

# PANAMA

## Follow-up

### State Reporting - Action by Treaty Bodies, Including Reports on Missions

CESCR E/1994/23

#### Chapter VII

#### REVIEW OF METHODS OF WORK OF THE COMMITTEE

...

#### B. Decisions adopted by the Committee at its ninth session

...

#### Follow-up Measures

373. The Committee discussed the situation in relation to requests submitted by it to Panama ... to give consideration to inviting a representative of the Committee to visit each of these countries in order to clarify certain matters which had arisen during the dialogue between the Committee and the State party. It noted that, in each case, the Economic and Social Council had endorsed the request of the Committee in specific decisions. It also noted with regret that no response had been received from either State party. The Committee therefore decided to reaffirm the importance it attached to a continuing dialogue with those two States parties and to request its Chairperson to invite a representative of each of the Governments to attend the tenth session of the Committee with a view to providing further information on the matters identified by the Committee. For this purpose, the Committee agreed to schedule consideration of the situation in Panama ... at its tenth session, to permit it to adopt concluding observations in each case. The Committee also asked the secretariat to collect all available information in order to facilitate its consideration of these situations at that session.

## **CESCR E/1995/22**

356. At its 50<sup>th</sup> meeting on 6 December 1994, the Committee heard a statement by the Permanent Representative of Panama to the United Nations Office at Geneva in which he indicated that the Government of Panama accepted the offer of the Committee to send two of its members to pursue its dialogue with the Government in relation to the matters identified by the Committee at its sixth to eleventh sessions.

357. The Committee expressed its appreciation to the Government of Panama for its readiness and willingness to cooperate with it.

358. The Committee held a discussion on various matters relating to the organization of the mission to Panama and agreed that:

- The Committee should be represented by two of its members - Mr. Philippe Texier and Mr. Javier Wimer Zambrano - and assisted on the mission by one staff member of the Centre for Human Rights;
- The mission should take place preferably before the Committee's twelfth session, ideally in March or the beginning of April 1995;
- The precise terms of reference of the mission would be further discussed by the Committee, keeping in mind that the clear focus should be on the implementation of the right to housing (Article 11 (1) of the Covenant); this would not prevent members of the Committee from accepting information on other matters which might be relevant to the Committee's eventual consideration of Panama's next periodic report but the members would not be in a position to respond to, or pursue further, any such information;
- The members of the mission should consult the Chairperson of the Committee, and if necessary through him the members of the Bureau, on any matter which, in their view, might warrant such consultation;
- The members of the mission would agree in advance on general guidelines governing their relationship with the media. These would be designed to protect the dignity and effectiveness of the mission while acknowledging the inevitable and legitimate interest of the media;
- One member of the mission, Mr. Texier, would be responsible for the preparation, on the basis of agreement with Mr. Wimer Zambrano, of a written report and its submission to the Committee at its twelfth session to be held from 1 to 19 May 1995;
- The confidential report should be considered by the Committee in private and subsequently adopted for public release;
- Significant assistance would be required from the secretariat in the preparation of the mission, particularly in obtaining and analysing relevant information. It was agreed that the secretariat

should seek inputs from all relevant sources and should specifically request any pertinent reports or other information from UNDP, the World Bank, Habitat, ILO and other such agencies, as well as from non-governmental organizations.

359. The mission will have to meet the government authorities responsible for housing questions. It will also have to seek the views of institutions liable to become involved in housing problems in one capacity or another: judicial authorities, national, regional or local administrations, representatives of civil society (non-governmental organizations, churches, universities, etc.) and other qualified individuals or institutions.

360. It is also important that the mission should be able to make on-the-spot visits, particularly to areas where urban development schemes are planned, where evictions have taken place or where housing conditions are inadequate.

361. As the mission's two objectives are to gain a more precise idea of the housing situation in Panama and to pursue a dialogue with the Government and civil society with a view to securing the best possible application of the Covenant in the area of housing, it will need to hold separate meetings with the Government, representatives of civil society and individuals personally affected by housing measures, so as to allow for a free and open dialogue.

362. A precise agenda will have to be prepared before the start of the mission, in consultation with the Government of Panama, the Centre for Human Rights, the two experts and possibly the Chairperson of the Committee, as well as with bodies representative of civil society.

**CESCR E/C.12/1995/SR.39/Add.1 (1995) [French only]**

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirteenth session

SUMMARY RECORD OF THE SECOND PART OF THE 39<sup>TH</sup> MEETING

Friday 24 November 1995, 5:25 p.m.

...

**EXAMEN DES RAPPORTS :**

**a) RAPPORTS PRESENTES PAR LES ETATS PARTIES CONFORMEMENT AUX ARTICLES 16 ET 17 DU PACTE (point 4 de l'ordre du jour) (suite)**

Rapport sur la mission d'assistance technique du Comité des droits économiques, sociaux et culturels au Panama (E/C.12/1995/8)

1. M. TEXIER rappelle que, comme ils en avaient été chargés par le Comité, M. Wimer Zambrano et lui-même se sont rendus au Panama du 16 au 22 avril 1995 pour une mission d'assistance technique; le rapport sur cette mission a fait l'objet du document E/C.12/1995/8. Cette mission portait essentiellement sur le respect du droit au logement. Le rapport a été envoyé à de nombreux organismes et organisations tels la Banque mondiale, des ONG, l'OIT, la Commission interaméricaine des droits de l'homme, etc. Récemment, des ONG ont envoyé des informations complémentaires, qui sont disponibles au Secrétariat. Il est à signaler que le Haut Commissaire aux droits de l'homme doit se rendre au Panama, notamment en liaison avec le projet de création d'une instance de défenseur du peuple. Il serait peut-être possible de faire ajouter le respect des droits économiques, sociaux et culturels au mandat du défenseur du peuple.

2. Le Comité doit quant à lui décider du suivi qu'il souhaite apporter à la mission au Panama et, d'une manière générale, réfléchir à la manière dont il entend répondre aux demandes d'assistance et assurer le suivi de ses interventions. S'agissant du Panama, M. Texier déclare que le Gouvernement panaméen a fait preuve de beaucoup de bonne volonté en acceptant de recevoir la mission d'assistance et a donné à celle-ci les moyens de s'acquitter de sa tâche dans de bonnes conditions. Il suggère qu'une lettre soit adressée au Gouvernement panaméen à la fois pour le remercier et pour lui demander de faire le point sur la situation actuelle dans le pays.

3. M. SIMMA, se référant à un document sans cote établi par le Secrétariat intitulé "Status report on mission to Panama", daté du 22 novembre 1995, dit qu'il serait bon que le Comité ait connaissance des divers documents émanant d'ONG mentionnés dans ce document et reçus par le Secrétariat après la visite des membres du Comité au Panama. Par ailleurs, s'il ne conteste pas la bonne volonté du Gouvernement panaméen, ni son amabilité dans l'accueil qu'il a réservé à la mission, il craint, au vu de faits récents signalés par des ONG comme CONADEHUCA ou CODEHUCA, que la situation en matière de logement ne se soit guère améliorée. Il est partisan d'envoyer une lettre au Gouvernement panaméen pour le remercier, mais aussi pour lui exprimer les nouvelles préoccupations du Comité.

4. Le PRESIDENT pense qu'à l'heure actuelle le Comité manque d'informations précises sur les expulsions et les actions de relogement au Panama.

5. M. MARCHAN ROMERO estime aussi qu'il serait bon de demander l'inclusion de l'application des droits économiques, sociaux et culturels dans le mandat du défenseur du peuple. Au-delà de la lettre au Gouvernement panaméen, le Comité doit également se demander s'il souhaite prolonger la mission de ses membres.

6. M. TEXIER souligne que toute décision du Comité sur le Panama est liée à la question générale du suivi que le Comité veut, et peut, apporter en ce qui concerne la situation dans tel ou tel pays. Idéalement, le Comité devrait pouvoir répondre aux demandes d'assistance des gouvernements ou des ONG et assurer le suivi de la situation des droits économiques, sociaux et culturels dans tous les pays où ceux-ci sont menacés. Mais en a-t-il les moyens ? Aller sur le terrain exige des membres du Comité qu'ils se libèrent entre les sessions; peuvent-ils l'envisager alors qu'ils ont une activité professionnelle dans leur pays ? Personnellement, M. Texier est pour un plus grand engagement des membres du Comité et un meilleur suivi de la situation dans les pays mais, globalement, le Comité doit veiller à ne pas mettre le doigt dans un engrenage s'il n'est pas sûr de pouvoir assumer de nouvelles tâches.

7. La question du suivi de la mission au Panama pose aussi la sempiternelle question des relations du Comité avec les autres organes de l'ONU. Par exemple, on peut penser que le Comité pourrait continuer à suivre la situation au Panama par l'intermédiaire du Haut Commissaire aux droits de l'homme ou d'un de ses consultants. En l'état actuel des choses, M. Texier suggère que M. Wimer Zambrano et lui-même prennent connaissance des informations récentes communiquées par les ONG du Panama, les vérifient dans la mesure du possible, et rédigent une lettre adressée au Gouvernement panaméen faisant état de ces informations avec toute la prudence voulue.

8. M. SIMMA serait tout à fait favorable à cette façon de procéder. Sur le fond, faisant valoir que le Comité est encore loin d'être vraiment surchargé, il suggère qu'il fasse ce qu'il peut quand il le peut en ce qui concerne le suivi de la situation dans les pays.

9. Mme JIMENEZ BUTRAGUEÑO dit que beaucoup de problèmes peuvent être résolus par une bonne organisation et que, notamment, le suivi de la situation des droits dans tel ou tel pays ne doit pas être trop difficile à assurer s'il est confié aux membres du Comité déjà chargés, par exemple, de la rédaction des observations générales sur ces pays.

10. Le PRESIDENT propose, à la lumière de la discussion qui a eu lieu, de confier à MM. Texier et Wimer Zambrano la tâche de faire le point sur la situation au Panama depuis leur visite et de faire rapport au Comité sur ce qui leur semblera être le meilleur moyen d'assurer le suivi de cette visite.

11. Il en est ainsi décidé.

La séance est levée à 17 h 45.

**CESCR E/C.12/1995/SR.58/Add.1**

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirteenth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) OF THE 58th MEETING

Friday, 8 December 1995, at 11.50 a.m.

...

REPORT OF THE COMMITTEE TO THE ECONOMIC AND SOCIAL COUNCIL (agenda item 9)  
(continued)

Paper on Panama drafted by Mr. Texier

1. The CHAIRPERSON invited Mr. Texier to present the draft text on the housing situation in Panama, which was available in French only. The text read: Provisional translation by the secretariat.

"DRAFT FOLLOW-UP PAPER ON THE HOUSING SITUATION IN PANAMA

1. The report of the Technical Assistance Mission sent to Panama from 16 to 22 April 1995 by the Committee on Economic, Social and Cultural Rights marked a new stage in relations between the Committee and one of the States parties to the International Covenant on Economic, Social and Cultural Rights, and a new point of departure in following up the policy of the Government of Panama in regard to housing.

2. The Committee welcomes the thrust of programmes and measures adopted by the Government so far in regard to low-cost housing and the suspension of forcible evictions, which were frequent under previous Governments.

3. It consequently expresses surprise and concern at the decision taken by the President of the Republic on 14 August 1995 to exercise his right to veto the law 'establishing the minimum size of low-income dwellings and adopting other provisions'. The law had been approved by the Legislative Assembly in response to the basic requirement to satisfy the need for decent housing, as solemnly proclaimed by the Government.

4. The grounds on which the President's veto is based seem to indicate an adverse change in social policy, since the purchasing power of the most disadvantaged groups and fair prices on the housing market are adduced as the principal arguments for considering that the establishment of a minimum size is contrary to national housing and urban development policy.

5. In this connection, the Committee considers that any social housing programme worthy of the name cannot simply be based on market forces, but must also take into account criteria which recognize the need to favour, even provide for, the basic needs of low-income groups and, in particular, their right to housing.

6. The Committee remains concerned by the persistent conflicts between the indigenous communities and landowners in the Bocas del Toro province, for which a lasting settlement will not be found until the boundaries of the indigenous 'Comarca' of the Ngööbéé-Bugléé people are defined."

2. Mr. TEXIER said that the draft text was in fact the result of a collaboration between himself and Mr. Wimer Zambrano. In addition to considering the paper paragraph by paragraph, the Committee would have to decide on the use to which it should be put once it was adopted. There were two possibilities: either it could be included in the Committee's concluding observations, in which case the secretariat would inform the Government of Panama of its contents in a letter to the Permanent Mission; or else it could be redrafted in the form of a letter to be addressed directly to the Government of Panama. He himself favoured the latter course.

3. He would remind members that, following the mission undertaken by Mr. Wimer Zambrano and himself in April 1995, the Committee had, at its May session, noted the efforts made by the Government of Panama, and had considered that it would be useful to follow up those efforts. Some non-governmental organizations had subsequently transmitted additional information to the Centre for Human Rights, particularly with regard to the presidential veto on the law establishing a minimum size for low-cost housing, a law which the Committee had welcomed in its previous report. The Centre for Human Rights had prepared a file on the question, which formed the basis for the present document.

4. Mr. GRISSA, referring to the closing words of paragraph 1 of the paper, said that other missions might take place in the future, in connection with other rights. The words "in regard to matters of housing" should be replaced by "in the realization of economic and social rights".

5. Mr. TEXIER said that the mission's mandate had been restricted to the right to housing.

6. Mr. SIMMA observed that paragraph 1 consisted of just one extremely long sentence.

7. Mr. TEXIER said that the paragraph could be recast as two sentences. The second sentence would begin with the words "It marks a new point of departure ...".

8. Mr. WIMER ZAMBRANO said he wished to stress the point already made by Mr. Texier: the mission's mandate had concerned exclusively to the right to housing.

9. Mr. GRISSA said he acknowledged that fact. None the less, the text referred to a new stage in the development of relations between the Committee and States parties. In the future, such missions might be extended to cover other rights.

10. Mr. WIMER ZAMBRANO said that the text was intended, not as a general declaration, but as a preliminary draft letter, prompted by a request submitted by an NGO, the purpose of which was to remind the Government of Panama of its specific obligations with regard to the right to housing.

11. Mr. CEAUSU said that Mr. Grissa's concern might perhaps be met by the wording: "... in fields covered by the Covenant, particularly in regard to housing."

12. Mr. GRISSA proposed the wording: "... the policy of that State in the present context, in regard to housing."

13. Mr. SIMMA said that including the letter in the report would not suffice. It should also be forwarded to the Government of Panama to ensure follow-up. As for paragraph 3, he inquired whether the law in question had been allocated a number. If so, the number should be included in place of the phrase between quotation marks. He also had some difficulty with the use of the word "proclaimed" in the last sentence. To what exactly did it refer? Perhaps "recognized by the Government" would be more appropriate. Furthermore, he questioned the meaning of "fair prices", in paragraph 4.

14. Mr. TEXIER said that the reference documents did not give a number for the law in question; although it had been approved by the Legislative Assembly, as a result of the presidential veto it had not actually entered into force. He endorsed the suggestion to replace "proclaimed" by "recognized". It was worth noting that during the mission to Panama mention had often been made of the concept of "decent housing". It was found in many official documents, and had also been used by the Minister of Housing during the interview with him. The Government aimed to do everything in its power to ensure decent housing for all, inter alia, by drafting legislation that would guarantee low-cost housing of a minimum size of 36 square metres. At that juncture the President had opposed the legislation on the grounds of economic difficulties.

15. Mr. KOUZNETSOV said he wondered whether it might not be appropriate to include a reference in the last sentence of paragraph 3 so as to establish a link between the legislation in question and the contents of the Covenant, in particular article 11.

16. Mr. AHMED suggested that the words "and corresponding to the contents of the Covenant" should be added at the end of that sentence.

17. Mr. CEAUSU said he wondered whether the Panamanian legislative system had been finalized. In some countries, parliament could overturn a presidential veto where the requisite majority was obtained. The Committee needed further information on that count, lest it become involved in legislative disputes between the President and the Legislative Assembly. He agreed that the reference to the housing market in paragraph 4 could be rendered more clearly. Furthermore, on what basis had the statement to the effect that the arguments put forward in the presidential veto seemed to indicate an adverse change in social policy? Had official documents or reports from NGOs been provided on the subject?

18. Mr. GRISSA drew attention to an apparent contradiction between paragraphs 2 and 6. The latter implied that forcible evictions were still taking place, whereas the former stated that the present Government had put an end to that practice. As to paragraph 4, he endorsed the remarks regarding the inappropriateness of "fair prices", which he suggested should be replaced by "actual prices".

19. Mr. WIMER ZAMBRANO said that all members had presumably been provided with the relevant documentation on the subject, including the actual text of the presidential veto, on the basis of which the letter had been drafted. He was not familiar with the legislative system in Panama, although it was likely that the Legislative Assembly could overturn a presidential veto. However, that was not the point. The issue at stake was that the President had blocked the enactment of a very popular piece of



legislation by adopting a position which ran counter to any acceptable social policy. According to the presidential veto, apartments should be small so that poor people could enlarge them when their income increased. Good social policy was supposed to make the situation of the poor easier, not harder. He endorsed Mr. Grissa's proposed amendment to paragraph 4.

20. Mr. TEXIER said that an entire file had been placed at the Committee's disposal. It comprised reports from non-governmental organizations as well as the text of a letter from the President to a member of the Legislative Assembly, explaining the rationale behind the veto, and had been used for the summary given in the Committee's letter. He was not certain whether the Legislative Assembly could overturn a presidential veto. All the same, there was nothing to prevent the Committee writing to the Panamanian Government to express its concern, with a view to remedying the situation. As to Mr. Grissa's question, he saw no contradiction between paragraphs 2 and 6. To his knowledge, the present Government had abided by its decision not to carry out forcible evictions and the current dispute between indigenous populations and landowners referred to in paragraph 6 did not involve such practices.

21. Mr. CEAUSU suggested that a note should be added at the end of the letter inviting the Panamanian Government to inform the Committee of developments regarding the draft legislation.

22. The CHAIRPERSON said that the Committee still needed to decide whether the text should take the form of a letter or be included in the report.

23. Mr. SIMMA said he had been informed by the Secretary of the Committee that, under the normal procedure, the text should be reproduced in the report. A note verbale based on the text should also be sent to the Permanent Mission of the country concerned, with a request for the contents to be forwarded to the Government. That procedure should be followed in the case of Panama.

24. Mr. AHMED endorsed that suggestion.

25. The CHAIRPERSON said that, if he heard no objection, he would take it that the Committee wished to adopt the text, with the amendments proposed. A number of editing changes would be required in paragraph 1, which would be dealt with subsequently by the Secretary of the Committee. The procedure outlined by Mr. Simma would be followed.

26. It was so agreed.

...

## **CESCR E/1996/22**

306. At its 39<sup>th</sup> meeting on 24 November 1995 and at its 58<sup>th</sup> meeting on 8 December 1995, the Committee, as a follow-up to its technical assistance mission to Panama, considered the information submitted by a number of non-governmental human rights organizations in Panama and adopted the following decision.

307. The report of the technical assistance mission sent to Panama from 16 to 22 April 1995 by the Committee on Economic, Social and Cultural Rights marked a new stage in relations between the Committee and one of the States parties to the International Covenant on Economic, Social and Cultural Rights. It marks a new point of departure in following up the policy of the Government of Panama in regard to housing.

308. The Committee welcomes the thrust of the programmes and measures adopted so far by the Government in regard to low-cost housing and the suspension of forced evictions, which were frequent under previous Governments.

309. The Committee consequently expresses surprise and concern at the decision taken by the President of the Republic on 14 August 1995 to exercise his right to veto the law establishing the minimum size of low-income dwellings and adopting other provisions. The law had been approved by the Legislative Assembly in response to the basic requirement to satisfy the concept of decent housing, solemnly recognized by the Government and in keeping with the provisions of the Covenant.

310. The grounds on which the President's veto was based seem to indicate an adverse change in social policy, since the purchasing power of the most disadvantaged groups and actual prices on the housing market are adduced as the principal arguments for considering that the establishment of a minimum size is contrary to national housing and urban development policy.

311. In this connection, the Committee considers that any social housing programme worthy of the name cannot simply be based on market forces, but must also take into account criteria which recognize the need to favour - even provide for - the basic needs of low-income groups, in particular their right to housing.

312. Lastly, the Committee remains concerned by the persistent conflicts between the indigenous communities and landowners in the Bocas del Toro province, for which a lasting settlement will not be found until the boundaries of the comarca of the Ngöbé-Buglé people are defined.

## Annex V

### Report on the technical assistance mission to Panama of the Committee on Economic, Social and Cultural Rights (16-22 April 1995)

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- I.    Programme of work
- II-VII. Statistical data on housing issues

#### Introduction

1. The Committee on Economic, Social and Cultural Rights, established by the Economic and Social Council to monitor the implementation by States parties of the International Covenant on Economic, Social and Cultural Rights, considered reports submitted by Panama (E/1984/6/Add.19, E/1988/5/Add.9, E/1986/4/Add.22 and E/1989/5/Add.5) at its sixth session, in 1991.

2. The Committee expressed appreciation for the reports, noting that they had been submitted against the background of the extraordinary circumstances in the country resulting from political turmoil and the aftermath of the invasion by the United States of America in 1989 - a situation that had created great disorder in all sectors throughout the country with serious consequences for the enjoyment of economic, social and cultural rights. At the same time the Committee expressed concern that a number of questions relating to housing rights and evictions had not been satisfactorily answered by the State party representative. The Committee's concerns in this regard related in particular to the following:

The Government's claim that 3,000 persons had been affected by the bombing of El Chorillo differed substantially from the number reported by other sources, which placed the figure at between 12,500 and 20,000 persons. This disparity was of serious concern to the Committee in view of the Government's obligations under the Covenant.

The responses given by the State party to questions concerning the living conditions of residents of El Chorillo made homeless by the bombing differed substantially from other information available to the Committee. That information included many complaints by residents who had received alternative accommodation to the effect that they had to travel long distances to and from their places of employment on relatively expensive public transportation and that the overall quality of the housing at the resettlement sites was poor. Moreover, two years after the invasion, a large number of persons had yet to be rehoused.

The justification provided by the Government for the forcible removal of over 5,000 persons from their homes by the Panamanian and United States forces in Tocumen, San Miguelito and Panama Viejo in early 1990 was unacceptable under the terms of the Covenant. The Committee was concerned in particular that a large number of houses had been demolished and that the evictions had not been accompanied by legal eviction orders, which not only infringed upon the right to adequate housing but also on the inhabitants' rights to privacy and security of the home.

3. At its seventh session, in 1992, the Committee considered additional information (E/1989/5/Add.8) submitted by the Government of Panama subsequent to the consideration by the Committee of the reports of Panama at its sixth session, in 1991.

4. The Committee expressed appreciation to the Government of Panama for having responded quickly and thoroughly to its request for additional information. It indicated, however, that that information referred to legal norms rather than to their practical application. In particular, with regard to the right to adequate housing, the Committee was of the opinion that the additional information did not refer to the content of article 11 of the Covenant and that no information was provided on the procedures established for distributing the compensation received from the Government of the United States of America, on the situation regarding housing in rural areas or on the housing situation of indigenous peoples.

5. In view of the fact that a number of important questions raised earlier by the Committee could not be satisfactorily answered during the consideration of Panama's supplementary report at the Committee's seventh session, the Committee decided, in accordance with its procedures for follow-up action, to offer to send one or two of its members to Panama to advise the Government in relation to the matters identified in paragraph 135 of its report on its sixth session (E/1992/23).

6. In its decision 1993/294, adopted on 28 July 1993, the Economic and Social Council endorsed the Committee's offer.

The decision reads as follows:

"At its 44th plenary meeting, on 28 July 1993, the Economic and Social Council took note of the decision of the Committee on Economic, Social and Cultural Rights to inform the Government of

Panama of its offer, in accordance with the procedures for follow-up action adopted at the Committee's seventh session and in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights, to send one or two of its members to pursue its dialogue with the Government in relation to the matters identified in the report on its sixth session. The Council approved the Committee's action, subject to the acceptance of the Committee's offer by the State party concerned."

7. In a letter dated 17 September 1993, the Chairperson of the Committee informed the Government of Panama of the above decision.

8. In a note verbale dated 27 January 1994, the Government of Panama informed the Committee that:

"The Government of the Republic of Panama is grateful for the offer made in Economic and Social Council decision 1993/294 and wishes to communicate its decision to decline the offer, this not being the most appropriate or convenient time to receive such advice."

9. At its tenth session, in May 1994, the Committee considered further information submitted by the Government of Panama and decided to continue its dialogue with the State party regarding its implementation of the right to housing at its eleventh session (21 November-9 December 1994), with a view to adopting concluding observations.

10. On 6 December 1994, during its eleventh session, the Committee heard a statement by the Permanent Representative of Panama to the United Nations Office at Geneva in which he indicated that the Government of Panama accepted the offer of the Committee to send two of its members to pursue its dialogue with the Government in relation to the matters identified by the Committee at its sixth to eleventh sessions.

11. The Committee expressed its appreciation to the Government of Panama for its readiness and willingness to cooperate and established, inter alia, the following parameters and guidelines for the mission:

The Committee should be represented by Mr. Philippe Texier and Mr. Javier Wimer Zambrano and be assisted on the mission by the Centre for Human Rights;

The mission should take place preferably before the Committee's twelfth session, ideally in March or at the beginning of April 1995;

The mission should focus on the implementation of the right to housing (art. 11, para. 1, of the Covenant), but this should not prevent members of the Committee from accepting information on other matters which might be relevant to the Committee's eventual consideration of Panama's next periodic report;

The mission should meet the government authorities responsible for housing questions and should also seek the views of institutions liable to become involved in housing problems in one capacity or another, such as judicial authorities, national, regional or local administrations, representatives of civil society non-governmental organizations, churches, universities, etc.) and other qualified individuals or institutions;

The mission should be able to make on-the-spot visits, particularly to areas where urban development schemes are planned, where evictions have taken place or where housing conditions are inadequate;

The mission's objectives should be to gain a more precise idea of the housing situation in Panama and to pursue a dialogue with the Government and civil society with a view to securing the best possible implementation of the Covenant in the area of housing;

The confidential report on the mission should be considered by the Committee in private and subsequently adopted for public release.

12. It was further decided that the agenda for the mission should be prepared in consultation with the Government of Panama, the Centre for Human Rights, the two experts and possibly the Chairperson of the Committee, as well as with bodies representative of civil society.

13. In preparing the mission, information was sought and received from the following sources:

United Nations organs: UNDP, United Nations Centre for Human Settlements (HABITAT), ECLAC and the UNHCR;

Specialized agencies: ILO, World Bank and IMF;

Regional organizations: Inter-American Commission on Human Rights and Inter-American Development Bank;

Non-governmental organizations: Habitat International Coalition, Comisión Nacional de Derechos Humanos en Panama (CONADEHUPA), Centre for Social Training (Panama), Central American Human Rights Commission, Comisión Americana de Juristas, Coordinadora Popular de Derechos Humanos en Panama, Service Peace and Justice in Latin America, Congreso General Ngöbe-Buglé, Asociaciones de moradores de San Miguelito, Sagrada Resurrección, Felipillo and others.

14. The mission took place from 16 to 22 April 1995. The two members of the mission were accompanied during their visits, with the consent of the Government, by the Executive Secretary of Habitat International Coalition.

15. The Government of Panama provided the mission with all required information, facilitated access to the areas of interest for the mission, helped to organize various meetings with the representatives of regional and municipal authorities, non-governmental organizations, the church and academic institutions both in Panama City and Colón, and cooperated with the mission in a constructive and open manner, which was highly appreciated by the members of the mission.

16. A detailed schedule of the mission's meetings and activities is contained in annex I. Statistical data on housing issues are contained in annexes II to VII.

## I. REPORT OF THE MISSION

## A. General context

17. Panama is a country whose development is relatively advanced and which now ranks forty-seventh in the world. It has some particular features that are probably the result of the existence and operation of the Panama Canal since the beginning of the century. The tertiary sector in Panama is therefore much larger than in neighbouring Central American countries, since it accounts for 75 per cent of GDP. However, enormous social inequalities are evident throughout the country, and in particular in the city of Colón, where the coexistence of very great wealth and very great poverty is quite striking.

18. In a document prepared for the World Summit for Social Development, the Government reports one of the worst distributions of income in the world and very high rates of unemployment and underemployment, estimating that about half the population of the country lives in poverty.

19. The indigenous population, which is composed of five ethnic groups, accounts for between 8 and 10 per cent of the population, i.e. some 200,000 persons out of a total of approximately 2.4 or 2.5 million, according to the latest census. It is one of the poorest and most vulnerable sectors of society.

20. The population is characterized by very uneven geographical distribution: it is heavily concentrated in urban areas, especially around the capital, and thinly spread out in rural areas. This trend towards flight from the land will probably not decline and can only speed up the processes of unemployment, underemployment, increased poverty and land take-overs if measures are not taken to reverse it.

21. In this general context, the United States invasion of 20 December 1989 caused the destruction of hundreds of dwellings in two of the most heavily populated districts of the capital, thus worsening the already critical housing problem.

22. During the period 1990-1993, the average annual growth rate was, however, about 8 per cent and real per capita income was 6.3 per cent, with growth taking place primarily in the services sector and in the capital and the Canal Zone. Macroeconomic indicators show that the national economy was making a good recovery on the whole but, as the Government notes, the distribution of its benefits did not make it possible to eliminate or, in most cases, even to remedy existing deep-rooted structural inequalities which are reflected mainly in the level and distribution of income, as well as in differentiated access to public services.

23. From the political and geographical point of view, 48 per cent of the country's corregimientos 1/ have a per capita income that is lower than the cost of the basic food basket in Panama City (195.16 balboas 2/ per month) and, in 84 per cent of the corregimientos, income is lower than the "expanded food basket".

24. The unemployment rate is still high. In 1989, it stood at 16.3 per cent for the entire territory, falling to 12.9 per cent in 1993. A large part of the population is underemployed. The result has been a drop in the earnings of the poorest groups and a deterioration in the real wages of workers in private enterprise.

## Housing situation

25. The housing shortage is unanimously recognized, both by the Government and by non-governmental organizations and international agencies. According to sources, it stands at between 200,000 and 250,000 dwellings. For example, an article in the newspaper La Prensa of 14 October 1994 reported the need for 240,000 dwellings, 60 per cent of them in Panama City and Colón. The Ministry of Housing, for its part, estimates that, in 1993, there was a shortage of 195,244 dwellings 48 per cent of that amount in the province of Panama.<sup>3/</sup>

26. The average number of occupants per dwelling is 4.4 for the entire territory, and 24 per cent of dwellings have only one room. Conditions of habitability are often quite dramatic: 18.5 per cent of dwellings have dirt floors, 16.3 per cent have no drinking-water, and these figures are higher in the poorest provinces in the country (Bocas del Toro, Chiriquí, San Blas and Veraguas). Health services are lacking in 44 per cent of cases and electricity is also in short supply. In many districts, access roads are nearly impracticable and workplaces and schools are far away from dwellings.

27. At the institutional level, three agencies are involved mainly in the housing and urban development sector: the Ministry of Housing, the National Mortgage Bank and the Savings Bank.

28. An Act of 25 January 1993 set up the Ministry of Housing, which defines and coordinates national housing policy, particularly in respect of housing projects for low-income population groups. The National Mortgage Bank provides financing for the national projects implemented by the Ministry. It governs and provides funding through taxation for the national savings and loan system for housing. The Savings Bank plays a similar role.

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<sup>1/</sup> Corregimiento: an administrative division corresponding to one or more districts.

<sup>2/</sup> One balboa = \$1.

<sup>3/</sup> MIPPE, Social Report, 1994.

29. The National Mortgage Bank estimates that low-income borrowers are behind in their payments by 36 million balboas. It receives external assistance from the United States Agency for International Development and the Inter-American Development Bank, but has to pay debt interest. In view of the high cost of construction, it considers that it does not receive enough assistance from the Government.

30. The private sector, which is represented mainly by the Cámara Panameña de la Construcción (Panamanian Construction Company) (CAPAC), is involved in housing and road construction, but mainly builds high-cost and medium-range individual and co-owned dwellings and dwellings in the lower-medium price range. It is quite clearly subject to the play of market forces. It depends on the financial policy of the commercial and mortgage bank and aims to meet only "genuine" demand, that is to say from persons who need a dwelling and can pay for it. It considers that it is the Government's responsibility to build housing for the poorest population groups.

31. It should be noted that, according to indications from a number of governmental and non-governmental sources, practically no rental dwellings have been built for several years. Rent collection is considered too difficult and, consequently, the maintenance of existing buildings has been



abandoned and many are now in a dreadful state, even though they are still inhabited. The Renta 2 and Renta 5 buildings in Panama City, for example, which are about to collapse, had structural weaknesses as soon as they were built.

32. As a result of the low standard of living of much of the population, the often precarious land-ownership situation, the housing shortage and the flight from the land, there has been an increase in the number of land take-overs and the construction of shacks on occupied land belonging to the Government or to private individuals.

33. The problem is not a new one, but it has become more important in recent years. According to information from the Ministry of Housing, some 62,700 families or about 300,000 persons are now squatting in 314 illegal settlements in the country. Eighty-eight per cent of these cases, involving 52,729 families, are in the Panama City metropolitan area. The other most affected urban centres are David and the outskirts of Colón.

34. The Canal Zone is a special case because of the signing, in 1977, of the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal (Torrijos-Carter Treaty), which provides for the restitution to Panamanian jurisdiction of land along the banks of the Canal and of Panama City and Colón. These are called areas revertidas (restored areas). At present, they account for about 900 square kilometres.

35. The expected positive impact of the incorporation of the use of restored land into the country's economy and of the improved urban development of Panama City and Colón has not yet really been felt. An act on restored areas was adopted on 14 January 1991 which establishes more flexible machinery for the planning and identification of the use of such areas. A specific agency, the Inter-Ocean Regional Authority (ARI), was set up on 25 February 1993 to administer property restored to Panama under the Torrijos-Carter Treaty.

36. A total of 1,250 hectares in the Pacific sector and 450 hectares in the Atlantic sector are thus to be removed from the public domain by 31 December 1999. The Inter-American Development Bank has granted the Republic of Panama a loan of \$8.5 million to give support to the Inter-Ocean Regional Authority for the preparation of studies for the improved use of resources which have been or are to be restored, for the preservation of the Canal basin and for the formulation of a metropolitan plan for the development of Panama City and Colón. The planning of zones which have been or are to be restored has the following three components:

The Canal, administered by the Canal Commission;

Property on the banks of the Canal, mainly military bases;

The water catchment system.

37. One of the tasks of the Inter-Ocean Regional Authority is to receive property and administer it and then share it out among the competent authorities. Dwellings are assigned by the Ministry of Housing.

## B. State policy in the area of housing

38. For the period 1990-1994, the Ministry of Housing had set itself the objective of building 100,000 "housing units" through a joint effort by the public and private sectors. It was trying to achieve 50 per cent of that goal, focusing primarily on the low-income sectors, by means of programmes for self-management and execution of housing construction. In February 1994, the Ministry considered that it could achieve 30,000 housing units, but this objective has not been fully attained.

39. The Ministry's policy has three objectives:

To deal with the existing nuevos asentamientos organizados (new organized settlements), in order to address the problem of land take-overs by needy families;

To develop the lotes servidos (plots with basic utilities) programmes;

To develop the housing improvement programme, by means of loans for materials.

40. In the course of the interview which he accorded the mission, the Minister of Housing showed a clear awareness of the problem. He considered that the housing problem had been serious since the beginning of the century, that the housing shortage had increased enormously in recent years and that the needs of the poorest sectors of the population had driven them to illegal action. He regarded two questions as having priority:

Land ownership: to put an end to the takeovers and the resulting legal insecurity, titles of ownership must be given, notably for a part of the area revertida (restored area);

Modification of the concept of housing. The Minister used the expression "decent housing" and considered that the law needed to be amended. Given that there are in existence dwellings of 24 square metres, and even smaller ones in some cases (the mission visited some with a surface area of about 13 square metres), a bill has been submitted to the Legislative Assembly forbidding the construction of dwellings of less than 36 or 42 square metres.

41. The mission was also clearly told by the Minister that no evictions were being or would be carried out, that no dwelling would be burnt down and that the few persons who had been evicted had been offered alternative solutions. The aim is to seek legality without jeopardizing the most vulnerable members of the population.

42. The Government wants to eliminate within five years the wooden, insanitary and dilapidated houses in the Canal Zone, in other words 1,000 or so casas condenadas (condemned or abandoned houses), where about 30,000 families are living. One of the proposed solutions is to institute the "nine for one" system, a financing scheme with 10 per cent guaranteed by the State and 90 per cent by the bank or private financing sector.

43. The agency responsible for government activities in the community development sector is the Directorate-General for Community Development (DIGEDECUM), established in 1969 and now placed under the responsibility of the Ministries of the Interior and Justice. When it was set up, its aim

was to promote the development of small communities in Panama, especially in the marginal areas and in those where great poverty prevails, by organizing local groups and executing community programmes and projects. DIGEDECOM has an office in Panama City and offices or workshops in a few provincial capitals.

44. In parallel with this programme, a decree of 30 May 1990 set up the Social Welfare Programme, and the Social Emergency Fund (FES) was designated as the intermediary between the agencies executing the projects and the financial institutions in order to attain the objectives of the Social Welfare Programme. The objectives of FES include:

The creation of sources of employment and income for the poorest members of the population;

To increase the income of needy groups;

To improve the economic and social infrastructure;

To meet the basic needs of the population.

45. DIGEDECOM does not have a good image in the community because of its strong degree of politicization and inefficient management during the late 1980s, with the result that it does not enjoy determined support from the present Government. FES began its activities on 24 October 1990, with financial support from UNDP, and has executed a number of projects that were considered necessary by the communities themselves. It is at present negotiating with the Inter-American Development Bank a loan of about \$50 million intended for social development and job creation. This poses a difficult problem of coordination between the two agencies, which are pursuing the same objectives.

46. The main thrusts of the housing policy defined by the Ministry of Housing are summarized as follows in a document entitled "A brief view of housing policies" that was issued in April 1995:

To encourage, implement, facilitate and promote the production of dwellings, mainly for low-income groups, with the help of the private sector;

To lower the cost of basic construction materials by reducing planning norms and specifications for dwelling construction, in order to enable the private sector to produce and finance dwellings at a lower cost, so that they will be accessible to a greater number of the poorest people in the country;

To provide, as Ministry housing units, decent dwellings with a minimum floor area of 42 square metres;

To establish mechanisms for obtaining loans more easily, encouraging self-management, so as to improve the standard of living of the population;

To facilitate the approval of land-use plans by creating a single application centre for housing projects of social value.

### C. Specific examples of housing problems

## San Miguelito

47. The settlement of what was originally a mere hamlet began in the early 1950s with a small group of 20 families, who were living in subhuman conditions; it then became a town district, whose inhabitants remained very disadvantaged. Through their bold and determined efforts, the inhabitants secured the designation of San Miguelito as a special district by a decree of 30 July 1970 by General Omar Torrijos. The first community assembly was elected in August 1970 and designated representatives in 15 zones. Gradually, and as a result of successive take-overs, San Miguelito has become a large city, whose population is now approaching 400,000.

48. Within San Miguelito, which covers a very large area, there are some relatively comfortable housing zones and others which remain very precarious. This is the case with the Santa Librada community, which the mission visited. This community has a population of some 3,000, including 500 children, and is suffering from three main problems: the lack of drinking-water, the lack of an access road to serve the dwellings, and the lack of a school. The Government is considering a project, to be financed by an FES loan. But the essential problem, here as in many other communities, is that of the legalization of the ownership of the land. Great uncertainty exists concerning the price of the land. The Ministry of Housing informed the mission that titles of ownership would be issued this year. Loans are granted at an interest rate of 8 per cent, which is still very high in relation to the normal rate charged by banks (9 per cent).

## The city of Colón and its environs

49. The situation in this city has been critical for a very long time. In the city centre, "condemned houses" - old, dilapidated, totally insanitary wooden buildings- still exist. They are gradually being demolished and the inhabitants rehoused, often very far from the centre and hence far from sources of work.

50. In many cases, the inhabitants have used so-called "self-help construction" methods, with the support of non-governmental organizations or external assistance, at more competitive prices than for buildings erected with state funds. A majority of the inhabitants fear that they will be evicted without a practical alternative solution, which often creates fairly sharp tension. The community representatives all hope that ongoing consultation will be established with government representatives.

51. At the present time, there is no general urban development plan for this zone, where many houses will have to be demolished in the short or medium term.

52. The mission visited two communities situated not far from Colón in the "restored area": Sagrada Resurrección and Vista Alegre 2. These have somewhat different problems, but one similarity - the non-existence of titles of ownership.

53. The members of the Sagrada Resurrección community, intended for 537 families, of which 189 are already inhabiting the so far uncompleted site, do not yet have titles of ownership and do not know the exact price they will be charged. There is an agreement with the Savings Bank, which has, however, reportedly sold certain land to the Colón Internacional Company; since then, a conflict has existed and is creating tension. The community has invested much personal labour in making the

district viable and hopes to reach an agreement with the Ministry.

54. The Vista Alegre 2 community is much smaller and is also suffering from the lack of legalization of the land, which was considered the property of the National Mortgage Bank but is in fact owned by a private individual. Thirty-six families are still not covered by the proposed transfer and, here again, legal proceedings are under way and an overall solution must be found.

#### The Felipillo, Alto del Llano, Chorrillito and Nueva Esperanza communities

55. In the first community, which has not been completed, there are about 300 families who have no title of ownership. They are encountering several problems: non-existence of titles of ownership, difficulties with water and electricity, and the price of land.

56. Here again, the inhabitants have contributed to upgrading the community, but complain about the lack of a clinic and school, the distance from sources of work, and transport and security problems.

57. Certain dwellings are unacceptably small (13.5 square metres) and the inhabitants are living in conditions of overcrowding, which are causing serious difficulties, especially with regard to the health of the children.

#### The specific problem of the "El Chorrillo" district following the United States invasion in December 1989

58. The bombardments and the acts of destruction and arson that occurred in the days following the invasion affected about 20,000 persons. The most stricken district was that of El Chorrillo, where several blocks of apartments were totally destroyed, as a result of which their inhabitants were forced to seek alternative accommodation, often at a great distance from their former dwelling. Other buildings suffered severe damage, which has not yet been repaired: leaking water pipes, malfunctioning lifts, the deteriorating condition of toilets and communal areas of buildings, etc.

59. Some rebuilding that was carried out in the same district in a hasty manner after the invasion has serious drawbacks: very dark, unventilated apartments that are without real windows and do not provide decent living conditions.

60. Other alternative accommodation was made available at a great distance from the city centre, as in the case of the Santa Eduvigis community, which was built with the help of a loan from the United States Agency for International Development. Each dwelling cost \$6,500. The inhabitants, who all come from El Chorrillo district, are complaining about being far from any source of employment and about the cost of transport. They feel isolated, in a dismal, unfinished neighbourhood where they are still faced with problems of sewage disposal, electricity and communications. Moreover, the roofs of the houses are made of material that is hazardous to health in so far as it could cause cancer.

61. It should be noted that it is very difficult to determine the amount of the contribution by the United States of America to the emergency housing programme following the December 1989 intervention.

62. According to a report by the Ministry of Housing dated 21 January 1992, the Government of

Panama held negotiations with the United States Government concerning the financing of repair of the damage caused by the military action and two agreements (525-0300 and 525-0302) signed in 1990 provided for aid to be granted by the United States in the amount of \$42,625,400, half of this to be used for the "El Chorrillo plan". The Government of Panama reportedly contributed an additional amount of \$3,283,000 for the El Chorrillo plan and the United States Agency for International Development is said to have used \$1.9 million of its funds for the upkeep of Albrook Camp and other camps.

63. According to official figures, 2,723 families (or approximately 13,500 persons) are entitled to benefit from the financial assistance provided for under the agreements.

64. This information is challenged by the non-governmental organizations and by many citizens of Panama. On 10 May 1993, 300 of them lodged a complaint with the Inter-American Commission on Human Rights, which allowed 285 cases, after the United States Supreme Court had rejected all the applications submitted to it. The investigation of these complaints is continuing and a number of witnesses have already been heard.

65. The present Government indicates that the files relating to the United States assistance are no longer in its possession. The question arises whether the total sum reported was in fact allocated and in what manner.

#### The specific case of the indigenous territories

66. The Committee had received reports from non-governmental organizations concerning several expulsions in the territory occupied by the indigenous Ngöbe-Buglé people, as illustrated by the case of Puente Blanco in the province of Bocas del Toro and the case of Campo Alegre in the province of Chiriquí.

67. Plans had been made for the mission to visit that area in order to inspect the sites and interview the indigenous populations. However, since a dispute had broken out between the indigenous populations and a mining company that wished to carry out mining operations in the Ngöbe-Buglé<sup>4</sup> territory, the Government felt that, for security reasons, the mission should not travel to the provinces of Bocas del Toro and Chiriquí. The members of the mission found that regrettable because the local communities were expecting them and several persons had travelled long distances to meet them. Finally, in the capital, they were able to meet the chiefs of the various communities, who informed them of their problems.

68. The provinces of Bocas del Toro, Chiriquí and Veraguas are undoubtedly the poorest in the country and the indigenous communities constitute the most disadvantaged populations, living in conditions of extreme poverty and legal insecurity with regard to the ownership of their lands. Their main demand, which they explained to the mission in simple and often very poetic language, is the demarcation of their territory (comarca), for which they have been fighting since the 1960s.

69. These people live from subsistence agriculture and are facing serious ecological difficulties, particularly problems of soil erosion. The incursion of mining companies into the region and their desire to exploit the subsoil without overly concerning themselves with the damage caused to the Ngöbe-Buglé communities are giving rise to conflicts that could become serious unless measures are

taken quickly.

70. The general congress of the Ngöbe-Buglé people, which was attended by more than 5,000 indigenous inhabitants in March 1995, demanded, in particular, urgent consideration of the draft bill establishing the "Comarca Ngöbe-Buglé"; it also requested provision of the requisite medical resources and called for ratification of ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. It condemned the proliferation of mining activities that are threatening its people's survival and requested the right to be consulted in that regard. It opposed any expulsion, threat or intimidation on the part of the landowners.

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<sup>4</sup>/ The Ngöbe-Buglé people, comprising about 120,000 persons, is numerically the largest indigenous community in the country.

## II. OBSERVATIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE

71. Taking into account the fact that Panama is a country with a population of about 2.5 million, an average of 4 to 5 persons per family and a housing shortage fluctuating between 200,000 and 250,000 units, according to the estimates of senior government officials, it is evident that the housing problem affects almost one third of the population.

72. The inability of the previous Government (1989-1994) to address the problem in a serious and effective manner was aggravated by a policy of forcible expulsions and the construction of unsuitable dwellings.

73. The present Government has recently adopted measures and programmes that demonstrate its concern to satisfy the demand for housing. The officials in the social services sector who are responsible for the formulation and implementation of this policy have assessed the nature and magnitude of the problem, as well as its implications from the standpoint of human rights and the need to tackle it in agreement with the communities concerned.

74. In this regard, the solutions that were applied unilaterally by the Government in districts such as El Chorrillo and El Cerezo contrast with those resulting from consultation between the Government and the groups concerned, as happened in the case of the commune of Arraiján. The policy of administrative simplification, which began with the creation of "one-stop services centres", is a good illustration of this, for it accelerates approval of town planning and social housing projects.

75. Nevertheless, the Government's endeavours are hampered by the lack of a national physical planning scheme and a national housing plan. A complete inventory of resources and demands would enable it to formulate its objectives and programmes more effectively.

76. However, some very positive signs can be noted, such as the increasing awareness of the problem, the various measures that have been taken to solve it - for example, the bill submitted by a member of Parliament on 4 April 1995 recognizing the social benefits of the construction of low-income housing and prohibiting the construction of dwellings with an area of less than 36 square metres - and the firm intention to refrain from further forcible expulsions.

77. Unfortunately, there are still sources of concern, such as the magnitude of the problem, some further expulsions at the end of 1994, the importance accorded to the private sector at the expense of public institutions, and the insufficient regard that is sometimes shown for the aspirations and achievements of the various communities.

78. The Committee thanks the Government for the efforts made to facilitate dialogue with it by agreeing to the visit of a mission to Panama, by making available all the facilities necessary for the performance of the mission's task, by providing access to all necessary documents and to all the areas affected by housing problems, and by facilitating the mission's dialogue with Panamanian civilians. It also welcomes the presence of a delegation from Panama during the consideration of the report of Panama at the Committee's twelfth session.

79. In the light of the foregoing, the Committee recommends that the Government of Panama should:



- (i) Accelerate the studies being undertaken with a view to the establishment of a national social housing plan that takes account of the needs of all communities, defines the objectives to be achieved, designates those to be responsible for the plan, sets a five-year timetable and determines and makes use of the resources available. The work that is currently being carried out by the Inter-Ocean Regional Authority is a sound starting-point in this regard;
- (ii) Speed up the legislative process for the demarcation of the indigenous territory (comarca) of the Ngöbe-Buglé people in the provinces of Bocas del Toro, Chiriquí and Veraguas and suspend mining operations pending consultation with the populations concerned;
- (iii) Put an end to the government practice of expulsion, both in the indigenous areas and throughout the country, in accordance with article 11 of the Covenant and the Committee's General Comment No. 4 (1991);
- (iv) Consider ratifying ILO Convention No. 169 (1989), as requested by the indigenous communities;
- (v) Support the bill which has already been submitted and which stipulates that low-income dwellings should not be less than 36 or 42 square metres in area;
- (vi) Accord priority to housing rehabilitation and construction programmes for social groups which have been living for several years in obviously unacceptable conditions and are demanding decent housing. This applies to several buildings in El Chorrillo district which were destroyed during the United States invasion, and to houses that have been condemned in Colón and in the capital;
- (vii) Take account of the demands of groups that have been resettled in dwellings whose construction does not meet the minimum safety and health standards;
- (viii) Institutionalize its policy of consultation by establishing permanent bodies for consultation on policies, activities and programmes, with representation of the non-governmental organizations which promote and uphold the right to housing and the "Pobladores" organizations, which experience the problem directly;
- (ix) Accelerate and extend the policy of regularizing property ownership, by making available more financial and human resources for programmes in this area and by considering administrative measures to facilitate them;
- (x) Accord priority to State investment in the construction of low-income housing and in assistance to the production of housing by the public sector, not leaving the initiative entirely to the private sector;
- (xi) Establish an entity for gathering and analysing reliable statistical data on the national housing situation (number of homeless, number of dwellings which are deficient or lack basic services, number of low-income dwellings built, etc.), to enable the Committee to follow developments with regard to respect of the right to housing in Panama.

80. The Committee would like the Government of Panama to keep it informed of the action taken on its recommendations concerning the right to housing, within the context of the third periodic report due

on 30 June 1995.

81. In conclusion, the Committee recommends that the United Nations High Commissioner for Human Rights request the Centre for Human Rights to provide advisory services, as requested by the Government of Panama, in coordination with the United Nations agencies and regional institutions already established in Panama, such as UNDP, the United Nations Centre for Human Settlements (Habitat) and the Inter-American Development Bank, as well as with the international financial institutions - IMF and the World Bank.

82. The Committee also requests that the United Nations High Commissioner for Human Rights convey the content of the present report to the Government of Panama during his scheduled trip to Panama in June 1995.

Annexes to the Report on the Technical Assistance Mission to Panama

Annex I

PROGRAMME OF WORK

SUNDAY 16 APRIL

Meeting with officials of the Ministry of Housing and the Ministry of Foreign Affairs

Meeting with representatives of non-governmental organizations

MONDAY 17 APRIL

8.30 a.m. Reception by the Minister of Housing, Mr. Francisco Sánchez Cardenas

9.30 a.m. Meeting with San Miguelito authorities and visit to the Santa Librada, Cerro Batea and Roberto Duran public housing projects

2.30 p.m. Meeting with representatives of United Nations organs and specialized agencies in Panama and Central America (UNDP, United Nations Centre for Human Settlements (HABITAT), ILO, UNFPA)

6.30 p.m. Meeting with representatives of CONADEHUPA (National Commission for Human Rights) and the Centre for Social Training

TUESDAY 18 APRIL - Colón

8.45 a.m. Meeting with representatives of the regional office of the Ministry of Housing

10 a.m. Meeting with Monsignor Ariz, Bishop of Colón

11 a.m. Meeting with officials: Governor of the Province of Colón, Mayor of the District of Colón and members of the Technical Board

1.30 p.m. Meeting with leaders of the Sagrada Resurrección district

2.45 p.m. Meeting with representatives of the Vista Alegre 2 district

3.30 p.m. Visit to the districts in the restored area

WEDNESDAY 19 APRIL

8 a.m. Visit to affected sectors of Panama City: Felipillo, Santa Eduvigis, Renta 5, Edificio Galvez, Chorrillo, Santa Ana.

Interviews with representatives of persons affected

4 p.m. Meeting with the President of the Social Cabinet, the Minister of Health, Dr. Aída Libia Moreno, and other members of the Social Cabinet

#### THURSDAY 20 APRIL

8 a.m. Meeting with senior officials of the Chamber of Construction of Panama (CAPAC)

9 a.m. Meeting with officials of the National Mortgage Bank: Mr. Winston R. Welch, General Manager

10 a.m. Meeting with the members of the Housing Commission and the Human Rights Commission of the Legislative Assembly:

Mr. Abelardo E. Antonio, President  
Mr. José del C. Serracín, Vice\_President  
Mr. Alberto Magno Castellero, Secretary  
Mr. Victor López  
Mr. Donato Rosales  
Mr. Leopoldo Benedetti  
Mr. Marco As. Ameglio  
Mr. Rogelio Sánchez Tack, adviser  
Mr. Lucasa Zarak, President  
Mr. Miguel Sánchez

11 a.m. Visit to Arraiján, La Chorrera and Los Cerezos  
Meeting with representatives of the Frederick Ebert Foundation accompanied by the Deputy Minister, Mr. Rogelio Paredes Robles, and experts from the Ministry of Housing

4 p.m. Meeting with members of the Commission on Indigenous Affairs of the Legislative Assembly:  
Mr. Montesuma, President, Mr. Rogelio Alba and other members

7 p.m. Meeting with the country's indigenous authorities and representatives of the National Coordinating Committee of Indigenous Peoples (CONAPIP)

#### FRIDAY 21 APRIL

9 a.m. Meeting with the Inter- Ocean Regional Authority (ARI)

9.30 a.m. Meeting with Mr. Omar Jaem Suárez, Deputy Minister of Foreign Affairs, and Mr. Oscar Ceville, Director-General for International Organizations, Ministry of Foreign Affairs

11.15 a.m. Meeting with officials of the Ministry of Housing  
Meeting with Mr. A. Antonio Ducreux, Deputy Minister of Labour and Social Welfare

1 p.m. Meeting with Mr. José Antonio Sossa, Attorney General

2 p.m. Meeting with non-governmental organizations coordinated by CONADEHUPA (National Commission for Human Rights), the Centre for Social Training, and Ms. Irene Perurena, external human rights adviser to the President

3.30 p.m. Meeting with representatives of the UNDP office in Panama

4.30 p.m. Meeting with the rectors of Panama's universities:

Mr. Gustavo García de Paredes, University of Panama

Mr. Jorge Luisquiros Ponce, Florida State University

Mr. Stanley Muschett, Santa María La Antigua University

Mr. Joaquín Villar\_García, Columbus University

Mr. Héctor Montemayor, Technological University

Mr. Pablo Mitchelsen, University of the Isthmus

Mr. Laurentino Gudiño, Inter\_American University of Extramural Education

Mr. Hermann Castro, Latin American University of Science and Technology

Mr. Plutarco Arrocha, Higher Institute of Business Management

Ms. Zonia de Smith, Latin University of Panama

Mr. Nelson Riquelme, Open and Extramural University of Panama

Mr. Martin C. Taylor, Studies Centre of Panama Nova Southeastern University

Ms. Lucrecia Herrera C., University of Peace

Mr. William Salom, Inter\_American University of Panama

Mr. Jorge Laurencena

Ms. Glorieta H. de Rengifo, Vice\_Chancellor, University of Panama

Mr. Reinaldo Barris Marín, University of Peace

6.30 p.m. Evaluation meeting with non\_governmental organizations: Centre for Social Training and CONADEHUPA (National Commission for Human Rights) and Ms. Irene Perurena, presidential liaison officer for non\_governmental organizations

## Annex II

### Share of the Construction Sector in GDP 1970-1993

(millions of 1970 balboas)

Year	Value added construction	Real GDP	Construction/GDP (%)
1970	68.2	1 016.3	6.71
1971	85.0	1 113.9	7.63
1972	87.0	1 165.3	7.47
1973	99.6	1 228.3	8.11
1974	87.9	1 258.1	6.99
1975	96.9	1 278.2	7.58
1976	99.6	1 299.1	7.67
1977	73.8	1 313.6	5.62
1978	102.5	1 442.4	7.11
1979	102.4	1 507.1	6.79
1980	124.3	1 736.4	7.16
1981	128.3	1 806.7	7.10
1982	154.7	1 907.0	8.11
1983	106.4	1 918.5	5.55
1984	87.9	1 910.2	4.60
1985	87.9	2 000.4	4.39
1986	94.5	2 067.0	4.57
1987	91.9	2 117.0	4.34
1988	36.1	1 786.7	2.02
1989	23.9	1 779.2	1.34
1990	33.2	1 863.1	1.78
1991	72.7	2 039.4	3.56
1992	113.0	2 212.9	5.11
1993	148.6	2 332.3	6.37

Source: Office of the Controller-General of the Republic.

### Annex III

#### Breakdown of Investment in Construction

1970\_1993

(millions of 1970 balboas)

Year	Total investment in construction	Investment in housing	Investment in other buildings	Investment in other works
1970	148.4	54.4	48.4	45.6
1971	187.8	70.9	64.2	52.7
1972	203.1	74.1	65.9	63.1
1973	229.0	99.4	58.1	71.5
1974	183.3	46.5	62.2	74.6
1975	209.4	44.5	70.0	94.9
1976	201.8	32.2	36.8	132.8
1977	140.1	44.8	40.9	54.4
1978	192.6	44.0	58.7	89.9
1979	185.4	42.6	82.7	60.1
1980	224.0	37.0	87.2	99.8
1981	248.6	42.8	82.3	123.5
1982	289.3	41.4	80.2	167.7
1983	203.1	39.6	73.4	90.1
1984	167.1	43.1	48.6	75.4
1985	159.6	60.8	57.0	41.8
1986	174.9	66.7	60.6	47.6
1987	170.9	67.3	69.9	33.7
1988	66.3	23.9	26.5	15.9
1989	45.0	12.1	17.7	15.2
1990	57.0	14.2	33.6	9.2
1991	129.2	30.6	61.5	37.1
1992	200.3	49.9	98.1	52.3
1993	258.4	90.7	111.5	56.2

Source: Office of the Controller - General of the Republic.

Annex IV

Volume in Investment in Construction

District of Panama  
(balboas)

Year	January	February	March	1 <sup>st</sup> Quarter	Growth for 1995
1985	12 686 040	6 779 423	13 805 008	33 270 471	82.51%
1987	14 747 990	13 662 415	11 593 437	40 003 842	51.79%
1990	548 720	2 644 325	1 624 680	4 817 725	1 160.40%
1991	11 367 455	5 248 734	15 707 187	32 323 376	87.86%
1992	6 509 035	9 281 150	15 342 274	31 132 459	95.05%
1993	19 298 325	6 013 895	18 255 786	43 568 006	39.37%
1994	19 333 427	18 725 327	18 575 567	56 634 321	7.22%
1995	10 717 015	38 924 944	11 080 633	60 722 592	

Source: Economic Intelligence Service, CAPAC (Chamber of Construction of Panama.)  
According to figures of the municipality of the district of Panama.



Annex V

Chamber of Construction of Panama

Economic Department

Volume of Construction in the District of Panama  
(balboas)

1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
12 686 040	8 218 460	14 747 990	3 727 089	1 015 570	548 720	11 367 455	6 509 035	19 298 325	19 333 427	10 717 015
6 779 423	10 296 665	13 662 415	7 793 335	955 915	2 644 325	5 248 734	9 281 150	6 013 895	18 725 327	38 924 944
13 805 008	14 326 080	11 593 437	579 395	1 015 190	1 624 680	15 707 187	15 342 274	18 255 786	18 575 567	11 080 633
6 382 807	5 569 955	19 038 740	267 781	1 360 820	1 982 355	12 198 151	14 135 205	24 680 610	42 641 283	
14 794 730	11 353 471	12 092 434	829 440	721 045	2 838 985	7 407 185	17 773 701	27 044 613	19 873 057	
26 100 600	52 154 275	25 726 097	530 015	646 510	4 188 105	7 176 200	7 242 210	34 089 930	39 618 122	
9 469 435	5 367 515	13 876 860	2 452 005	1 384 590	8 842 545	11 302 770	20 836 275	33 888 860	25 804 099	
5 173 100	8 412 885	9 031 105	2 341 060	825 020	3 033 110	15 409 220	13 380 737	17 501 185	22 954 404	
9 943 458	7 001 755	6 065 790	1 332 725	1 028 780	3 542 620	6 004 785	22 174 809	38 629 245	18 235 673	
8 960 660	12 942 588	9 974 505	752 310	640 105	6 078 630	14 619 175	24 969 008	17 130 945	23 313 935	
7 381 320	5 104 511	10 779 495	2 665 050	1 341 650	6 739 238	6 744 029	7 899 945	9 647 230	10 252 090	
5 929 340	8 714 011	9 615 875	9 329 405	1 444 190	3 006 440	7 422 935	10 976 050	38 273 385	22 247 972	
127 405 921	149 462 171	156 204 743	32 599 610	12 379 385	45 069 753	120 607 826	170 520 399	284 454 009	281 574 956	60 722 592

## Annex VI

## Activities by the Ministry of Housing

## Programme and Year

Year	Total	Construction of housing (single-family)	Urban renewal (apartments)	Housing improvement (material loans)	Sites serviced	Surveying and legalization (shanty towns)	Community housing (bar-racas)	Restoration of condemned houses	NAO* (State land with self-construction)
Total	86 534	23 879	7 890	20 230	8 408	13 991	1 352	8 632	2 152
1973	206	26	180	0	0	0	0	0	0
1974	991	39	952	0	0	0	0	0	0
1975	1 119	527	592	0	0	0	0	0	0
1976	4 381	2 731	1 650	0	0	0	0	0	0
1977	5 890	5 890	0	0	0	0	0	0	0
1978	3 637	3 637	0	0	0	0	0	0	0
1979	2 381	2 381	0	0	0	0	0	0	0
1980	870	424	96	0	350	0	0	0	0
1981	1 077	1 022	0	0	38	17	0	0	0
1982	3 292	1 717	972	0	603	0	0	0	0
1983	4 371	1 553	622	915	273	287	721	0	0
1984	8 817	698	316	2 055	3 702	1 292	186	568	0
1985	9 849	834	384	2 568	170	2 355	40	3 498	0
1986	4 502	57	288	2 008	92	1 867	190	0	0
1987	6 788	1 185	360	1 286	2 700	884	116	257	0
1988	7 684	0	0	509	10	3 106	59	4 000	0
1989	1 464	9	0	0	420	840	40	155	0
1990	2 996	43	0	0	50	597	0	154	2 152
1991	732	124	198	410	0	0	0	0	0
1992	7 237	438	742	4 891	0	1 166	0	0	0
1993	8 250	544	538	5 588	0	1 580	0	0	0

## Annex VII

## Directorate General of Planning and Budget Planning Department

## Housing Shortage by Province according to Monthly Household Income, 1990

Monthly Household income (balboas)	Total	Per-cent-age	Bocas del Toro	Coclé	Colón	Chiriquí	Darién	Herrera	Los Santos	Panama	Veraguas
Total	237 724		7 559	16 949	18 209	36 492	4 730	10 224	10 436	113 774	19 351
Per-cent-age		100	3.18	7.13	7.66	15.35	1.99	4.3	4.39	47.86	8.14
Less than 100	67 969	28.59	2 570	7 707	4 869	12 155	2 952	4 261	4 293	18 124	11 038
100-124	11 272	4.74	293	1 051	783	2 452	246	671	732	4 073	971
125-174	16 868	7.1	467	1 432	1 358	3 332	261	855	950	6 895	1 318
175-249	23 328	9.81	704	1 581	1 848	4 109	280	1 025	1 062	11 275	1 444
250-399	34 943	14.7	1 284	1 937	2 772	5 532	416	1 233	1 262	18 684	1 643
400-599	28 733	12.09	974	1 395	2 316	3 832	249	945	919	16 861	1 242
600-799	16 974	7.14	579	731	1 435	1 916	132	449	452	10 649	631
800-999	10 806	4.54	270	420	890	1 095	79	286	264	7 100	402
1 000 and more	26 831	11.29	418	695	1 938	2 069	115	499	502	19 933	662