



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Seventy-third session

### Summary record of the 4th meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 14 February 2023, at 4 p.m.

*Chair:* Mr. Abdel-Moneim

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### Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Third periodic report of Panama (continued)*

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\* No summary records were issued for the 3rd meeting.

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*The meeting was called to order at 4.05 p.m.*

**Consideration of reports** *(continued)*

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Third periodic report of Panama (continued)* (E/C.12/PAN/3; E/C.12/PAN/Q/3; E/C.12/PAN/RQ/3)

1. *At the invitation of the Chair, the delegation of Panama joined the meeting via video link.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **A representative of Panama** said that a broad legal framework was in place to promote equal opportunities for women and to prohibit all gender-based discrimination. In applying the law, the State upheld the human rights enshrined in the Constitution, including the rights to equality before the law and justice, in line with international conventions and declarations regarding persons of African descent.
4. Within the Ministry of Social Development, a National Secretariat for the Advancement of Afro-Panamanians was responsible for implementing policies for the social inclusion of Panamanians of African descent in collaboration with other relevant governmental institutions. In 2019, the National Institute for Women and the United Nations Development Programme had published a report which included first-hand accounts from women of African descent in Panama and information on their needs, problems and living situations. The information from the report had been included in the draft national plan for the development of Afro-Panamanians. The population and housing censuses currently being carried out by the National Statistics and Census Institute included questions on racial self-identification, so as to obtain data on the persons of African descent living in Panama; such data would be used to inform public policy and the allocation of resources for their inclusion and well-being.
5. The Ministry of Labour and Workforce Development had designed a national strategy for occupational training and employment in collaboration with the National Vocational Training Institute for Human Development. The plan aimed to increase employment, productivity and social inclusion through improved technical and professional training; in 2020, 2,083 courses had been available in 23 training centres across the country, benefiting over 30,000 Panamanian nationals.
6. **A representative of Panama** said that the Beehive Plan (Plan Colmena) was a multisectoral governmental strategy designed to advance national development processes and strengthen public policy and State institutions in areas of poverty and vulnerability. The plan focused on 12 key areas: early childhood, nutrition and food security, water and environmental sanitation, health, education, housing, income-generating activities, security, sport and culture, environment, energy and road infrastructure. The strategic focuses of the plan were social development, economic development, infrastructure and environment.
7. A pilot Beehive Plan initiative consisting of 73 projects had been implemented in the district of Capira in 2019 and had benefited some 19,000 citizens, including over 3,900 children. A further eight initiatives had been carried out in the second part of 2022, consisting of over 7,000 projects and activities, which had reached 66 per cent of the municipalities identified as having the highest levels of multidimensional poverty in the country. The results of the Beehive Plan would inform the general budget of Panama and help to ensure that the needs of those in poverty were met.
8. **A representative of Panama** said that the inclusion of refugees in national occupational training programmes was one of the objectives set out in the memorandum of understanding between the Office of the United Nations High Commissioner for Refugees and the Government of Panama. Courses were being developed in several areas so that refugees could combine their existing skills with those acquired through such training programmes and thus improve their employability and social integration. Legal provisions

were in place to guarantee that work temporary permits would be approved for refugees and for asylum-seekers whose applications had been accepted for review. Indefinite work permits could also be approved for those with refugee status.

9. The “Talent without Borders” programme aimed to improve access to the labour market through collaboration with the private sector. The programme had helped to increase awareness among business associations of relevant legal provisions and of the capabilities of the refugee population and how the private sector could contribute to their effective integration into the labour market. More than 600 refugees and asylum-seekers had benefited from the programme.

10. **A representative of Panama** said that the Ministry of Labour and Workforce Development had an agreement with the Migrant and Refugee Unit to offer programmes for the integration of refugees into the labour market. The Ministry promoted decent working conditions for foreign workers by encouraging them to register with its job exchange.

11. Progress had been made in reducing the gender pay gap, which now stood at 74.3 per cent. Panama was ranked ninth in Latin America and fortieth in the world for gender equality. A national plan for equal pay covering the period 2022–2025 included measures such as awareness-raising for companies on matters of wage equality. Legislation and public policy prohibiting any form of discrimination against women in hiring, retention and promotion in both the public and private sectors had been strengthened, as had legislation on equal pay. The percentage of women in work had increased by 7.43 per cent in the period 2021–2022 and, as part of a pilot project, nine of the country’s largest companies had agreed to improve workplace conditions and diversity in their hiring practices for jobs which had traditionally not been held by women. A multiservice cooperative established in the Indigenous region of Ngöbe-Buglé had provided training for 24 women.

12. Legal protections existed for domestic workers, and mechanisms were in place to address any workplace complaint made by a domestic worker. Employers were obliged to cover social security and all other benefits for domestic workers. The General Inspection Directorate reported any irregularities found during inspections. A survey on domestic work had identified some 5,500 domestic workers, who had subsequently been informed about three labour unions that they could join if they so wished.

13. Every two years, the National Minimum Wage Commission held a tripartite dialogue involving workers, employers and the Government to set the minimum wage for different occupations and regions, as mandated by Article 66 of the Constitution. The tripartite approach had helped to maintain social and political stability for several decades and was an example to be followed in other areas.

14. Strategies related to the informal sector included the introduction of a technical and professional training programme for young people aimed at ensuring that the country had a qualified workforce; over 750,000 people had been trained in areas such as carpentry, upholstery and hospitality. The Ministry of Labour and Workforce Development had developed other programmes to increase employability and integration into the labour market.

15. Panama had received international recognition for its efforts to eradicate child labour. A direct action programme had provided grants to over 15,000 children and young people between 2009 and 2022. Legal proceedings instituted by the Public Prosecution Service had led to sentences of 80 months in prison for child labour exploitation. Awareness-raising campaigns had been carried out within business associations and, each year, there was a media campaign against child labour.

16. **A representative of Panama** said that, in 2017, paternity leave for employees of public and private enterprises had been set at three days with full pay. In 2021, maternity leave had been extended to fathers in cases where the mother had died or where the mother had no formal work during pregnancy or during the 12 months following birth.

17. **A representative of Panama** said that reform to the Social Security Fund had been beneficial for the population of Panama. The pensions system was managed by the Social Security Fund and was publicly funded by contributions from workers and employers. The

system administered payments including disability allowances, retirement pensions, family allowances, survivor's pensions and orphan's benefits.

18. In 2014, a decree had increased retirement pensions so that no monthly pension payment was lower than \$120. Equitable increases were made each year, in line with increases in the cost of living. A law passed in 2017 had provided workers in the banana industry pension plans worth 80 per cent of their annual salary and a law passed in 2019 had provided a one-off payment of \$100 to those receiving retirement pensions at the time.

19. **Mr. Hennebel** (Country Task Force) said that he was pleased to hear that deliberations would take place regarding the possibility of Panama acceding to the Optional Protocol. He would encourage the State party also to consider becoming a party to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement); and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families.

20. He would like to know what measures had been taken to effectively prohibit the forced sterilization of Indigenous women and women with disabilities, to compensate victims and ensure that they had access to justice, and to punish those responsible for those practices. He would be grateful for information about the steps taken by the State party to prevent physical, sexual, psychological or any other form of violence, especially violence against women and girls, women with disability, transgender persons or migrants, to protect the victims and to provide them with the requisite support. He would also like to know what measures had been taken to facilitate the lodging and processing of complaints of violence, what statistics were used to determine whether the system was working properly and what compensation was granted to the victims and their families. It would be helpful if the delegation could provide a description of specific measures, services and programmes to prevent domestic violence and gender-based violence. In view of the fact that the number of femicides had gone up during the coronavirus (COVID-19) pandemic, he would like to hear about any special measures to ensure genuine protection for victims during the pandemic.

21. The Committee was anxious to learn of any measures that had been adopted to combat trafficking in persons, especially children, including migrant children and children in an irregular situation, and to combat child labour. How successful had they been? It was unclear how the effectiveness of national efforts to counter the sexual exploitation and ill-treatment of children was evaluated, in particular when it came to migrant children, children in an irregular situation and unaccompanied children. He wondered whether there were any statistics on victims of trafficking and sexual violence in the Darién Gap.

22. He wished to know what had been done to implement the special procedure for awarding collective land titles to Indigenous persons who were not within the Indigenous regions and to ensure Indigenous Peoples' access to justice in the event of disputes concerning the ownership of ancestral lands, especially when they had to contend with national or multinational companies. He would appreciate information about efforts to resettle the members of the Ngöbe-Buglé community who had been deprived of their ancestral land, which had been flooded after the building of a dam about which they had not been consulted. What access to justice did that community have? He would also like to know what measures had been taken to end violations of the rights of Indigenous Peoples as a result of government authorization of infrastructure projects without the free, prior and informed consent of the Indigenous communities concerned. What steps had been taken to prevent the arbitrary arrest of and police violence against Indigenous persons and to compensate victims?

23. With regard in particular to rural and Indigenous areas, he would like to hear what measures had been taken to guarantee the right to high-quality, unpolluted water and to ensure the right to food in order to combat child malnutrition. In addition, he would appreciate a description of the measures taken to combat poverty and extreme poverty among the most marginalized and most vulnerable segments of the population, including Indigenous Peoples and people of African descent.

24. He would be grateful if the delegation could supply some information about educational programmes and awareness-raising campaigns to prevent teenage pregnancy and

about measures to decriminalize abortion. Statistics on the number of women who had been prosecuted for abortion or miscarriage would be appreciated. It would also be useful to know what had been done to ensure the accessibility and availability of high-quality health services throughout the country, in particular for the most disadvantaged and marginalized groups such as persons with disabilities, older persons, migrants, refugees and asylum-seekers. Lastly, what measures had been adopted to guarantee access to health care, including mental health care, for lesbian, gay, bisexual, transgender and intersex persons and victims of homophobic crimes or crimes related to sexual orientation or gender identity?

25. **A representative of Panama** said that her country's great strides in combating violence against women had been made possible by the unique legal and institutional framework set up under Act No. 82 of 24 October 2013, which defined violence against women and other forms of violence. A protocol for comprehensive support of women who were victims of domestic violence had been developed, and a police force specialized in dealing with gender-based violence had been set up. Financial assistance and education grants were available for the victims of such violence and their children. A programme aimed at preventing violence against women had been introduced at the regional level. Since 2015, the National Institute for Women had opened branches all over the country, including in Indigenous regions, to make sure that women who were victims of violence or at risk of violence had access to free professional care and support. Multidisciplinary teams at centres operated by the Institute worked in conjunction with the judiciary, and judicial staff had received regular training in providing assistance to victims. During the COVID-19 pandemic, the Institute's centres had remained open and had continued to provide legal and social services. In March 2020 a hotline had been set up to provide victims with information from a multidisciplinary team, and the hotline number had been texted to 1.5 million women as part of the "You are not alone" campaign. Women had been able to lodge anonymous complaints of abuse, and shelters had remained open.

26. **A representative of Panama** said that the rights of Indigenous persons living outside the six Indigenous areas were preserved and protected under Act No. 72 of 23 December 2008. The Government had granted five collective land titles to areas which were administered by the traditional authority. Resolution No. 226, adopted in 2019, had introduced a special process to speed up the granting of land rights. A round table had been set up to consult the Ngöbe-Buglé People about the construction of the hydroelectric dam in their region. Economic empowerment programmes sought to improve the job opportunities of Indigenous women.

27. **A representative of Panama** said that since 2020 the Public Prosecutor's Office had set up an office specialized in Indigenous affairs with a view to ensuring access to justice for the Indigenous population. It had also set up two branch offices in Darién Province to offer assistance to vulnerable migrant women and girls who had been victims of gender-based violence. The victims were referred first to sociopsychological counselling in Meteti and then, if necessary, given free medical treatment in Meteti or Santa Fe. Victims and their families were also given food. The Code of Criminal Procedure provided for other protective measures. In 2022, the Office had dealt with 220 cases involving crimes committed against migrants in Darién.

28. There were no immediate plans to decriminalize abortion. However, article 144 of the Criminal Code allowed for two circumstances in which no penalties would be imposed: when the pregnancy was the result of rape or when the life of the fetus or the mother was at serious risk and the mother consented to the procedure. Between 2020 and 2022 a total of 776 cases had been investigated.

29. **A representative of Panama** said that under the Criminal Code the Public Prosecution Service was obliged to look into any complaint of domestic violence. In 2021, 21,792 complaints had been registered nationally, of which 17,422 had been domestic violence complaints and 3,336 had been related to the ill-treatment of minors. In 2022 the total had risen to 22,603 complaints, 17,659 of domestic violence and 3,713 related to ill-treatment of minors. When protective measures were deemed necessary, the National Institute for Women collaborated with the National Secretariat for Children, Adolescents and the Family. During the COVID-19 pandemic, the necessary steps had been taken to ensure that complaints centres of the Family Prosecutor's Office remained open round the clock.

Support for victims was coordinated with the police and the Public Prosecutor's Office and also with the Ministry of Transport when the transport of victims was necessary. Lastly, child labour was criminalized under articles 202 and 204 of the Criminal Code.

30. **A representative of Panama** said that the National Secretariat for Children, Adolescents and the Family had continued to provide its services throughout the COVID-19 pandemic. It ran three programmes to provide care for pregnant teenagers and teenage mothers, assist victims of violence and eliminate child labour. In 2022, the Secretariat had dealt with 103 cases of child labour, 185 cases of teenage pregnancy, 83 cases of sexual abuse and 62 cases of ill-treatment. During the pandemic the Secretariat had provided two hotlines for lodging complaints and seeking psychological support. A system for comprehensive protection of the rights of children and adolescents had been set up pursuant to Act No. 285 of 15 February 2022. Since 2021 efforts had been under way to encourage the placement of minors in foster families as an alternative to institutions.

31. No unaccompanied migrant children or minors who had been separated from their parents were kept in migrant reception centres. They were taken to one of the 52 child protection centres. In 2022, the Secretariat had dealt with 297 cases of unaccompanied minors and 124 cases of minors who had been separated from their parents in Darién Province.

32. **A representative of Panama** said that the water supply in rural and Indigenous areas had been improved and tablets to disinfect water had been distributed. The Ministry of Health had implemented measures to ensure appropriate nutrition for the Indigenous population, especially children and pregnant and breastfeeding women. The Ministry had been following protocols to prevent violence against migrants. Mental health had been a priority, especially during the COVID-19 pandemic. Since the adoption of Act No. 7 of 5 March 2013, no patients could be subjected to sterilization without their prior informed consent. The fertility rate among adolescents had decreased significantly since 2015. The decline could be attributed to the provision of sexual and reproductive health education for young people.

33. **Mr. Hennebel** said that he would be grateful for information on the State party's HIV/AIDS policy, including statistics and the outlook for the future. The Committee strongly recommended that the State party consider decriminalizing abortion, which was an obligation under international human rights law. It was important to stress that equality where reproductive rights were concerned – including the reproductive rights of women – was essential. He appreciated the statistics provided by the delegation on various topics, but would like further information on the effectiveness of specific mechanisms and regulations.

34. **A representative of Panama** said that the indicators for the National Multisectoral Strategic Plan on HIV/AIDS showed clear progress in addressing HIV/AIDS in Panama. Between 2020 and 2022, there had been an increase of 89 per cent in the diagnostic coverage of people living with HIV. Antiretroviral therapy coverage for people living with HIV had risen from 78 per cent to 79 per cent in the same period, while the treatment of pregnant women with HIV to prevent mother-to-child transmission had increased from 88 per cent in 2020 to 93 per cent in 2023. The prevalence of HIV had dropped from 13 per cent to 8 per cent among men who had sex with men and from 29 per cent to 14 per cent among transgender persons, and treatment coverage for men who had sex with men had increased from 93 per cent to 98 per cent in recent years.

35. **A representative of Panama** said that her Government acknowledged that the decriminalization of abortion was a reproductive right. However, changes to the Criminal Code would not happen overnight. The Ministry of Health had an intersectoral commission that considered cases in which abortion was an option because the pregnancy put the mother's life in danger or because the fetus had malformations. It had considered 34 such cases in 2022 and had approved abortions in all cases.

36. **A representative of Panama** said that the nearly 350 children and adolescents had been deinstitutionalized following the entry into force of Act No. 285 in 2022. That represented a threefold increase with respect to 2019. The Ministry of Labour and Workforce Development had carried out 720 inspections with a view to detecting cases of child labour, which helped both to bring existing cases to light and to reduce the number of cases.

37. **Mr. Mancisidor de la Fuente** (Country Task Force) said that the State party's education spending compared unfavourably with other countries in the region. For example, Colombia allocated approximately 50 per cent more funding to education than Panama did, while Costa Rica allocated twice as much. He wondered whether the State party intended to increase its education spending, given the importance of education both as a human right and as an instrument for human development.

38. According to the Programme for International Student Assessment, two out of three school pupils in Panama had not attained basic reading literacy in 2018, and up to four out of five had not reached basic mathematics literacy. The 2020 Country Office Annual Report for Panama of the United Nations Children's Fund (UNICEF), which had evaluated the Government's Five-Year Plan for Intercultural Bilingual Education 2014–2019, indicated that low educational attainment levels were more pronounced in Indigenous regions. He would appreciate an appraisal of the statistics by the State party and information on any measures that were being taken to improve the situation. In terms of school dropout, while Act No. 148 of 2020 and Act No. 115 of 2019, which aimed to reduce dropout, had entered into force too recently to allow any long-term comparisons to be made, he would be grateful if the delegation could provide a preliminary evaluation of the impact of those Acts, disaggregated by gender, rural/urban area and Indigenous populations.

39. The addition to the curriculum of five new modules promoting intercultural education was to be commended. It would be interesting to know more about instruction in Indigenous languages in the country's education system. The 2020 UNICEF report highlighted certain deficiencies in means, materials and budgets, as well as a lack of sustainability and a low level of participation of Indigenous Peoples when education policies were being drawn up. He would appreciate a comment on those findings and would like to know what measures the State party would adopt to improve the situation.

40. The State party had indicated that there was no discrimination against children of families applying for asylum or refugee status, which was praiseworthy. However, it was also important for such highly vulnerable persons to have access to government subsidy programmes, scholarships and educational assistance without discrimination. He would appreciate further information about what was being done to actively promote access to education for such children. It would also be useful to have further information about access to pre-primary education in Panama and about any plans to promote universal and equal access to such education.

41. Although Act No. 88, adopted in 2010, aimed to promote Indigenous languages, several were reported to be in danger of extinction. He wondered what measures the State party had taken to promote Indigenous languages and to protect those that were most endangered. He would also like to know what steps had been taken to ensure that Indigenous persons were involved in policymaking and what mechanisms the State party had adopted to ensure their participation in the protection and promotion of the country's cultural heritage.

42. Lastly, he would welcome information on the application by the State party of the Committee's general comment No. 25 (2020), on science and economic, social and cultural rights. Specifically, he wondered what action was being taken to increase the level of participation of women and girls in the science and technology fields. He would also be interested to hear what was being done to counter misinformation, pseudoscience and fake news, promote accurate scientific information and protect the population from the possible harmful consequences of practices based on pseudoscience.

*The meeting rose at 6 p.m.*