



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the third periodic report of Panama\*

#### I. General information

1. Please provide information on the measures that have been adopted to ensure that it is possible in the State party's domestic legal order to seek legal recourse for violations of economic, social and cultural rights; please include examples of rulings in which the domestic courts have invoked or applied the provisions of the Covenant.
2. Please state what measures have been taken to collect comprehensive and comparative data relevant for assessing the extent to which the rights recognized in the Covenant are realized at both the national and subnational levels.
3. Please provide information on the regulatory framework in place to ensure that companies respect economic, social and cultural rights in all their activities, including by performing human rights due diligence. Please include information on the impact of infrastructure projects on the environment and, in particular, information on the effective implementation of laws and other measures related to the environmental impact assessments conducted before such projects are launched and on the extent to which the communities concerned participate in those assessments.
4. Please indicate what measures have been taken to mitigate the adverse effects of climate change on the enjoyment of economic, social and cultural rights, in particular for disadvantaged groups, and to what extent the National Climate Change Strategy to 2050 reflects the scale of the impact on these rights. Please also indicate how the State party reconciles its energy generation policies with its commitments under the Paris Agreement under the United Nations Framework Convention on Climate Change.

#### 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))

5. Please provide information on the specific mechanisms adopted by the State party to ensure the effective implementation of the rights of indigenous peoples to be consulted and to give their free, prior and informed consent, as recognized in Act No. 37 of 2016, particularly with regard to infrastructure projects, including hydroelectric and electricity transmission projects, that will have an impact on land claimed by or recognized as belonging to those peoples, or on any other of their human rights. Please also indicate the status of compliance with the agreements reached with the indigenous peoples affected by such projects, in particular the financial compensation agreed upon. Please provide information on

\* Adopted by the pre-sessional working group at its sixty-eighth session (8–12 March 2021).



progress made towards the ratification of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).

**Maximum available resources (art. 2 (1))**

6. Please provide information on the changes over the past 10 years in:

(a) The proportion of persons living below the poverty line and the level of inequality, defined as the ratio of the total income of the wealthiest 10 per cent of the population to that of the poorest 40 per cent;

(b) The State party's fiscal policy and the share of all government revenue accounted for by tax revenue;

(c) The rates at which corporate profits and personal incomes are taxed, the value added tax rate (not including the value added tax on luxury goods, tobacco, alcohol, sugary drinks and snacks, and gasoline) and the percentage of total revenue accounted for by personal income taxes collected from the richest 10 per cent of the population;

(d) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is earmarked for social spending (food, water and sanitation, education, health, social security and housing);

(e) Absolute levels of social spending, adjusted for inflation.

7. Please provide information on the measures taken to strengthen the regulations designed to prevent and combat tax fraud and any other acts of corruption, especially by multinational corporations and wealthy individuals, that would reduce the ability of the State party, and of other States, to fulfil their obligation to use their available resources to the maximum.

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

8. Please provide information on the nature and results of any measures that have been taken to prevent and combat discrimination, in particular against indigenous peoples, persons of African descent and persons with disabilities, and discrimination based on gender identity and/or sexual orientation, in the exercise of economic, social and cultural rights and especially in access to employment, education and health services. Please describe the current legal provisions and procedures relating to changes of gender in official documents issued by the State party. Please also describe the measures taken to ensure that migrants, refugees and asylum seekers can exercise their economic, social and cultural rights, including in respect of access to employment and social services, and the results achieved.

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

9. Please provide information on the impact of the Public Policy on Equal Opportunities, its accompanying Action Plan 2016–2019 and other gender-related institutional plans and mechanisms mentioned in the State party's report (E/C.12/PAN/3, paras. 45–47, 49, 50 and 53) on the enjoyment by women, particularly women of African descent and indigenous women, of their economic, social and cultural rights, especially in terms of access to education and the labour market. Please also indicate the extent to which gender equality is mainstreamed into the formulation, planning, preparation and evaluation of the State party's public budget.

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

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

10. Please provide information on legislation prohibiting discrimination in employment, specifying in particular whether language and national origin are among the grounds on which discrimination is prohibited, and on any measures taken or planned to ensure the effective implementation of such legislation. Please also provide information on the measures

that the State party has taken to lower unemployment, including information on the results of those measures, such as up-to-date statistical data on unemployment broken down by age, sex, ethnicity and geographical area (rural or urban). In addition, please indicate what measures the State party has taken to protect the jobs, wages and benefits of all workers, including workers in the informal sector, in the context of the coronavirus disease (COVID-19) pandemic.

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

11. Please provide up-to-date additional information about how the minimum wage is determined in the State party, how minimum wage reviews are conducted and whether the minimum wage is high enough to guarantee a decent living for workers and their families. Please also explain what has been done to make labour inspections more robust, including by providing up-to-date information on the human and budgetary resources set aside for such inspections over the past five years.

12. Please provide information, including disaggregated statistical data covering the past five years, on informal employment and the impact of the measures taken to regularize it and to ensure the protection of everyone working in the informal economy.

#### **Trade union rights (art. 8)**

13. Please provide information on the guarantees that have been put in place to ensure that both public- and private-sector workers, including Panama Canal workers, can exercise their right to strike and on the measures that have been adopted to bring legislation, including restrictions on the right to strike, into line with article 8 of the Covenant.

#### **Right to social security (art. 9)**

14. With reference to paragraphs 242 to 244 of the State party's report, please indicate what impact the changes to the basic law governing the Social Security Fund have had on the rights of persons eligible for benefits. Please also provide information on the nature and results of the measures taken to achieve a sustained and sustainable increase in the percentage of the economically active population, including domestic workers and workers in indigenous regions (comarcas), covered by the contributory social security system. In addition, please indicate what specific steps towards universal social security – including for persons with disabilities, workers in the informal sector, persons engaged in unpaid domestic work in the home and disadvantaged and marginalized persons and groups – have been taken or are being considered.

#### **Protection of the family and children (art. 10)**

15. Please provide information on the measures taken to ensure that childcare support services are available, accessible and affordable and indicate to what extent the cost of such services puts them out of the reach of members of disadvantaged groups. Please specify whether there are plans to extend the current period of paternity leave with a view to encouraging men and women to share childcare responsibilities more equally.

16. Please describe the measures adopted by the State party to prevent physical, sexual, psychological and all other forms of violence, especially when perpetrated against women and girls, women with disabilities and transgender persons, and to protect victims of violence and provide them with the support they require, with a particular focus on how those measures have been adapted with a view to facilitating access by and ensuring the effective protection of victims during the COVID-19 pandemic.

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

17. Please provide information on the tangible impact of the measures taken to combat poverty and extreme poverty mentioned in the State party's report (paras. 117–129) and on the ways in which those measures have addressed the needs of the most marginalized and disadvantaged groups. Please include statistical data on the incidence of poverty and extreme poverty for the past five years, broken down by gender, age and population group (disadvantaged and marginalized groups), including indigenous peoples and persons of

African descent. Please also provide information on the measures taken, including any cash transfer programmes, to ensure an adequate standard of living for persons whose incomes have fallen as a result of the COVID-19 pandemic, and describe the coverage and impact of these measures.

18. Please provide information and statistical data for the past five years on the nature and results of the measures that have been taken, including the launch of the “Basic Sanitation: 100 Per Cent Safe Drinking Water/Zero Latrines” Programme, in a bid to achieve universal access to safe drinking water and basic sanitation, in particular in rural and indigenous areas. Please also indicate what measures have been put in place to ensure the provision of water and sanitation services – to vulnerable and marginalized groups in particular – during the COVID-19 pandemic. In addition, please state how water quality is gauged and what has been done to prevent water pollution.

19. Please provide up-to-date statistical data on the incidence of child undernutrition and malnutrition, including overweight and obesity rates, particularly in rural and indigenous areas. Please indicate what impact the plans and policies mentioned in the State party’s report (paras. 128 and 212–216) have had and how the various measures taken to ensure the right to adequate food have been linked, in particular during the COVID-19 pandemic.

20. Please provide information on the progress made towards the implementation of the special procedure for awarding to indigenous peoples the collective ownership of land located outside the indigenous comarcas (para. 158 of the State party’s report) in order to enable them to preserve their traditional ways of life, means of subsistence and cultures. Please also provide information on measures to prevent encroachment by third parties (settlers, private agricultural firms, illegal miners and loggers) on indigenous lands, whether within or outside the indigenous comarcas.

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

21. Please provide information on:

(a) The specific results of the National Health Policy 2010–2015 and the improvements made, through the implementation of the 2016–2025 version of the Policy, with regard to the accessibility, availability and quality of health services throughout the State party, especially in rural areas and indigenous regions and for the most disadvantaged and marginalized groups, including persons with disabilities, older persons, migrants, refugees and asylum seekers;

(b) The situation in respect of maternal and infant mortality over the past five years, including statistical data broken down by region and ethnic group, and the measures taken to prevent these forms of mortality;

(c) The nature and results of the measures adopted to ensure universal and non-discriminatory access to health services in the context of the COVID-19 pandemic, including access to essential health services for migrants in migrant reception centres.

22. Please provide information on:

(a) The status of the draft framework law on sexual and reproductive health and the measures taken to ensure the availability and affordability of contraceptives, and the results of those measures;

(b) The situation in respect of teen pregnancy over the past five years and the measures taken to prevent such pregnancy, including any sexual and reproductive health education programmes offered, for instance, in the State party’s schools, and their impact;

(c) The specific steps that have been taken to bring the legislative framework, under which abortion is currently criminalized, into line with the State party’s international obligations regarding women’s fundamental rights to health and life.

23. Please provide information on the impact of the National Multisectoral Strategic Plan on HIV/AIDS 2014–2019 (para. 196 of the State party’s report), based on the Plan’s prevention and comprehensive-care indicators. Please also describe the specific measures

that are in place to deal with the increasing number of new HIV cases and to prevent new infections.

**Right to education (arts. 13 and 14)**

24. Please provide information on:

(a) The nature and tangible results of the measures adopted by the State party to improve the quality of both primary and secondary education and to prevent students from dropping out, including disaggregated statistics on access to and retention in education in urban, rural and indigenous areas over the past five years;

(b) The measures adopted by the State party to reduce illiteracy, in particular in rural and indigenous areas, and their results;

(c) The nature and results of the measures adopted by the State party to enable all persons, especially those living in rural areas and indigenous comarcas, to gain access, without discrimination, to education, including distance-learning resources, during the COVID-19 pandemic.

25. Please provide information on the impact of the measures taken by the State party, including Act No. 88 of 2010, to facilitate intercultural bilingual education (para. 156 of the State party's report). Please describe the budget allocated to these measures over the past five years, the training provided to teachers, the extent to which a differentiated curriculum is used for indigenous peoples and their participation in its design, and the trends in the number of students enrolled in intercultural bilingual education, backed by figures disaggregated by indigenous people and gender.

**Cultural rights (art. 15)**

26. Please provide information on the legislative, administrative, budgetary and other measures that have been adopted, including the new General Act on Culture, to achieve the full realization of the rights enshrined in article 15 of the Covenant, including the right of everyone, in particular the most disadvantaged and marginalized individuals and groups, to take part in, gain access to and contribute to cultural life. Please indicate what specific steps have been taken to promote participation in cultural life, preserve cultural diversity, foster awareness of the cultural heritage of indigenous peoples and Panamanians of African descent, and create conditions conducive to the preservation, development, expression and dissemination of their identity, history, culture, language, traditions and customs.

27. Please provide information on the measures taken by the State party, including public funding, to ensure the realization of the right to participate in and enjoy the benefits of scientific progress and its applications, in particular for girls and women, persons with disabilities and disadvantaged and marginalized groups. Please also describe the measures taken and the progress achieved with regard to providing affordable access to the Internet, especially in rural and remote areas, with a view to narrowing the digital divide and ensuring respect for the fundamental right to enjoy the benefits of scientific progress and its applications.