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## Committee on Economic, Social and Cultural Rights

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Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

## Replies of Panama to the list of issues in relation to its third periodic report\*

[Date received: 15 November 2022]

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\* The present document is being issued without formal editing.



## I. General information

1. In drafting these replies to the list of issues, the National Human Rights Commission consulted with and received information from member institutions and other State bodies. However, a review of the files relating to the drafting of the report revealed no evidence of formal consultations with civil society organizations.
2. In keeping with its commitments under the International Covenant on Economic, Social and Cultural Rights, the Government of Panama continues to strengthen its legislation in order to ensure that the judicial authorities can guarantee the justiciability of the Covenant rights. For example, Act No. 184 of 2020 was adopted to prevent, punish and eradicate political violence against women and, through Act No. 151 of 2020, an article was added to Act No. 59 of 2005 on employment protections for persons with chronic, involuntal and degenerative diseases.
3. Strategic data on social, economic and sociodemographic issues is collected through the National Statistics System of the National Statistics and Census Institute. The National Statistics Council and the Technical Advisory Committees have created synergies with the other statistics offices operating in the ministries and decentralized entities in order to standardize data collection and strengthen linkages for the production of statistics. In addition, the Sustainable Development Goals (SDGs) were adopted through Executive Decree No. 393 of 2015.
4. Through Act No. 201 of 2021, the Ministry of Labour and Workforce Development reactivated the contracts of 157,444 workers, equivalent to 55.4 per cent of the contracts that were suspended owing to the coronavirus disease (COVID-19) pandemic.
5. The National Authority for Transparency and Access to Information adopted an ordinance establishing the Virtual Ethics and Transparency Academy, a course that is compulsory for workers in the public sector and also open to those working in civil society and the private sector.
6. Operating under the National Authority for Transparency and Access to Information, the Inter-Agency Commission for the Monitoring of Public Anti-Corruption Policies is responsible for reviewing compliance with the actions envisaged under the three components of the Institutional Strategic Plan 2020–2024. The National Action Plan on Open Government, prepared in conjunction with the Open Government Partnership, sets out the following eight commitments in priority areas:
  - Open and transparent procurement for public infrastructure projects
  - Strengthening the National System of Environmental Information on the basis of the standards set out in the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)
  - Public policies on sex education for adolescents and young persons
  - Open Government School
  - Transparency in the agricultural sector
  - Strategy for ensuring the inclusiveness and accessibility of government websites
  - Open budgets
  - Plans for open laboratories for civic innovation at the local and extra-local levels
7. The National Action Plan on Open Government, which is set to continue until August 2023, is a key instrument for achieving the 2030 Agenda for Sustainable Development, in particular targets 16.6, 16.7 and 16.10 of SDG 16.
8. Article 51 of Act No. 15 of 2016, amending Act No. 4 of 1994, establishes that all private enterprises with 25 to 50 employees must have at least one worker with a disability, while workers with disabilities must account for no less than 2 per cent of the workforce of enterprises with more than 50 employees.

9. In conjunction with the Ministry of Labour and Workforce Development, the Ministry of Public Works has rolled out a community employability programme of action that resulted in contracts being awarded to 4,070 persons in 2021 and 2022 and boosted transparency and equity in job creation at the community level.

10. The National Institute for Women, as the lead agency in the area of women's rights, has adopted an equal opportunities policy and related action plan. The action plan envisages the development of a planning guide for 48 public entities that will provide for plans and strategies to be structured and implemented from a gender perspective.

11. Launched in 2017, the Gender Equality Seal initiative is led by the Ministry of Labour and Workforce Development, in partnership with the National Institute for Women and with technical assistance from the United Nations Development Programme. As at 2021, nine businesses – Banistmo, Banesco, Banco General, Copa Airlines, Melo, Argos Cement, Celsia Energy, Telefónica Movistar and Star Holding – have obtained the Gender Equality Seal certificate. The purpose of the seal is to encourage businesses to adopt a practical, clearly defined road map for identifying gender inequalities in their sector of activity, integrating a gender perspective into their policies and programmes, and demonstrating progress and results in reducing inequalities identified.

12. In 2018, the Gender Parity Initiative was launched and the National Council for Gender Parity, a public-private partnership with a remit to promote good practices aimed at closing economic gender gaps, was established through Executive Decree No. 236, as amended by Decree No. 624 of 2018. The Council became operational in 2020, with the Ministry of Social Development serving as its technical secretariat.

13. National laws are designed to foster public engagement in environmental impact assessments and decision-making on environmental issues, with Executive Decree No. 123 of 2009, as amended by Executive Decree No. 155 of 2011, establishing the specific mechanisms required to ensure that mandatory environmental impact assessments are effectively conducted.

14. The Panama Canal Authority is developing a national strategy for achieving carbon neutrality by 2030 that will be implemented on a progressive basis through projects and initiatives involving energy efficiency measures and the use of more efficient equipment and renewable energy, among other elements.

15. Panama is one of the countries that have been declared carbon negative.

16. The country's climate change adaptation programme is based on water resources management and designed to build climate resilience and reduce vulnerability. The following actions are being taken under the programme:

- Roll-out of coastal reforestation and agroforestry projects involving coffee plantation and soil conservation systems in the Caisán River subbasin in Chiriquí Province
- Roll-out of agroforestry and soil conservation systems in the upper part of the Santa María River drainage basin
- Enhanced sectoral support through climate financing tools in the drainage basins of the Santa María and Chiriquí Viejo rivers
- Capacity-building for the production of orchids and solanum quitoense (*naranjilla*) in the upper part of the Santa María River basin and design of a marketing strategy
- Improved climate resilience in agricultural production in the upper and lower parts of the Chiriquí Viejo River drainage basin by securing water resources and installing irrigation systems that use efficient, low-cost technologies
- Installation of rainwater collection systems in the basins of the Chiriquí Viejo and Santa María Rivers
- Implementation of an early-warning and monitoring system for areas at risk of flooding and landslides in the drainage basins of the Santa María and Chiriquí Viejo Rivers

- Provision, installation and launch of automated satellite agrometeorological and hydrological stations and a geostationary operational environmental satellites-R Series data reception station

17. Goal No. 2 of the National Water Security Plan 2015–2050 is to ensure the availability of water for the productive sector, especially during the dry season, with a view to promoting inclusive economic growth. Pursuant to Act No. 44 of 2002 and its regulations contained in Executive Decree No. 479 of 2013, rainwater collection systems composed of drainage basin committees (local government, civil society and government entities) are being established with a view to decentralizing responsibility for environmental management in the drainage basins.

18. The Ministry of the Environment has obtained results in the regions most exposed to the impacts of climate change, which are located in the territories of Indigenous Peoples. One of the initiatives in place is the Euroclima+ Programme, which the European Union is implementing in Kusapin, in the Ngöbe-Buglé indigenous region. The aim is to build capacities for reducing climate risk and increasing the resilience of human settlements.

19. The Ministry of the Environment has launched the “Reduce Your Corporate Water Footprint” (Reduce Tu Huella Corporativo Hídrico) Programme, the first national government programme to identify, measure, report and verify the water footprint of public, private and civil society organizations in Panama. Efforts are being made to implement climate change adaptation strategies in response to the commitments made under the Paris Agreement. Executive Decree No. 135 of 2021 establishes that the “Reduce Your Corporate Water Footprint” Programme will involve municipalities and producers.

20. Judicial procedures are available to protect economic, social and cultural rights. These include the remedy of *amparo* in respect of constitutional rights, constitutional reviews before the Supreme Court and proceedings before the Third Chamber of the Administrative Court. Examples of relevant rulings are given in the following paragraphs.

21. Constitutional review: In its judgment of 6 December 2019, the plenary of the Supreme Court ruled on an application for article 304 (d) of the regulations on administrative public servants of the University of Panama to be declared partially unconstitutional. The article, adopted by the General University Council, established that the fact of reaching retirement age or eligibility for an old-age pension was grounds for immediate dismissal. In its reasoning, the Court stated that:

- Article 26 of the International Covenant on Civil and Political Rights, to which Panama acceded through Act No. 15 of 28 October 1976, establishes that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law”
- Article 6 et seq. of the International Covenant on Economic, Social and Cultural Rights, to which Panama acceded through Act No. 13 of 1976, regulates the right to work
- The Supreme Court finds article 304 (d) of the regulations on administrative public servants of the University of Panama unconstitutional

22. Remedy of *amparo* in respect of constitutional rights: In its judgment of 27 November 2020, the plenary of the Supreme Court ruled on the case of the dismissal of a public servant with a chronic illness covered by the Chronic and Degenerative Disease Act (No. 59 of 2005). The Court expressly mentioned the International Covenant on Economic, Social and Cultural Rights (art. 12) and ordered the Ministry of Housing and Land Management to “reinstate the complainant, unless she accepts another position with analogous rank, functions and remuneration, and pay her the salary lost between the day her appointment was terminated and the day of her effective reinstatement.”

23. Right to unionize: Remedy of *amparo* in respect of constitutional rights, judgment of the plenary of the Supreme Court of 30 November 2020. In this case, a would-be trade union had contested the decision of the Ministry of Labour and Workforce Development to curtail the process of its registration. The Court expressly cited article 8 of the International Covenant on Economic, Social and Cultural Rights in its reasoning. The Court considered

that, by ordering the closure of the registration, the authority had suspended, by administrative means, the exercise of the right to unionize. Accordingly, the Court ruled in favour of the complainant on the grounds that due process, the right to unionize and the international conventions to which Panama was a party had been violated. Consequently, the order to close the registration process became null and void.

24. Rights of Indigenous Peoples: Judgment of the plenary of the Supreme Court of 28 October 2020 concerning an application for non-enforceability. The Court heard an application for non-enforceability brought by the executive branch in an attempt to have articles 1 and 8 of Act No. 656 on the establishment of the Naso Tjër Di indigenous region declared unenforceable. The executive branch argued that granting land titles to this indigenous group was contrary to the law on protected areas, as the land concerned was within the boundaries of La Amistad International Park, an ecological reserve. The Court stated that:

Article 127 of the Constitution, which builds on article 17 of the same instrument, in keeping with conventions, has, through legal instruments, reinforced the right of indigenous groups duly recognized as such to enjoy access to the lands that they have occupied throughout their history. This recognition ensures the preservation of their traditions, organizations, authorities and culture, which, in turn, serves to safeguard the substantial historical heritage of this Nation. In the light of the above, the Supreme Court, in plenary session, administering justice in the name of the Republic and by authority of the law, declares enforceable articles 1 and 8 of the bill on the establishment of the Naso Tjër Di indigenous region.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Right to freely dispose of natural wealth and resources (art. 1 (2))**

25. The recently established Office of the Second Special Prosecutor for Organized Crime conducts investigations into cases of tax evasion and money-laundering, among other offences. A number of investigations into money-laundering, for which the predicate offence is foreign tax evasion, are ongoing. Seven investigations are in the preliminary phase; there has been one conviction; and approximately 450,000 dollars, as well as a vehicle, have been seized. Three local investigations into cases of tax evasion are under way.

26. Since 2020–2021, the Academy of the Public Prosecution Service has been carrying out in-person and virtual training on, inter alia, offences involving the administration of government and public affairs, corruption, money-laundering, and the recovery and forfeiture of unlawfully obtained asset. The training is designed for staff of the Office of the Second Special Prosecutor for Organized Crime and any public servants who may be involved in investigating such offences.

27. On 24 May 2021, with support and guidance from the Europe Latin America Programme of Assistance against Transnational Organized Crime (EL PAcCTO), the Government signed a memorandum of understanding concerning the establishment of a multidisciplinary team specialized in tax offences. Meetings to organize the training activities necessary for the team to begin its work have already taken place.

28. Through Act No. 70 of 2019, the Criminal Code was amended to introduce the offence of tax evasion for the purpose of defrauding the national treasury (art. 288-G) and the associated penalty of 2 to 4 years' imprisonment.

29. Under Act No. 316 of 2022, regulating situations of conflict of interest in public service, high-ranking officials at the national level will be required to declare any conflicts of interest to the National Authority for Transparency and Access to Information upon assuming their functions. The declaration is to be updated annually during their tenure.

**Non-discrimination (art. 2 (2))**

30. The indigenous ethnic groups of ancestral origin of Panama are recognized under article 57 of Act No. 3 of 2008 with a view to protecting and facilitating their transborder movement. They are shielded from threats linked to people smuggling, drug trafficking and related offences and from other unlawful activities involving abuse of the ecosystem.

31. The National Migration Service assists non-resident foreign nationals with migration procedures and permits depending on the reason for their stay in Panama, which may range from employment and family reasons to investment and entrepreneurial reasons. The Service includes the Department of Humanitarian Affairs, which provides assistance to foreign nationals in a vulnerable situation.

32. The Government is developing strategic guidelines chiefly regarding public policies for Afro-Panamanian women in the areas of equality, cultural recognition, development from an ethnic perspective, sustainable development, gender and rights. The Strategic Government Plan 2020–2024 includes actions to introduce a question on the Afro racial and ethnic identity in the 2023 Population and Housing Census with the aim of identifying where, how and in what conditions Afro-Panamanians live.

33. Executive Decree No. 431 of 2013 established the Sustainable Development Secretariat for Darién Province and Related Indigenous Regions. The Secretariat's main remit is to promote all areas and all aspects of Darién province by accelerating community-based projects and works in coordination with all government entities operating there. The Sustainable Development Programme for Darién Province and Related Indigenous Regions is overseen by the Ministry of Environment.

34. The Indigenous Peoples of Panama have collective and cultural rights that allow them to live in a different and diverse way. These rights are enshrined not only in the Constitution but also in international instruments ratified by the country in which the right to exercise their own practices of coexistence are recognized.

35. Although there is no law that specifically defines discrimination as a criminal offence, by reviewing and verifying compliance with international conventions, the authorities ensure that the human right not to be discriminated against is respected.

36. Due to its strategic geographical location in the American continent, Panama is a country of refuge and transit. Those who seek refugee status in Panama are for the most part nationals of Nicaragua, Venezuela, Colombia, Cuba or northern Central American countries. As at June 2021, Panama was hosting 2,579 recognized refugees and 7,492 applications were pending a decision.

37. In 2017, Panama and five other countries in the region established the Comprehensive Regional Protection and Solutions Framework. A national action plan is currently being developed through a process of consultation and analysis involving the public and private sectors and civil society. The aim of this action plan is to strengthen the asylum system and promote the local integration of asylum-seekers and refugees living in the country.

38. The plan will include specific safeguards for children and adolescents in need of international protection that take account of their best interests and will provide for the implementation of the measures necessary for their protection. The frequency of meetings of the National Commission for the Protection of Refugees has been increased from four to six per year, an increase that will allow for a parallel increase in the number of cases that the Commission assesses each year.

39. By Executive Decree No. 5 of 2018, the Government of Panama introduced changes to the asylum system established in the previous legislation adopted in 1998. This was a positive development that reinforces the country's commitment to guaranteeing international protection. The new legislation recognizes gender-based persecution as a specific ground for seeking and obtaining refugee status. Since 2020, the National Office of Refugee Affairs has been reinforcing its presence in Darién Province (the area bordering Colombia) and has appointed two focal points to monitor the situation of persons of concern residing in the area

and those persons who, in the context of mixed migration movements, express a desire to apply for refugee status.

40. In addition, the country has implemented a mass vaccination programme that is accessible to the entire population, allowing refugees and applicants for refugee status to obtain their vaccinations in a timely manner.

41. The Government is also implementing an emergency social assistance relief plan for persons affected by the COVID-19 pandemic called Plan Panama Solidario. The plan has an inclusive approach that does not discriminate against beneficiaries on the basis of their country of origin or nationality, the aim being to secure a national agreement on the main issues of concern to the country.

42. In 2021, more than 600 legal consultations to update documentation for refugees residing in the hard-to-reach areas of Darién Province and the Guna Yala indigenous region were carried out. The consultations covered the renewal of identity documents and processing of work and permanent residence permits for those who had had recognized refugee status for more than three years.

43. The Government also launched an initiative known as the “Closing Gaps” (Cerrando Brechas) Bicentennial Pact, which entailed consulting with the population with a view to building consensus, and established a road map laying the foundations for a better Panama.

44. Meetings have been organized with business associations including the Panamanian Association of Business Executives and the American Chamber of Commerce, and also with a number of companies directly, within the framework of the “Talent without Borders” (Talento sin Frontera) Employability Programme. The meetings served to increase awareness among members of these associations of what makes a person a refugee, of the capabilities of the refugee population and, in particular, of the resilience that drives them forward in their lives and helps them to keep advancing.

45. Health services for women deprived of their liberty are provided under an agreement between the Ministry of the Interior and the Ministry of Health that guarantees comprehensive care services coordinated by a general practitioner, under whose charge women deprived of their liberty receive care in prison clinics. The services provided include sexual and reproductive health services as well as gynaecological services.

46. Act No. 43 of 2017, amending Act No. 82 of 2013, on violence against women, and article 58 of Act No. 42 of 1999, on equal opportunities for persons with disabilities, stipulate that the civil courts have competence to rule, in summary proceedings, on complaints brought against information in social media or any public place that highlights or addresses the topic of disability in an inappropriate manner.

47. To mark the start of the Decade of Indigenous Languages, two workshops on oral traditions and the indigenous cosmovision were given by indigenous and non-indigenous anthropologists in conjunction with the Panamanian Academy of Language. More than 150 stakeholders from various fields of education and culture took part in the workshops, the aim of which was to foster understanding of indigenous cultures and their relationship with the environment. Indigenous congresses, universities and authorities were involved in the creation of the Indigenous Youth Leadership Academy and the establishment of the National Committee for the Decade of Indigenous Languages.

48. A family justice programme has been launched in the Ngöbe-Buglé region, under which the courts make tours of the area to provide justice services to the community. The women judges leading the programme have decreed that legal representation in court proceedings will be available for all persons living in poverty free of charge.

49. Upon receipt of a summons from a local judge, the court travels to the region to receive the complaint, assess evidence and conduct hearings. The tours are conducted in coordination with the Public Defender’s Office, the Family Prosecutor’s Office and lawyers who provide their services without charge, allowing users to communicate with their lawyer in their native language. The court’s interdisciplinary team also travels to the region, together with volunteer mediators and a genetics laboratory that collects DNA evidence to be used during the trial process.

**Equal rights of men and women (art. 3)**

50. According to the 2010 Census, persons of African descent accounted for around 9.2 per cent of the population. The literacy rate was higher among persons of African descent aged 10 years or older (97.8 per cent) than among persons not of African descent (94 per cent) and the population as a whole (94.4 per cent).

51. The Census revealed that Afro-descendant men generally have at least a university level education but that Afro-descendant women, like their peers in other population groups, were more disadvantaged in terms of secondary, university and post-university education.

52. The Multipurpose Household Survey revealed that Afro-Panamanians spend slightly longer in school (10.8 years v. 10.6 years for the population as a whole) but are less likely to complete tertiary and postgraduate education (18 per cent v. 22 per cent). These statistics are indicative of a need to focus efforts on promoting the post-secondary educational options available in the country.

53. The findings of the 2010 Population and Housing Census and the 2017 Multipurpose Household Survey concur in that Afro-Panamanians tend to have a higher level of education but less access to work opportunities, facing higher unemployment and lower wages than average for persons who have completed tertiary education.

54. Income from age-, accident- and illness-related allowances and pensions and any other income related to previous employment is proportionally higher in Afro-descendant households than in other households. Income from these sources is higher in urban Afro-descendant households than in rural Afro-descendant households and also higher in households headed by women than in those headed by men.

55. The judiciary has adopted various agreements, resolutions, plans and mechanisms for the implementation of policies for ensuring access to justice and a gender perspective.

56. Between 1 January 2017 and 31 December 2019, 634 girls and women, of ages ranging from 0 to more than 50 years, received assistance, as victims of crime, through the Gesell chamber available in the Protection Unit for Victims, Witnesses, Experts and Other Parties Involved in Criminal Proceedings. In the period from 1 January 2016 to 31 December 2019, a total of 12,421 women who had lost documentation received assistance at citizen support and information centres nationwide.

57. In the course of 2019, the Public Prosecutor's Office's Secretariat for Human Rights, Access to Justice and Gender ran training and awareness-raising campaigns with a gender perspective focused on equity and human rights and the protection of victims of crime. A total of 12 awareness-raising sessions and campaigns were organized, involving 7 different activities in schools and police districts nationwide and with 1,115 persons receiving training.

58. The Gender and Labour Office is running a programme called "Changing Lives" (Eje Cambiando Vidas) that involves promoting handicrafts entrepreneurship within communities and strengthening the capacities of groups of women who are their family's main breadwinner.

59. Resolution No. 1 of 2018 of the Office of the Attorney General of the Nation establishes the guiding principles of institutional policy for human rights, access to justice and gender, which are based on the principles of equality and equity, non-discrimination, integrity and independence, the best interests of the child, impartiality, accessibility, equal opportunities, diversity, awareness-raising and non-violence.

60. The Office of the Senior Prosecutor for Indigenous Affairs is staffed by a team of duly qualified professionals and was created to ensure that criminal acts committed in indigenous regions are handled in a specialized manner that takes cultural diversity, supplemented by applicable indigenous law, into account and is inclusive of indigenous women.

61. With the support of the National Secretariat for Persons with Disabilities and the Panamanian Institute for Special Training, measures have been taken to guarantee that persons with disabilities, including women, are able to exercise fully their rights of access to



justice in all proceedings involved in the different stages of the judicial process, including, in particular, through the use of sign language and other forms of information transmission.

62. The Government of Panama has promoted the political and civic participation and empowerment of women and the exercise of their rights as citizens under conditions of equality, as set forth in Executive Decree No. 244 of 2012, establishing the Public Policy for Equal Opportunities for Women. Recently, following the creation of the National Committee for the Development Plan for the Indigenous Peoples of Panama, the Women's Advisory Committee of the National Council of Indigenous Peoples was set up and, with support from the National Institute for Women and with the participation of indigenous women, has contributed to: (i) raising awareness, providing training and spreading information about rights; (ii) producing informational materials; (iii) managing resources; and (iv) acting as a vehicle for participation in public decision-making.

63. In 2020, the United Nations Development Programme (UNDP) and the National Institute for Women published a study of Afro-Panamanian women with a view to increasing knowledge of the socioeconomic conditions in which Afro-Panamanian women from diverse regions and backgrounds live and highlighting the actions required to improve their position in society.

64. The "Women Can" (Tú puedes Mujer) Programme, which is led by the Micro, Small and Medium-Sized Enterprises Authority with support from the National Vocational Training Institute for Human Development and the National Institute for Women and has as its precursor, in terms of good practice, the 2017 "Women in Business" (Mujer Emprende) Programme, has been operational and creating opportunities for women since 2018.

65. From 2020 until 2024, the National Institute for Women is running the "Change Your Life" (Mujer Cambia Tu Vida) Programme for Women, which fosters women's economic empowerment by providing training in trades, whether traditional or non-traditional, for women in partnership with State institutions. The Programme is available nationwide through the 15 regional centres of the National Women's Institute, including in the Emberá Wounaan and Ngöbe-Buglé indigenous regions.

66. As the constraints on economic activity associated with the COVID-10 pandemic have been lifted, the courses run in partnership with the National Vocational Training Institute for Human Development have begun to be offered in hybrid format. The handicrafts and textiles course has been completed by 348 women and 6 men; the "Women Seed Growers" course by 68 women and 7 men; the women's beauty and aesthetics course by 34 women; the women and gastronomy course by 158 women and 11 men; and the "Women in Livestock Raising" course by 47 women and 1 man. In addition, two English language courses were organized, with 42 women and 3 men participating, and 32 women and 4 men took part in an online course on organic fertilizers.

67. In the award of funds for arts-related competitions, tributes, festivals and workshops, the recognition accorded to prominent women in the different artistic disciplines is given due consideration. In terms of opportunities for the development of artistic disciplines, the stated objective is: "to encourage and stimulate artistic creation that highlights inclusion, gender equality and ethnic diversity"; and "to stimulate professional accomplishment in all disciplines, taking into account diversity, gender equality and inclusion and the integration of Indigenous Peoples, Afro-descendants and minority groups".

68. The MetooFest is a festival dedicated to film and social dialogue that in 2022 was focused on three thematic areas: gender issues; food sovereignty; and film, politics and corruption. The Bannabá Fest, organized by the Sound and Vision Foundation (Fundación CIMAS), publicizes and awards prizes to feature-length films and shorts that promote human rights and denounce violations, showcasing works that address issues of freedom of expression, the environment, health, migration, Indigenous Peoples, Afro-descendants and gender, among others.

69. The judiciary, through its Access to Justice and Gender Unit and its Graduate Institute, has provided training on various topics including, to name just a few: human rights; access to justice; the rights of women, persons with disabilities, Indigenous Peoples, black ethnic groups, children and adolescents and migrants; the 100 Brasilia Rules; the Charter of Rights

of Persons Involved in Judicial Proceedings; the Institutional Policy on Access to Justice and Gender; trafficking in persons; violence against women; and national and international legislation on the rights of vulnerable population groups. Women's human rights are covered in the academic training provided to judges and magistrates graduating from the Advanced Judicial Training Programme.

70. A protocol for judicial proceedings related to offences of trafficking in persons has been drawn up which, recognizing that the victims are most often women and girls, incorporates a gender perspective. Academic articles on women's human rights are published in various judicial branch publications.

71. Training is designed primarily for justice officials, judges and magistrates, public defenders and paralegals but has also been offered to actors from other institutions that have a role in the justice system.

72. Pursuant to Act No. 82 of 2013, the judiciary's Department of Legal Aid for Victims of Crime provides legal assistance free of charge for women victims of violence, irrespective of their socioeconomic status. In 2018, the number of public defenders working nationwide was increased to 72.

73. In the biennium 2017–2018, technical assistance was provided for an analysis of the reasons for which women who are victims of gender-based violence distance themselves from the judicial process.

74. In 2021, the judicial branch, the Public Prosecutor's Office, the Ministry of Public Security, the Ministry of Health, the Ombudsman's Office, the National Institute for Women and the Institute of Forensic Medicine and Science entered into an inter-agency cooperation and technical assistance agreement with a view to improving protection for women victims of domestic and gender-based violence. The aim of this inter-agency agreement is to improve the support provided by the justice sector and its strategic partners to victims of gender-based violence in all its forms.

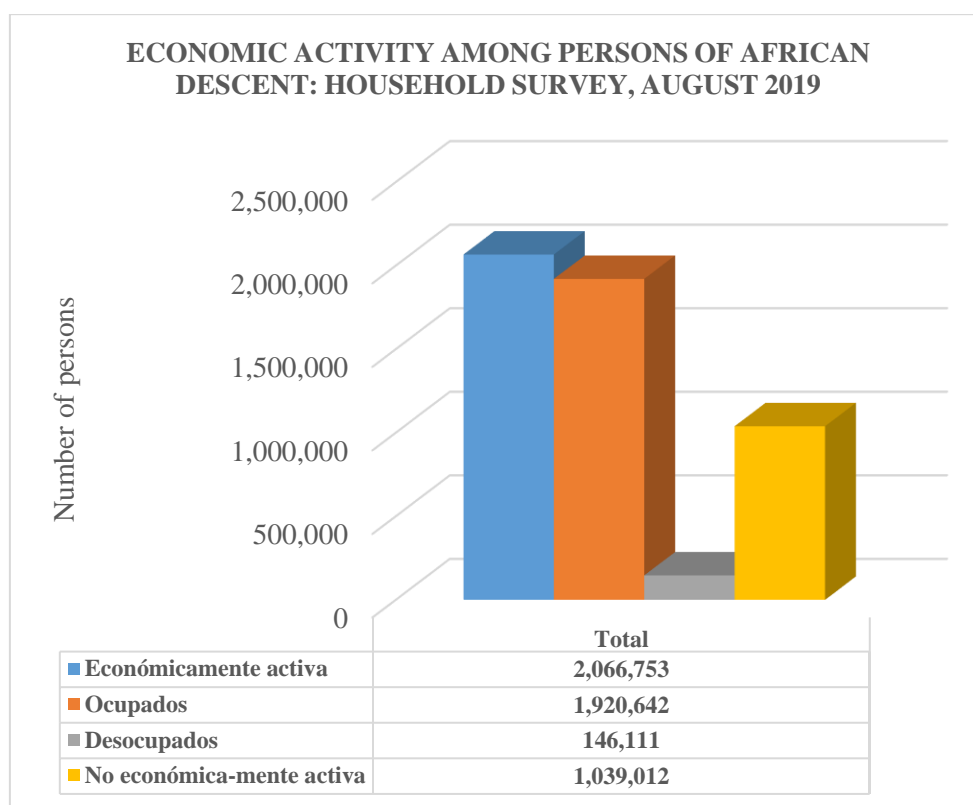
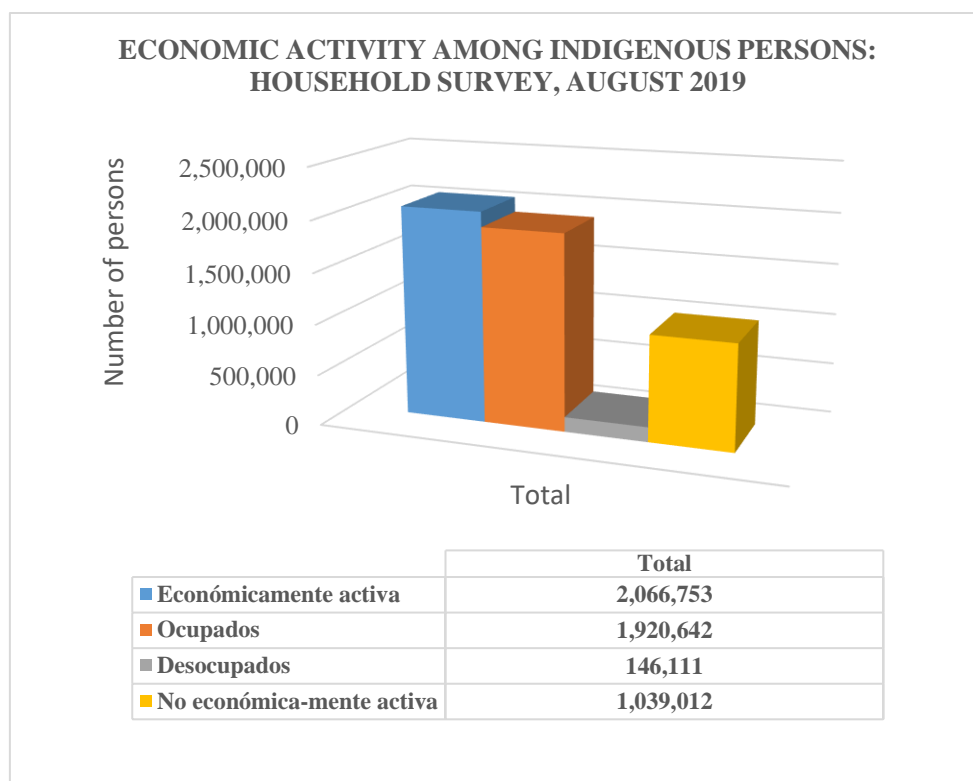
75. In many cases, women victims of domestic violence are required to appear before the family and children's courts to deal with issues of child custody, divorce and other matters. For this reason, audio and video recording equipment has been acquired for use in oral proceedings before the family and children's courts that makes it possible for the parties to obtain a decision from the judge in the course of the hearing rather than having to wait for transcripts to be obtained and other formalities that might delay the ruling to be carried out.

76. Women make up 61 per cent of the total workforce in the judicial branch. Women also hold 61 per cent of jurisdictional positions and account for 74 per cent of staff in administrative management positions.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

77. The data on the economically active and non-economically active population in Panama shown in the charts below is categorized as employed and unemployed and has as the reference population the number of persons belonging to indigenous and Afro-descendant groups aged 15 years or more.



78. The Beehive (Colmena) Strategy involves everyone – the technical committee, local governments, civil society, universities and private enterprises – working together to offer a range of services for the population that help move the country closer to the goal of zero poverty and the elimination of hunger in the selected municipalities. The progress achieved in the Capira district is an example of good practice.

### Right to just and favourable conditions of work (art. 7)

79. The legal basis for the minimum wage is set forth in articles 64, 65 and 66 of the Constitution, which establish the rights of workers and require the State to promote full employment policies. The Constitution also establishes that workers employed in State institutions or private sector companies must be guaranteed a minimum wage.

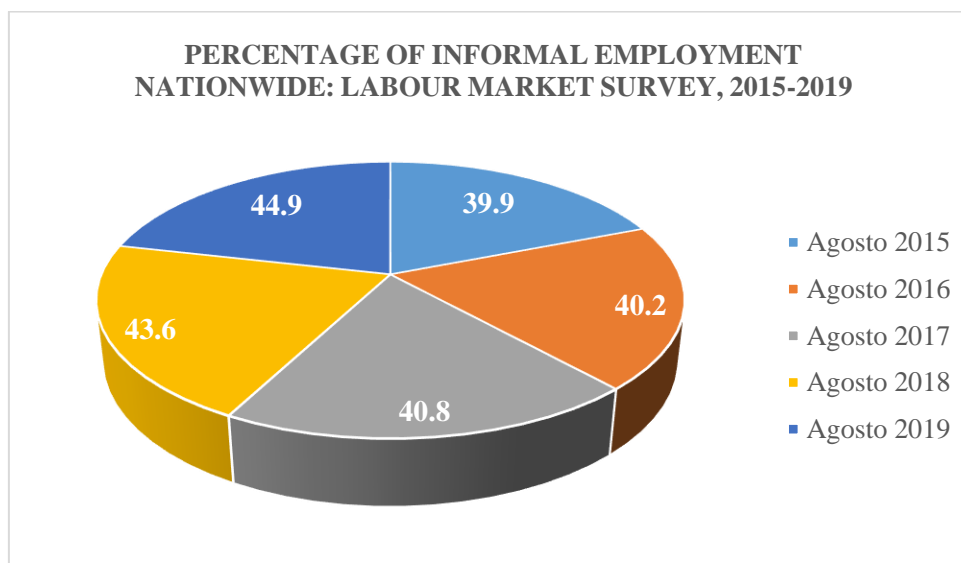
80. Article 66 stipulates that the methodology used to determine the minimum wage must ensure improvements to the standard of living of workers and their families and should reflect the economic situation and activity in the region.

Year	Inspections		
	Total	Change	
		Absolute	Percentage
2017	1 993	-	-
2018	1 206	-787	-39.49
2019	1 517	311	25.79
2020	515	-1 002	-66.05
2021	1 351	836	162.33

Source: Reports from Regional Directorates/National Inspection Directorate.

Note: Annual data have been affected by the pandemic.

81. Statistical information on the number of persons in informal employment over the past five years (2015 to 2019).



82. The chart shows the percentage of workers in informal employment from 2015 to 2019.

83. The Labour Code establishes safeguards for the right to strike of workers in the private sector, providing that, as a first step, an official Ministry of Labour mediator must be asked to intervene with the aim of reaching a mediated solution (art. 421 of the Labour Code), and that, if no agreement can be reached between the parties, the next step is to file a petition pursuant to article 426 et seq. of the Code.

## **Right to social security (art. 9) – Protection of the family and the child (art. 10)**

84. Act No. 27 of 2017 provides that workers in private companies and public servants have the right to paternity leave. The Government recognizes that to date there has been no real attempt to bring a bill to extend paternity leave before the National Assembly.

85. However, Act No. 238 of 2021 extends the duration of maternity leave and grants time off work in the event of the mother's death.

86. During the COVID-19 pandemic, the National Secretariat for Children and the Family took various measures to protect children and adolescents. In April 2020, an online counselling service and a mental health helpline for children, adolescents and members of their families were launched through which emotional support in the context of the COVID-19 health crisis was provided either by telephone or through the online chat function. In 2020 and 2021, approximately 3,600 persons used these services.

87. By Resolution No. 15 of 2014, the Public Prosecutor's Office established the Protection Unit for Victims, Witnesses, Experts and Other Parties Involved in Criminal Proceedings, staffed by an interdisciplinary team that provides support for vulnerable citizens and assistance for victims of crime.

88. During the pandemic, the Public Prosecutor's Office, in conjunction with the National Institute for Women, the National Police, the National Secretariat for Children and the Family and the Ministry of Social Development put together a guide to assistance for women in situations of domestic violence in the context of the COVID-19 pandemic. Through coordinated inter-agency action, in cases of suspected domestic violence women are provided with legal advice, including guidance on how to file a complaint, are informed of their rights as victims of violence and are offered psychological support.

89. There are no limits on the protective measures available under the Code of Criminal Procedure (arts. 331 to 333). In the case of minors who are victims of abuse, in addition to the measures applicable in other cases, when the abuser is one of the child's parents it is vital that a copy of the case file is sent to the courts hearing the protection proceedings, or whatever other proceedings are needed, so that temporary measures can be adopted that reflect the seriousness of the case.

90. To ensure the protection of persons with a severe disability, the State established the "Guardian Angel" Special Financial Assistance Programme under which a financial allowance of 80 Balboas per month is disbursed to persons with a severe disability. Created by Act No. 39 of 2012, the Programme benefits persons with severe disabilities who are dependent on others and live in extreme poverty.

91. As the lockdown measures were lifted, direct support services again became available nationwide through the regional centres of the National Women's Institute. The centres provide women with care based on active listening, the aim being to encourage a process of self-evaluation that makes women aware of risk and of the physical and emotional damage that violence causes.

92. The 2022–2024 Strategic Plan of the National Committee for Combating Violence against Women was launched in 2021. It serves as a public policy tool for inter-agency coordination in prevention and care pathways for victims of gender-based violence. The remit of the National Committee, which was created by Act No. 82 of 2013, is to coordinate the inter-agency efforts that help to prevent and eliminate violence against women by means of specialized counselling, support and monitoring. In addition, grants have been awarded to women, or the children of women, who have been victims of gender-based violence or femicide.

## **Right to an adequate standard of living (art. 11)**

93. The Early Childhood Secretariat was created pursuant to Act No. 171 of 2020 and the regulations contained in Executive Decree No. 10 of 2022 and is structured in line with the

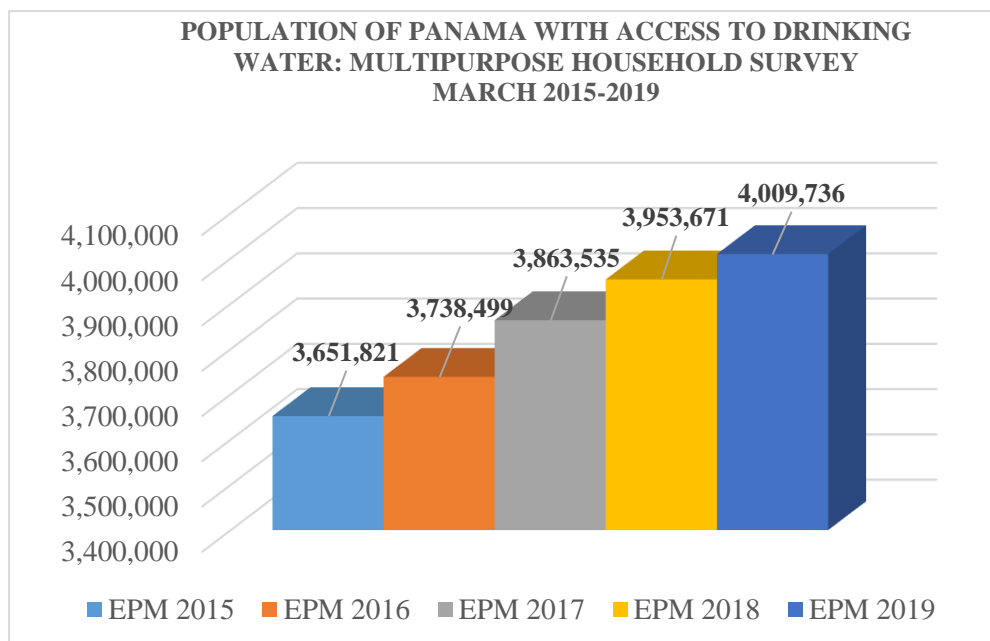
child protection governance system. The Act guarantees comprehensive protection during early childhood and for early childhood development, providing for the creation of a comprehensive early childhood care pathway and comprehensive early childhood care centres, early childhood being understood to encompass the first eight years of a child's life.

94. Executive Decree No. 404 of 2020, which is currently being implemented, establishes regulations for the operation of the shelters where, under the supervision of the National Secretariat for Children and the Family, the protection measures that it orders, in conjunction with the children's courts, are given effect.

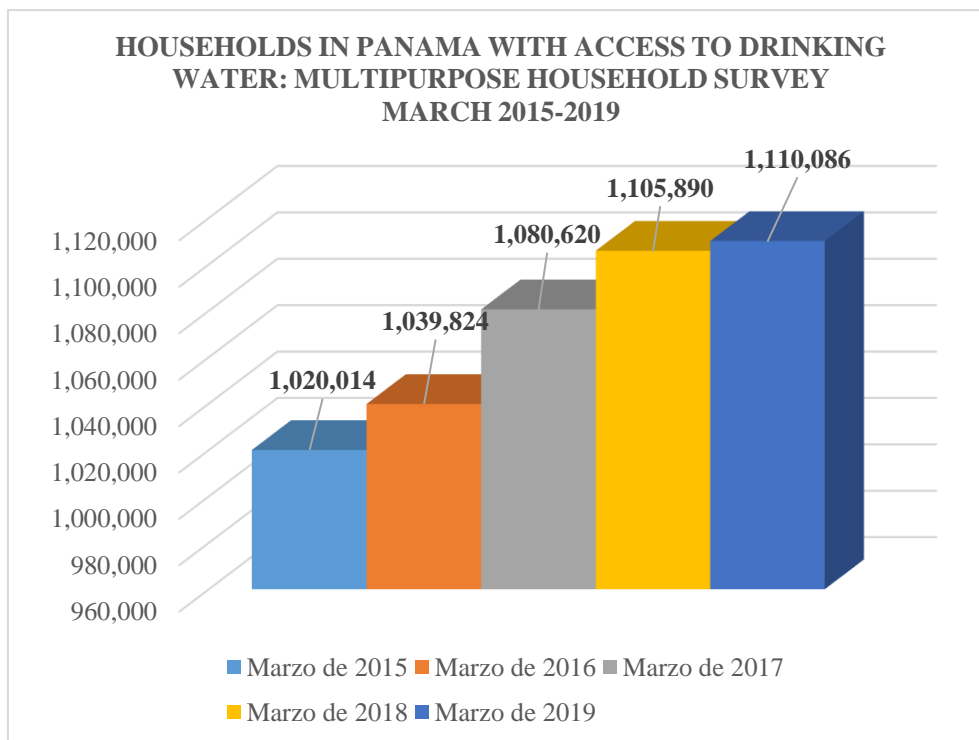
95. The National Secretariat for Children and the Family, in coordination with law enforcement agencies, oversees the transit of children and adolescents involved in irregular migration movements across Panamanian borders in order to ensure that their rights are respected and that they are provided with all the care they need.

96. At the end of 2017, the Ministry of the Interior entered in an agreement with the Food and Agriculture Organization of the United Nations concerning a technical assistance programme to increase food security, improve nutritional status and restore productive systems in 10 indigenous communities in Panama implemented within the framework of the Plan for the Comprehensive Development of the Indigenous Peoples and in fulfilment of actions envisaged in the Development Plan for the Indigenous Peoples of Panama.

97. The charts below show the number of persons and households with access to basic drinking water services from 2015 to 2019.



98. The chart showing the proportion of households with access to basic services also gives an idea of the percentage of the population that had access to water, electricity and sanitation in the period 2015–2019.

**Right to an adequate standard of living (art. 11)**

99. The main instrument governing water resources management is the National Water Security Plan of the Republic of Panama – Water for All 2015–2050. Goal 1 of this plan is universal access to high-quality water and sanitation services. The aim is to ensure that all persons in Panama have uninterrupted access to water of sufficient quality and quantity and basic sanitation that is safe enough to allow them to lead a dignified, clean, healthy and productive life.

100. The results of 1,800 physicochemical and microbiological analyses performed in an external laboratory on a total of 150 samples indicate that the quality of water drawn from 43 sampling sites was acceptable but that 28 sites were slightly contaminated and 4 were contaminated. The quality of water drawn from a further 75 sampling sites was still being analysed.

101. Since 2002, the Ministry of the Environment has been operating a laboratory in Panama City that specializes in the analysis of surface and residual water and provides services nationwide. Because of the elevated demand in the country, efforts are under way to establish a second laboratory in the centre of the country to serve the western and central regions.

102. The laboratories verify that companies within their catchment area that discharge liquid effluents into inland and marine bodies of water comply with the relevant regulations. They also provide assistance for the wastewater management operations of other institutions, conducting inspections of sewage system discharges and wastewater that has been treated for reuse.

103. During the current administration, the wastewater discharges of more than 50 companies throughout the country have been inspected and their compliance with the technical regulations verified by means of a total of 2,406 physicochemical and microbiological analyses.

104. By Ministerial Decree No. DM-0612-2019, the Ministry of the Environment established legal criteria for determining the feasibility of approving applications submitted by communities, through the intermediary of their legally recognized traditional authorities, for the award of title to collective land that partially or completely overlaps with State protected areas or heritage forest land.

## Right to physical and mental health (art. 12)

105. The National Secretariat for Children and the Family provides families (fathers, mothers and adolescents) with knowledge and tools that strengthen family bonds and relationships and thus help to reduce risk factors and prevent violence and family separation. For pregnant teenagers, the topics covered include medical check-ups, nutrition, personal hygiene and pregnancy-related concerns and recommendations. For teenage mothers, the topics covered include physical self-care, committing to my child, and life plans.

106. Maternal mortality has decreased in the past 10 years in Panama but some areas of vulnerability remain, especially in indigenous regions. Causes of maternal mortality, in addition to the COVID-19 pandemic, include pneumonia in pregnant women and the difficulty of accessing prenatal care and childbirth services.

### Years 2016–2021

Year	2016	2017	2018	2019	2020
<i>Province/Region</i>					
B. del Toro	70.8	67.5	65.2	22.7	45.6
Cocle	23.8	46.3	71.1	-	48.7
Colón	18.0	36.8	18.4	37.6	80.9
Chiriquí	36.8	11.5	23.4	37	12.4
Darién	206.2	95.4	-	108.2	72.2
Herrera	124.1	-	61.3	-	-
L. Santos	-	-	92.2	-	-
Panama Metro	18.5	34.3	31.1	24	68.7
Panama West	55.4	18.3	27.0	28.8	54.3
Veraguas	24.9	-	-	46.2	50.9
Guna Yala	339.6	-	263.5	279.3	429.2
Emberá	-	392.2	-	-	-
N. Buglé	162.5	83.6	138.4	98.6	242
Panama East	-	-	-	32.3	-
Panama North	-	-	-	50	-

Maternal mortality: number of maternal deaths.

107. Since 1997, the United Nations Population Fund (UNFPA) has been actively involved in Ministry of Health efforts to improve health conditions in the Ngöbe-Buglé indigenous region. The causes of maternal mortality in this region have been addressed by means of the Ni Kwi ja Ngöbe-Buglére Küim (Ngobe families take good care of themselves) Programme, the findings of which revealed that maternal deaths are the result of delays in four areas:

- Recognizing that something is wrong with their body
- Deciding when to go to the hospital
- Reaching the hospital
- Receiving appropriate treatment

108. The “Traffic Light Bag” (Bolsas Semáforo) Programme launched in 2011 continues to operate in the Ngöbe-Buglé region. Pregnant women benefiting from the Programme receive cloth bags containing basic cleaning supplies according to the trimester of their pregnancy.

109. UNFPA is currently reorganizing and retraining not only Ministry of Health staff but also community leaders with the capacity to become extension workers for pregnant women and to monitor child vaccination rates in the wake of the COVID-19 pandemic. The migrant



indigenous population continues to receive intercultural care, including birth plans. The goals for 2025 are to:

- Reduce maternal mortality in urban areas to 30 deaths per 100,000 live births
- Reduce maternal mortality in rural areas by 70 per cent, calculated on the basis of the Pan American Health Organization’s Plan of Action for Women’s, Children’s and Adolescents’ Health 2018–2030
- Reduce perinatal mortality nationwide by 1.6 percentage points relative to the 2018 level
- Ensure that cases of severe maternal morbidity are duly recorded and analysed in 50 per cent of the largest public hospitals and 25 per cent of regional hospitals
- Ensure the continuing availability of modern family planning methods and reduce unmet demand by 10 per cent

110. Act No. 302, establishing the training programme for education on sexuality and affectivity, was adopted in 2022. The adolescent fertility rate, which is the indicator used to track teen pregnancies, reveals a decrease in the 15- to 19-year-old age group but the decline is very slow.

#### Age-specific fertility rates 2015–2020

	2015	2016	2017	2018	2019	2020(p)
10–19 years	43	40.5	39.2	37.9	35.	
15–19 years	84	78.8	75.3	73.5	67.2	61
10–49 years	61	95	61	60	60	53.4

*Source:* Health Records and Statistics/National Statistics and Census Institute 2022.

111. One of the Ministry of Health’s services for children and adolescents is the Programme of High-Quality, Adolescent-Friendly Health Services. These services are included in and governed by the Master Plan for Health during Early Childhood, Childhood and Adolescence for the period 2018–2025. This Plan sets out the actions to be taken to prevent unintended pregnancies, ensure comprehensive sex education and regular educational sessions and prevent smoking and drug addiction. It also provides for the introduction of “Strong Families” (Familias Fuertes) Programmes and the establishment of advisory councils to encourage engagement among adolescents nationwide.

112. The Ministry of Health participates in the work of the National Council on Care for Adolescent Mothers and a cross-sector strategy for the prevention of unintended teenage pregnancies is in place for the period 2021–2024.

113. HIV prevalence has fallen in key population groups, including among men who have sex with men (from 13.36 per cent to 8.3 per cent) and transgender persons (from 29.8 per cent to 14.7 per cent), due to an increase in antiretroviral therapy coverage in these groups. Coverage among men who have sex with men increased from 93.6 per cent in 2020 to 98.2 per cent in 2021.

114. In 2020, the percentage of men suffering urethral discharge was 0.5 per cent, probably due to constraints on the treatment of such conditions attributable to the COVID-19 pandemic. In 2021, when anti-COVID measures began to be relaxed, it became possible to treat more of these cases.

115. In response to the COVID-19 pandemic, installed capacity within the health system for the timely care and isolation of patients with COVID-19 was reinforced. Measures adopted included: comprehensive monitoring and follow-up care; an increase in human resources; the construction of a modular hospital; the installation of additional telephone lines; and support for mental health, among others.

## Health care for migrants at the Panama-Colombia border

116. The Ministry of Health provides health-care services for the migrant population through health posts located in the host communities of Canaán Membrillo and Bajo Chiquito in the Emberá Wounaan indigenous region. Health care in Darién Province is provided at the Meteti Medical Centre, with migrants requiring specialized medical care being transferred to Chepo Regional Hospital or the Santo Tomás Hospital in Panama City. The State of Panama provides these services free of charge as part of its undertaking to monitor migratory flows through the country.

## Right to education (arts. 13–14)

117. The Ministry of Education, in conjunction with the Government Innovation Authority, provides fibre optic Internet services in 151 educational institutions. Act No. 456, establishing general guidelines for public educational policies aimed at the digital transformation of education, was adopted in 2022. The goal is to provide all official educational institutions, on a progressive basis, with the infrastructure, connectivity, and technological devices necessary to develop curricular content for the various academic levels on the ESTER digital education platform. The Solidarity Education Plan created in application of the Act has benefited close to 200,000 students.

118. Act No. 148 of 21 April 2020 created the Universal Social Education Assistance Programme (PASE-U), the aim of which is to prevent absenteeism and grade repetition and counter school dropout. Due to its wide coverage, this initiative is having a considerable impact in terms of reducing the poverty gap.

119. Act No. 115, adopted in 2019, established the “Study Without Hunger” (Estudiar sin Hambre) Programme and amended Act No. 35 of 1995, regulating the “glass of milk and nutritional biscuit or fortified nutritional drink” food distribution programme. The “Study Without Hunger” Programme enables the Ministry of Education to ensure inter-agency coordination in food and nutritional education, the renovation and appropriate fitting of school kitchens and canteens, the provision of healthy food, direct purchases of food from family agricultural enterprises, and evaluation and follow-up, benefiting thousands of students covered by the Beehive Plan. In total, 20,217 students in 10 educational regions benefited from the healthy school lunches provided under the Programme. Overall, the Programme is having a positive impact on 59,235 students in 273 schools in the 16 educational regions that provide healthy meals containing proteins, carbohydrates, vegetables, fruit and water which help to improve students’ nutritional status and academic performance. Under the Supplementary School Nutrition Programme, fortified nutritional biscuits are distributed to 218,653 students in 2,799 schools, rice and beans are distributed to 156,109 students in 1,852 schools and fortified milk is provided for 219,293 students in 586 schools.

120. The Ministry of Education has further developed the intercultural bilingual education curriculum, prioritizing its use in five subjects in initial and primary education.

121. Number of people who have learned to read and write through the Ministry’s educational programmes: the literacy rate for the population as a whole is now 95.41 per cent. The Ministry of Education also runs a post-literacy programme, established by Resolution No. 3256 of 11 July 2018, as amended by Resolution No. 3762 of 31 July 2018, for adults and teenagers over 15 years of age with a view to expanding educational opportunities and improving learning conditions in poor and vulnerable communities. The programme is currently available in 13 educational regions.

122. Materials tailored to the priority curriculum for four primary school subjects (Spanish, mathematics, natural sciences and social sciences) were introduced in 2020. At the preschool level, a guidance manual for parents was introduced that should enable them to carry out activities with their children at home. For students with disabilities, a handbook entitled “Learning also take place at home” (En Casa también se Aprende) has been put together. For lower secondary students, self-learning guides have been produced for the six core subjects (Spanish, mathematics, natural sciences, geography, history and citizenship education). For upper secondary students, guides have been published for the common core subjects and

tablet computers have been distributed to students in the twelfth grade living in hard-to-reach areas, together with off-line materials for the core subjects.

### **Cultural rights (art. 15)**

123. The Ministry of Culture was created by Act No. 90 of 15 August 2019 and the General Act on Culture (No. 175) was adopted on 3 November 2020. The Act sets forth the cultural rights recognized to vulnerable population groups, including indigenous and Afro-descendent communities, women and persons with disabilities, and provides for their participation in decision-making processes related to public policies on culture.

124. The National Directorate for Equal Opportunities is the body responsible for ensuring compliance with social inclusion policies for persons with disabilities and their families, including implementing cultural programmes and initiatives.

125. Its principal activities include: the Inclusive Gala, which is an interdisciplinary annual event in which performers with and without disabilities share their talent on stage in order to promote the cultural rights of persons with disabilities and increase their visibility, participation and sense of belonging; Innato, which is a programme of training in various artistic disciplines for persons with disabilities; and “I learn through touch” (Tocando Aprendo), which is an exhibition of three-dimensional paintings for persons with a visual impairment. Workshops on the “Opportunity Bank” (Banca de Oportunidad) and “Seed Capital” (Capital Semilla) Programmes were held in 2021, helping 25 entrepreneurs with disabilities to launch arts- and culture-related undertakings.

126. Through the “Sign up now” (Súmate Ya) web registry established in 2019, cultural agents from all sectors who had been affected by the COVID-19 pandemic were able to register for financial support.

127. A cultural information system is also in place, which is publicly accessible at [www.sicultura.gob.pa](http://www.sicultura.gob.pa). The purpose of this portal, which includes a directory and map of cultural resources as well as a database of statistics and downloadable documents, is to increase knowledge of the country’s cultures.

128. A total of 2,156 persons, of whom 69 per cent were women and 33 per cent men, have taken part in workshops organized under the Creative Panama 2030 (Crea Panama 2030) Programme, launched in the biennium 2021–2022 and designed with a gender focus for cultural entrepreneurs, artisans and agents. Non-repayable seed capital to the value of 849,000.00 Balboas has been distributed to 97 persons to fund business ideas, undertakings and enterprises, generating more than 600 direct jobs.

129. The first virtual craft fairs were held during the pandemic, reinforcing the high-level, inclusive training available for women from different areas of the country and different ethnic groups, including training to help 60 craftswomen to market their products, and generating direct income of more than US\$ 800,000 for entrepreneurs affiliated to the International Chamber of Commerce.

130. Every year the National Cinema Fund organizes a film development and production competition, providing support for the winners that helps to reactivate the value chain that the film industry generates.

131. The Beijing Treaty on Audiovisual Performance, adopted by the Diplomatic Conference on the Protection of Audiovisual Performances in Beijing on 24 June 2012, was ratified by Act No. 274 of 30 December 2021.

132. The Government of Panama has submitted its third periodic report under the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Safeguarding of the Intangible Cultural Heritage. To prepare the report, it consulted State institutions, educational institutions at the different levels, indigenous congresses, foundations, bearers of traditional knowledge in local communities and indigenous regions about their heritage and knowledge, its incorporation in, or exclusion from, educational materials and its relevance for sustainable development.

133. After consulting with stakeholders and representatives of associations, unions, artists guilds and ethnic communities throughout the country, the Government has also submitted its first periodic report on the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions to UNESCO. An application for the inclusion of the cultural and ecological programme associated with the Armila Sea Turtle Festival in Guna Yala Province on the UNESCO List of Good Safeguarding Practices has been made following the creation of the intangible cultural heritage green seal that will recognize the commitment of festival and fair organizations to the revitalization of their intangible cultural heritage, ecological measures and the care of their ecosystems.

134. In 2021, 307 reading centres with an initial endowment of 120 books were opened in 300 municipalities affected by multidimensional poverty that are included under the Beehive Plan. In addition, 700 volunteers drawn from these communities, from community councils and indigenous congresses and among local leaders, were trained as reading facilitators or promoters with a remit to promote reading as a sociocultural practice that binds citizens to their environment.

135. Efforts are being made to recover archaeological artefacts forming part of the cultural heritage of the State that have been unlawfully sold. A regional network of front-line volunteers for the protection of documentary heritage has also been created. Additionally, 2019 saw the launch of a plan to strengthen the museum network that began with the restoration of the Reina Torres de Araúz Anthropological Museum and the creation of the Museum of Afro-Panamanian Memory in the Royal Customs House at Portobelo and a new museum on the site of the San Lorenzo Fort.

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