **Adopt guidelines on the recognition of unremunerated domestic work for the purposes of distributing joint marital property, as well as on compensation of the economically disadvantaged spouse, for use in divorce proceedings, in line with the Committee's general recommendation No. 29 (2013) on article 16 of the Convention (Economic consequences of marriage, family relations and their dissolution);**

(b) **Protect the rights of lesbian, bisexual and transgender women and intersex persons concerning marriage and family relations;**

(c) **Ensure that women and men have the same rights and responsibilities in marriage and family relations and upon their dissolution, including equal parental rights.**

**Amendment to article 20 (1) of the Convention**

51. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

**Beijing Declaration and Platform for Action**

52. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

**Dissemination**

53. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the National Assembly and the judiciary, to enable their full implementation.

**Ratification of other treaties**

54. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, to which it is not yet a party.

**Follow-up to concluding observations**

55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (c), 16 (a), 30 (a) and 44 (a) above.

**Preparation of the next report**

56. The Committee invites the State party to submit its ninth periodic report, which is due in February 2026. The report should be submitted on time and cover the entire period up to the time of its submission.

57. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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