



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the third periodic report of Panama*

1. The Committee considered the third periodic report of Panama¹ at its 2nd, 4th and 6th meetings,² held on 13, 14 and 15 February 2023, and adopted the present concluding observations at its 30th meeting, held on 3 March 2023.

A. Introduction

2. The Committee welcomes the submission by the State party of its third periodic report, the supplementary information provided in the replies to the list of issues,³ as well as the opportunity to renew its dialogue with the State party after twenty years. The Committee appreciates the frank and constructive dialogue it had with the delegation of the State party, which, for extraordinary reasons, was held virtually and the delegation's efforts to reply to the Committee members' many questions.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken by the State party to enhance the realization of economic, social and cultural rights, as referred to in the present concluding observations.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

4. The Committee welcomes the incorporation of the International Covenant on Economic, Social and Cultural Rights into the State party's body of constitutional law. The Committee notes that the Supreme Court has referred to the Covenant on a number of occasions. However, it is concerned that some rights under the Covenant have not been fully transposed in the Constitution or domestic legislation. In addition, the Committee regrets the lack of information on decisions adopted by lower courts and administrative bodies in which the Covenant is invoked.

5. **The Committee recommends that the State party ensure that the rights enshrined in the Covenant are fully incorporated in its domestic legislation and that the provisions of the Covenant take precedence in potential conflicts with domestic laws. It also recommends that the State party raise awareness of the Covenant and the justiciability of economic, social and cultural rights among the judiciary, members of**

* Adopted by the Committee at its seventy-third session (13 February–3 March 2023).

¹ E/C.12/PAN/3.

² See E/C.12/2023/SR.2, E/C.12/2023/SR.4 and E/C.12/2023/SR.6.

³ E/C.12/PAN/RQ/3.



the National Assembly and the general public. In this respect, the Committee draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant.

Business and human rights

6. While it notes the adoption of the National Plan for Social Responsibility in the Public and Private Sectors and Human Rights, 2020–2030 and the 64 implementation measures therein, the Committee is concerned that the Plan is voluntary and does not envisage an effective complaints mechanism or support for victims of human rights violations and reprisals. The Committee is also concerned that there is no legal obligation for businesses under the State party's jurisdiction to conduct human rights due diligence.

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

(a) **Roll out the National Plan for Social Responsibility in the Public and Private Sectors and Human Rights and provide a progress report in its next periodic report;**

(b) **Adopt a binding legal framework that requires public and private businesses based in the State party to conduct human rights due diligence in relation to their activities, both in the State party and abroad;**

(c) **Set up judicial and other remedies for victims of violations of economic, social and cultural rights and victims of reprisals;**

(d) **Take into account the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.**

Climate change

8. The Committee notes the National Climate Change Strategy 2050 and the mitigation measures that have been adopted but is concerned that the State party is not on track to meet its nationally determined contribution under the Paris Agreement in the energy and agriculture sectors.

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

(a) **Continue to promote alternative and renewable energies, and step up its efforts to reduce greenhouse gas emissions;**

(b) **Ensure that all measures taken in response to climate change respect economic, social and cultural rights by establishing baselines and human rights impact indicators and regularly assessing the impact of mitigation plans and strategies.**

(c) **Take into account the Committee's statement on climate change and the Covenant.⁴**

Use of natural resources

10. The Committee is concerned about the limited application of laws and mechanisms for the protection of Covenant rights when awarding licences for large-scale economic development and natural resource exploitation projects. It is also concerned about the impact that such projects are having on the traditional ways of life, means of subsistence and culture of Indigenous Peoples. In particular, the Committee notes with concern that neither comprehensive environmental impact studies nor sufficient consultations designed to obtain free, prior and informed consent were carried out ahead of investment projects, including the Barro Blanco hydroelectricity project and the fourth electricity transmission line. Furthermore, the Committee regrets the absence of information on compliance with the agreements reached with the Indigenous Peoples affected by this kind of project (art. 1 (2)).

⁴ E/C.12/2018/1.

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

- (a) Enforce environmental law and conduct comprehensive social, environmental and human rights impact studies prior to awarding licences for development and natural resource exploitation projects;
- (b) Design, adopt and implement, in consultation with Indigenous Peoples, appropriate guidelines and mechanisms for the effective realization of the right to consultation and to free, prior and informed consent in keeping with Act No. 37 of 2016 and, to that end, consider requesting technical support from the Expert Mechanism on the Rights of Indigenous Peoples of the Human Rights Council;
- (c) Fully implement all the agreements reached with Indigenous Peoples affected by development and natural resource exploitation projects, especially the tripartite framework agreement of 26 November 2009, and provide appropriate and fair reparation;
- (d) Take specific measures to preserve the traditional ways of life, means of subsistence and culture of Indigenous Peoples in the context of development projects and third-party incursions into their territories, for instance by accelerating the demarcation and titling of the collective property of Indigenous Peoples who do not live in Indigenous regions (comarcas);
- (e) Ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169);
- (f) Take into account the Committee's general comment No. 26 (2022) on land and economic, social and cultural rights.

Maximum available resources

12. The Committee regrets that it did not receive up-to-date information on the share of the State budget allocated to social spending, on taxation policy or on the measures adopted by the State party to guarantee fiscal transparency. The Committee is concerned about:

- (a) High inequality in the State party despite strong economic growth in recent years, and the minimal distributive effect of taxes and transfers on reducing inequality;
- (b) The limited tax base and regressive taxation rate, as reflected in the low levels of tax collection in relation to gross domestic product and the modest income tax rate imposed on individuals, businesses and the service sector;
- (c) The prevalence of financial flows from possible illegal activity, tax fraud and transboundary tax evasion which, despite measures having been adopted, continue to be deposited with the State party's financial institutions (art. 2 (1)).

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

- (a) Increase the level of social spending, particularly on social security, housing, health care and education, paying special attention to disadvantaged and marginalized persons and areas where unemployment and poverty rates are high, especially rural areas and Indigenous territories;
- (b) Revise its taxation policy to increase the mobilization of national resources to close existing gaps and improve the redistributive effect of taxation;
- (c) Step up its efforts to combat illicit financial flows, tax fraud and transboundary tax evasion pursuant to Act No. 23 of 2015 and Act No. 254 of 2021, including by establishing dissuasive criminal penalties for tax fraud that are proportional to the offence;
- (d) Adopt due diligence mechanisms for the financial services sector in relation to tax fraud and transboundary tax evasion so that third countries are not deprived of essential resources with which to realize economic, social and cultural rights;
- (e) The Committee invites the State party to continue implementing the recommendations made by the Independent Expert on the effects of foreign debt and

other related international financial obligations of States regarding the full enjoyment of all human rights, particularly economic, social and cultural rights, as contained in the report on his visit to the State party.⁵

Data collection

14. While it notes the State party's efforts in the area of data collection, the Committee is concerned that evident institutional weaknesses at all levels hamper the systematic, standardized collection of reliable disaggregated statistical data needed to monitor the gradual realization of Covenant rights (art. 2 (1) and (2)).

15. The Committee recommends that the State party:

(a) **Strengthen its system for data collection, management and analysis through the provision of sufficient budgetary, technical and human resources, with a view to regularly tracking progress in terms of Covenant rights, developing evidence-based public policies and designing targeted measures for disadvantaged and marginalized individuals and groups;**

(b) **Systematically collect data in the areas of economic, social and cultural rights, disaggregated by grounds of discrimination, including sex, gender, disability, ethnic origin and any other social status;**

(c) **Take into account the conceptual and methodological framework on human rights indicators that was developed by the Office of the United Nations High Commissioner for Human Rights.⁶**

Non-discrimination

16. The Committee is concerned that the sectoral legal framework on discrimination adopted by the State party does not provide full protection against discrimination within the meaning of the Covenant. The Committee is also concerned about the lack of practical measures to combat de facto discrimination in the effective enjoyment of economic, social and cultural rights experienced by disadvantaged and marginalized persons and groups (art. 2 (2)).

17. The Committee recommends that the State party:

(a) **Adopt comprehensive and general legislative, policy and administrative measures against discrimination that prohibit and punish direct, indirect and multiple discrimination in keeping with article 2 (2) of the Covenant;**

(b) **Ensure access to effective remedies for victims of discrimination, including the possibility of obtaining redress;**

(c) **Effectively prevent and combat de facto discrimination against women, Indigenous Peoples, persons of African descent, migrants, refugees, asylum-seekers, persons with disabilities and persons living with HIV/AIDS, in particular through awareness-raising campaigns and affirmative action;**

(d) **Take into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Discrimination on grounds of sexual orientation and gender identity

18. The Committee is concerned about the stigmatization and discrimination faced by lesbian, gay, bisexual, transgender and intersex persons in the State party, which prevent them from enjoying their economic, social and cultural rights (art. 2 (2)).

19. The Committee recommends that the State party:

(a) **Adopt and implement legal, policy and programmatic measures to protect individuals from being discriminated against in their enjoyment of economic, social and**

⁵ A/HRC/37/54/Add.2.

⁶ HRI/MC/2008/3.

cultural rights, particularly in terms of access to employment, health care, education and housing, on account of their sexual orientation or gender identity;

(b) **Run awareness-raising campaigns targeting the general population, health-care practitioners, law enforcement personnel and other workers in the public and private sectors with the aim of eliminating negative stereotypes and stigma against lesbian, gay, bisexual, transgender and intersex persons;**

(c) **Take into account Inter-American Court of Human Rights Advisory Opinion No. OC-24/17 on gender identity, and equality and non-discrimination of same-sex couples.**

Equality between men and women

20. While it notes the legal framework adopted by the State party to achieve gender equality, including Act No. 4 of 1999 and the Public Policy for Equal Opportunities for Women, the Committee is concerned about the persistent gender pay gap. It is also concerned about the underrepresentation of women, especially women with disabilities, young women, indigenous women, women of African descent, and women migrants, refugees and asylum-seekers, in leadership and decision-making positions in the public and private sectors. In this connection, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women (art. 3).⁷

21. The Committee recommends that the State party:

(a) **Take the measures necessary to establish the Ministry of Women's Affairs and ensure that sufficient budgetary, technical and human resources are allocated to the effective implementation and monitoring of the legal and policy framework on gender equality and the empowerment of women;**

(b) **Intensify efforts to close the gender pay gap;**

(c) **Take specific measures to promote the representation of women at all levels of decision-making and in leadership positions in the private and public sectors;**

(d) **Take into account the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights;**

(e) **Take into consideration, in this connection, the recommendations of the Committee on the Elimination of Discrimination against Women.⁸**

Women and the right to work

22. The Committee notes with concern the persistence of vertical and horizontal employment segregation on grounds of gender, the low participation rate of women in the workforce and their high concentration in the informal sector, especially in unpaid or domestic work. In this regard, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women (arts. 3, 6 and 7).⁹

23. The Committee recommends that the State party:

(a) **Take appropriate effective measures to combat vertical and horizontal employment segregation;**

(b) **Redouble its efforts to effectively promote equal opportunities in jobs other than those traditionally associated with a given sex;**

(c) **Take specific steps to eliminate negative gender stereotypes in the family and society, particularly in the cultural sphere;**

⁷ [CEDAW/C/PAN/CO/8](#), paras. 15 and 19.

⁸ Ibid., paras. 16 and 20.

⁹ Ibid., para. 35.

(d) Adopt legislative measures to extend parental leave and to establish, from a gender, intersectional, intercultural and human rights perspective, a comprehensive childcare system to promote shared responsibility between men and women, as well as society's responsibility, for the care of children and other persons;

(e) Take into account paragraph 13 of the Committee's general comment No. 18 (2005) on the right to work and paragraph 47 (a) and (d) of its general comment No. 23 (2016) on the right to just and favourable conditions of work;

(f) Take into consideration, in this connection, the recommendations of the Committee on the Elimination of Discrimination against Women.¹⁰

Unemployment and the informal economy

24. The Committee notes the gradual reduction in unemployment over the last ten years but regrets that insufficient measures have been taken to address job loss triggered by the coronavirus disease (COVID-19) pandemic, as seen in the significant rise in unemployment and the increase of informal employment to above 40 per cent. In addition, the Committee is concerned about the barriers to access to the labour market encountered by migrants, refugees and asylum-seekers (art. 6).

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

(a) Assess the impact of the contract suspension system set up in response to the COVID-19 pandemic on the enjoyment of Covenant rights by groups who traditionally experience greater levels of unemployment, in particular persons with disabilities, young people, women, Indigenous Peoples, persons of African descent, migrants, refugees and asylum-seekers;

(b) Redouble its efforts, including under the Panama 2030 National Strategic Plan and State Vision, to reduce unemployment and facilitate workers' transition from the informal to the formal sector;

(c) Safeguard the right to work and facilitate access to the labour market for asylum-seekers whose claims are being processed, for instance by setting up skills-matching and labour market integration programmes for migrants, refugees and asylum-seekers, so as to protect them from abuses and situations of labour exploitation;

(d) To that end, take into consideration the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);

(e) Take into account the Committee's general comment No. 18 (2005) on the right to work.

Just and favourable conditions of work

26. While it notes the mechanisms and methodology for setting the minimum wage in the State party, the Committee is concerned that the minimum wage is insufficient to ensure a decent standard of living for workers and their families and that its variability by region deepens inequalities. In addition, the Committee notes with concern that, despite the efforts made, conditions in the areas of domestic work, construction, fisheries and plantations remain unstable and that workers in these sectors, especially migrant workers, face unsafe and unhygienic working conditions and are at risk of exploitation and abuse (art. 7).

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

(a) Ensure that the minimum wage is applied to all workers in all regions, sectors and forms of employment and guarantee, in practice, full compliance with the minimum wage;

(b) Take all legal and administrative measures, including the review of article 231 of the Labour Code, necessary to ensure, in law and in practice, that domestic workers are treated equally and enjoy favourable working conditions, in particular

¹⁰ Ibid., para. 36.

through the establishment of a maximum workday, payment of the minimum wage and the provision of social security;

(c) Redouble its efforts to provide the labour inspectorate with the human, technical and financial resources to effectively monitor working conditions in all sectors, including domestic work, construction, fisheries and plantations, set up appropriate complaint and follow-up mechanisms and establish penalties for cases falling within the inspectorate's remit;

(d) Take specific steps in the context of labour inspections to guarantee that migrant workers without a work permit enjoy their rights and favourable working conditions with the aim of protecting them from poor conditions, abuse and exploitation;

(e) Take into account the Committee's general comment No. 23 (2016) on the right to just and favourable conditions of work.

Right to strike

28. The Committee notes with concern the legal provisions that restrict and create barriers to the effective exercise of the right to strike by providers of public services deemed to be essential – particularly Act No. 19 of 1997, which restricts the right to strike of employees of the Panama Canal Authority – and the restrictions on certain types of strike action in the State party (art. 8).

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

(a) Remove excessive restrictions on strikes in line with its obligations under article 8 of the Covenant, including by amending book III, title IV of the Labour Code on the right to strike (arts. 475 to 519);

(b) Safeguard the right to strike of all public servants while recognizing the specificities of essential sectors.

Social security

30. The Committee notes that the relevant legal and administrative framework meets international standards on social security but is concerned about gaps in the coverage of the contributory scheme in practice, the sufficiency of benefits and the large number of people, especially informal sector workers, who remain excluded from the social security system (art. 9).

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

(a) Create a social security system that ensures universal coverage and provides sufficient benefits for all workers, and expand the system's coverage to include all workers in the informal sector, especially those engaged in domestic work and unpaid care work, through, for instance, a combination of contributory and non-contributory schemes;

(b) Improve social security coverage and benefits by, for example, promoting a culture of social security, providing clear and transparent information on the range of benefits available under the social security system and enhancing incentives for employers and employees to contribute to the system;

(c) Take into account the Committee's general comment No. 19 (2007) on the right to social security.

Children and adolescents in a vulnerable situation

32. While it notes the measures taken by the State party to protect children, the Committee is concerned about the vulnerable situation in which many children and adolescents, especially those in street situations, find themselves. It is further concerned about the considerable number of children under the age of 14 who are engaged in child labour (art. 10).

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

- (a) **Redouble its efforts to provide comprehensive protection to particularly vulnerable children and adolescents, especially those in street situations, facilitate their social reintegration and provide their families with appropriate support for their upbringing and education;**
- (b) **Intensify its efforts to prevent and combat the economic exploitation of children by ensuring that legal provisions on child labour are vigorously enforced and by strengthening child labour inspection mechanisms;**
- (c) **Make certain that all cases of child exploitation, including economic and sexual exploitation, are thoroughly investigated and those responsible are duly punished;**
- (d) **Take into account the recommendations of the Committee on the Rights of the Child.¹¹**

Violence against women

34. The Committee is concerned about the high rates of gender-based violence, including sexual, domestic, emotional, economic and psychological violence, which impedes the effective enjoyment of economic, social and cultural rights by women, girls, women with disabilities and lesbian, bisexual, intersex and transgender persons; about the xenophobia faced by women migrants, refugees and asylum-seekers in particular; and about the ineffectiveness of the measures taken to protect all victims. In this regard, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women (art. 10).¹²

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

- (a) **Conduct thorough investigations into all cases of gender-based violence, hate crimes and xenophobia, and prosecute and punish all perpetrators;**
- (b) **Run public awareness campaigns and provide training to law enforcement personnel and judges regarding the seriousness and criminal nature of all forms of gender-based violence, hate crimes and xenophobia;**
- (c) **Take into consideration, in this connection, the recommendations of the Committee on the Elimination of Discrimination against Women.¹³**

Poverty and inequality

36. The Committee regrets not having received updated information on poverty and inequality levels in the State party. It notes with concern the persistent poverty and extreme poverty in rural and remote areas, especially among women-headed households, Indigenous Peoples, persons of African descent and persons with disabilities (art. 11).

37. **The Committee recommends that the State party redouble its efforts, including under the Beehive Plan (Plan Colmena) and other conditional cash transfer programmes, to combat inequality and poverty, particularly extreme poverty, by setting clear, measurable goals, effectively identifying the population living below the poverty line and giving due regard to regional disparities and the actual needs of the population, especially the most disadvantaged and marginalized groups. In this respect, the Committee draws the attention of the State party to its statement on poverty and the Covenant.¹⁴**

¹¹ [CRC/C/PAN/CO/5-6](#), para. 37.

¹² [CEDAW/C/PAN/CO/8](#), para. 21.

¹³ Ibid., para. 22.

¹⁴ [E/C.12/2001/10](#).

Rights to water and sanitation

38. The Committee welcomes the significant increase in access to sources of safe drinking water and the steps taken to treat contaminated water sources in Indigenous regions, including the distribution of water purification tablets. However, the Committee is concerned about reports of water outages during the COVID-19 crisis and the fact that access to sanitation and hygiene services remains low. It is also concerned by the large regional and socioeconomic disparities in the availability, accessibility, affordability and quality of drinking water and adequate sanitation (art. 11).

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

- (a) **Take legislative and administrative measures to safeguard the right to drinking water and sanitation;**
- (b) **Redouble its efforts to improve access to water, hygiene and sanitation services, with a particular focus on the most disadvantaged and marginalized groups;**
- (c) **Take into account the Committee's general comment No. 15 (2002) on the right to water and its statement on the right to sanitation.¹⁵**

Right to food

40. The Committee regrets not having received up-to-date information on the prevalence of undernutrition and malnutrition in the State party or on the concrete results of the National Food and Nutrition Security Plan 2017–2021. The Committee notes with concern reports of high rates of undernutrition and malnutrition in the State party, including overweight and obesity problems, particularly in rural and indigenous areas (art. 11).

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

- (a) **Redouble its efforts to protect the right to adequate food by taking all the measures necessary to address food insecurity and undernutrition in an effective and comprehensive manner, including through the establishment of programmes promoting healthier diets that contain clear objectives and deadlines and provide for appropriate monitoring and assessment mechanisms;**
- (b) **Take into account the Committee's general comment No. 12 (1999) on the right to adequate food and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations.**

Migrants, refugees and asylum-seekers

42. The Committee notes the efforts of the State party, in cooperation with international and non-governmental organizations, to respond to the influx of migrants, refugees and asylum-seekers, particularly in Darién Province. However, the Committee is concerned about reports that living conditions in reception centres are inadequate, especially in the context of the COVID-19 pandemic. It is also concerned about the limited access to health care, education and other services for persons living at the reception centres. In this respect, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women¹⁶ regarding gender-based violence being committed against women in border areas, including sexual violence targeting migrant women, especially those of African descent (art. 11).

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

- (a) **Increase reception capacity and continue to enhance living conditions at migration reception centres in the Provinces of Darién and Chiriquí by providing access to adequate food, drinking water, sanitation and hygiene, health care and education, among other services;**

¹⁵ E/C.12/2010/1.

¹⁶ CEDAW/C/PAN/CO/8, para. 23.

(b) Design and implement a rights-based contingency plan to provide a comprehensive response to the influx of migrants, refugees and asylum-seekers that guarantee enjoyment of fundamental rights and access to basic services in the border areas of Darién and Chiriquí and includes a focus on gender and the protection of all persons in a vulnerable situation;

(c) Take into account the Committee's statement on the duties of States towards refugees and migrants under the Covenant;¹⁷

(d) Take into consideration the recommendations of the Committee on the Elimination of Discrimination against Women, especially those regarding gender-based violence committed against women in border areas.¹⁸

Adaptation to climate change

44. While it notes the adaptation measures that have been adopted, the Committee is concerned about the State party's vulnerability to the effects of climate change. The Committee is further concerned about the impact of climate change on the enjoyment of Covenant rights by Indigenous Peoples, in particular the Guna Yala Indigenous People (art. 11).

45. Intensify its adaptation measures, including the development of a national climate change adaptation plan, especially in Indigenous territories, ensuring that Indigenous Peoples are effectively consulted and fostering their full participation in the design and implementation of relevant policies and programmes.

Right to health

46. The Committee notes the National Health Policy and Strategic Guidelines 2016–2025 but is concerned about the insufficient and inappropriate allocation of resources to the health sector, the scarcity of medicines, medical and surgical supplies and health-care professionals, the state of disrepair of infrastructure and the unavailability of medical centres, especially in rural areas and Indigenous regions (art. 12).

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

(a) Increase the budget allocation for the health sector;

(b) Take all effective measures necessary to ensure the availability, accessibility and quality of health-care services;

(c) Ensure that there are sufficient, appropriately staffed, public health-care establishments, facilities and services, as well as sufficient approved medicines, hospital equipment and adequate hygiene conditions, especially in rural areas and Indigenous regions;

(d) Take into account the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health.

Sexual and reproductive health

48. The Committee notes with concern that unsafe abortions continue to be performed in the State party as a consequence of the criminalization of abortion and that women face barriers in accessing safe abortions, including in cases authorized by law. In addition, the Committee is concerned about the high rates of teenage pregnancy and of sexually transmitted diseases and HIV/AIDS among adolescents and young people. It is further concerned about reports that women with disabilities and indigenous women continue to be subjected to forced sterilization despite the adoption of Act No. 7 of 2013 regulating the sterilization of women. In this connection, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women (art. 12).¹⁹

¹⁷ E/C.12/2017/1.

¹⁸ CEDAW/C/PAN/CO/8, para. 24.

¹⁹ Ibid., para. 37.

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

- (a) Revise the current prohibition of abortion to bring into line with women's fundamental rights, such as right to health, including mental health, and the right to life and dignity, and guarantee that appropriate, good quality sexual and reproductive health services, including family planning services, are accessible and available to all women and adolescents in the State party, especially those living in rural or remote areas;
- (b) Improve access to pre-exposure prophylaxis (PrEP) treatment and combat stigma and discrimination in access to health care for persons living with HIV/AIDS;
- (c) Redouble its efforts to develop programmes and strategies to address the high rates of unwanted pregnancy, teenage pregnancy and sexually transmitted diseases among adolescents in keeping with the law and sex education guides, and improve access to sexual and reproductive health information, particularly in Indigenous territories and rural areas;
- (d) End the practice of forcibly sterilizing women with disabilities and Indigenous women;
- (e) Take into account the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health;
- (f) Take into consideration, in this connection, the recommendations of the Committee on the Elimination of Discrimination against Women.²⁰

Right to education

50. While it notes the steps taken by the State party to increase the education budget, the Committee is concerned about deficiencies in education, not only in terms of infrastructure and teaching materials, but also of curriculum and teacher training, especially in rural areas and Indigenous regions. The Committee is also concerned about the high dropout rate, particularly during the transition from primary to secondary education, and the difficulties that migrants, refugees and asylum-seekers face in accessing education (arts. 13 and 14).

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

- (a) Strengthen the public education system, first and foremost by increasing the budget for primary and secondary education to enhance their quality and accessibility, without hidden fees, especially for children from low-income families and children living in rural areas or Indigenous regions;
- (b) Take all measures necessary to improve the quality of instruction, for instance by raising the status and remuneration of teachers, increasing the number of qualified teachers and providing them with in-service training, and upgrading infrastructure and teaching materials, especially in rural areas and Indigenous regions;
- (c) Take all measures necessary to reduce the school dropout and repetition rates at all levels, especially during the transition from primary to secondary education and among students belonging to marginalized and disadvantaged groups;
- (d) Ensure that migrants, refugees and asylum-seekers have effective, discrimination-free access to the education system, the Universal Scholarship Programme and other education assistance, including through awareness-raising in education centres;
- (e) Take into consideration the Committee's general comment No. 13 (1999) on the right to education.

²⁰ Ibid., para. 38.

Cultural rights

52. While it notes the steps taken to preserve and protect the cultural heritage of Indigenous Peoples and persons of African descent and to protect the tangible and intangible cultural heritage of Panama, the Committee is concerned about reports that the cultural practices and languages of Indigenous Peoples are at risk of extinction. The Committee is also concerned about the shortcomings of the Bilingual Intercultural Education Programme in terms of quality, accessibility, budget and technical and human resources (art. 15).

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

- (a) **Take the measures necessary, in consultation with Indigenous Peoples, to preserve all indigenous cultural practices and languages;**
- (b) **Evaluate, in consultation with Indigenous Peoples, the implementation of the Bilingual Intercultural Education Programme and ensure that the Programme is adapted to the needs of the various Indigenous Peoples;**
- (c) **Provide sufficient budgetary, technical and human resources for the implementation of the Bilingual Intercultural Education Programme;**
- (d) **Take into consideration the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.**

Scientific research and development

54. While it notes the steps taken to promote the advancement of women in scientific research, the Committee is concerned about reports that negative gender stereotypes hinder the achievement of substantive equality for women in science and their representation in science, technology, engineering and mathematics. Moreover, the Committee regrets not having received information on the steps taken by the State party to prevent disinformation and promote the dissemination of accurate scientific information (art. 15).

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

- (a) **Adopt all measures necessary to combat negative gender stereotypes and take effective measures to promote women and girls' access to tertiary education and employment in the fields of science, technology, engineering and mathematics;**
- (b) **Take all necessary steps to promote accurate scientific information and, in particular, refrain from spreading disinformation, denigrating information and circulating fake news so as to undermine the population's understanding of and respect for science and scientific research;**
- (c) **Establish mechanisms to protect the population from the adverse effects of false and misleading practices based on pseudoscience, especially where they endanger other economic, social and cultural rights;**
- (d) **Take into consideration the Committee's general comment No. 25 (2020) on science and economic, social and cultural rights.**

D. Other recommendations

56. **The Committee urges the State party to proceed with the necessary consultations and procedures, as announced by its delegation, with a view to ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

57. **The Committee recommends that the State party consider ratifying the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

58. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined**

therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.²¹

59. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the provincial, district, municipal and Indigenous region levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee underscores the fundamental role of the National Assembly in implementing the present concluding observations and encourages the State party to ensure it is involved in future reporting and follow-up reporting processes. The Committee encourages the State party to engage with the Ombudsman's Office, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

60. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 7 (b) (business and human rights), 11 (b) (use of natural resources) and 43 (b) (migrants, refugees and asylum-seekers).

61. The Committee requests the State party to submit its fourth periodic report in accordance with article 16 of the Covenant by 31 March 2028, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Reissued for technical reasons on 1 March 2023.

²¹ [E/C.12/2019/1](#).