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Report of the Working Group on the Universal Periodic Review*

Panama

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review of Panama was held at the 4th meeting, on 2 November 2010. The delegation of Panama was headed by Her Excellency Roxana Méndez, Minister of Government. At its 8th meeting, held on 4 November 2010, the Working Group adopted the report on Panama.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Panama: Maldives, Mexico and Uganda.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Panama:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/9/PAN/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/PAN/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/PAN/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Latvia, the Netherlands, Norway, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Panama through the troika. Those questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

5. During the interactive dialogue, 34 delegations made statements. Recommendations made during the dialogue are found in section II of the present report.

A. Presentation by the State under review

6. The Minister of Government, Roxana Méndez, stated in her introductory remarks that the protection of and respect for human rights were priorities of the Panamanian Administration and that the universal periodic review venue was an opportunity to share with the international community the positions, achievements and challenges of Panama in this area. Moreover, since it took office, a year and a half ago, the Administration of President Martinelli had been reviewing Panama's international obligations in the area of human rights.

7. The universal periodic review exercise had been an opportunity for Panama to reflect from a human dignity perspective. And human dignity could be achieved only by strengthening those areas that consolidated peace and democracy, which were now threatened by poverty, marginalization, inequity, criminality and other forms of violence. Thus, human rights had to be applied across the board by all national institutions. A step towards that objective had been the establishment, in March 2010, of an inter-institutional commission comprising 18 public entities in the three branches of government, which, *inter alia*, had been responsible for the preparation of the national report for the universal periodic review.

8. The preparation of the report had begun in March 2010, with various activities by governmental institutions and two civil society consultations having been held in May. The delegation acknowledged the cooperation provided by the OHCHR regional office in Panama and by the Government of Brazil.

9. The delegation proceeded to address the issues of most interest to the international community, as well as those raised in the advance questions sent by some delegations.

10. Regarding international obligations, Panama had ratified 27 human rights instruments. In addition, in September 2010, during the sixty-fifth session of the General Assembly, Panama had signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, following a recommendation of the Inter-American Court of Human Rights, the Government had sent to the National Assembly a bill to bring the national definitions of torture and enforced disappearance into compliance with international standards.

11. The National Institute for Women, established in December 2008, was aimed at the full incorporation of women into the sustainable development of the country, through a public policy of providing equal opportunities and guaranteeing full rights. Following the issuance of the Concluding Observations of the Committee on the Elimination of All Forms of Discrimination against Women, formulated in February 2010, a new public gender policy had been designed through wide consultations with stakeholders. Thirty-two equal opportunity offices had been established at the national level to promote a society free of gender discrimination. The low participation of women in politics had been also a source of concern for the Government. Thus, the National Commission of Electoral Reform had unanimously agreed to propose a reform of the Electoral Code that would ensure parity of representation between men and women. The proposal had yet to be approved by the National Assembly before becoming a law.

12. Concerning the issue of violence against women, the Penal Code, adopted in 2007, included a definition of aggravated homicide that punished domestic violence with sentences ranging from 20 to 30 years in prison. However, given the increase in violent acts against women, a bill had been submitted to amend the penal and judicial laws in order to further increase those sentences and to define the crime of femicide.

13. The Panamanian Constitution provides that work is both a right and a duty, and bans labour discrimination on the grounds of race, birth, disability, social class, gender, religion or political ideas. Additionally, the Administration had enacted the highest increase in the minimum wage for public servants in the past 50 years. In 2000, unemployment had seemed an insurmountable problem, with rates reaching 14 percent. Since then, thanks to the creation of some 52,000 jobs per year, unemployment had declined to 6.6 per cent. That number should drop further in the future.

14. The Administration was concerned by the expansion of child labour. To address that problem, a committee to eradicate child labour and protect adolescent workers had been set up. Moreover, in June 2006, an Executive Decree had included a list of dangerous forms of child labour to guide policies and programmes and comply with the recommendations resulting from the most recent Convention of the International Labour Organization (ILO).

15. The National Budget allocated 48 per cent of its funds to social development, particularly in geographic areas with high poverty levels, to improve education, health care, nutrition and housing projects. In addition, the Government carried out a special programme for seniors consisting of the delivery of \$100 per month to seniors aged 70 or older who lacked pensions. In addition, the Network for Opportunities was a programme providing monetary transfers and health, education and birth certification services, reaching more than 63,000 households.

16. The right to health care, particularly maternal and infant health care in indigenous and rural areas, was one of the main concerns of the national Government. The Administration had adopted policies aimed at the swifter achievement of the Millennium Development Goals related to health. Regarding persons with HIV/AIDS, the delegation noted the fact that antiretroviral treatment was now free and covered more than 70 per cent of reported cases. Moreover, HIV exams had been eliminated as a requirement for migratory purposes, so there were no longer restrictions on the entrance, stay or residency in Panama of persons with HIV/AIDS.

17. The delegation reported that the Millennium Development Goal regarding universal primary education access had been achieved in 2003. Currently, the challenge was to reduce the school drop-out rate and to improve the quality of education. Panama had also achieved the Millennium Development Goal related to equal access to primary and secondary education for women.

18. The Government had recognized that the trafficking in persons was a problem. Therefore, it had established a drafting commission to submit, at the end of the year, a bill to combat trafficking. Furthermore, a law enacted in May 2008 had specifically provided that refugees who had lived more than 10 years in Panama could become permanent residents.

19. Freedom of expression was protected and promoted by the Government. Under the Penal Code of 2008, discussions, criticisms and opinions about the acts or omissions of public officers were no longer considered crimes. The delegation highlighted the fact that in Panama there was no policy aimed at persecuting journalists. Moreover, Panama had made significant legislative progress in the area of freedom of expression as a result of a notable consensus, as it had been recognized by the inter-American human rights system.

20. The Panamanian Administration was aware of its historical responsibility towards indigenous peoples and had enacted specific legislation at both the constitutional and the legal levels that recognized their cultural heritage. The Government had established an inter-agency committee to study the possibility of ratifying ILO Convention No. 169. The committee had recommended its ratification by Panama.

21. With regard to the events of Bocas del Toro of July 2010, the Government regretted the loss of human lives, the injuries and the damage to public and private property. The Government had promoted dialogue and had signed the agreement of Changuinola on 11 July 2010.

22. The judiciary had implemented a plan to address its increased caseload. As a result, between January and September, 11,814 cases had been resolved. Moreover, the use of alternative means of conflict resolution had increased, and the new criminal procedural system would progressively enter into force in 2011.

23. The delegation concluded by reaffirming its commitment to the protection of human rights and noted that it needed to improve continuously in that area. Therefore, it would consider the recommendations received during the universal periodic review as a guide and support in improving the culture of coexistence and understanding as a cornerstone of the promotion of human rights.

B. Interactive dialogue and responses by the State under review

24. During the interactive dialogue, 34 delegations made statements. A number of them expressed appreciation for the comprehensive presentation of the national report. Recommendations made during the dialogue are found in section II of the present report.

25. Algeria welcomed the establishment of the Office of the Ombudsman as an important step in the promotion and protection of the rights set forth in the national Constitution and the international treaties to which Panama was a party. It commended Panama for having established the National Secretariat for Children, Adolescents and the Family, and the National Institute for Women. Given that Panama was becoming attractive to migrant workers, Algeria suggested that the authorities be encouraged, through the National Migration Service, to pursue efforts to ensure dignity, human rights and non-discrimination for migrants. Algeria made recommendations.

26. Morocco took particular note of the role of the National System of Community Judicial Facilitators, which was an alternative means to promote and facilitate access to justice. It noted that it was a good mechanism and was interested in learning more about its specific results and its impact on the field of justice. As for the rights of vulnerable groups, Morocco praised the Panamanian approach, in particular concerning the rights of immigrants and refugees, which was in conformity with the 1951 Convention relating to the Status of Refugees, to which Panama was party. Morocco made recommendations.

27. France observed that defamation had remained criminalized and noted reports of alleged intimidation of media; it inquired about planned measures to guarantee press freedom. With reference to the concerns of the Committee on the Elimination of Racial Discrimination regarding the harassment of indigenous communities, France asked whether Panama intended to strengthen measures to protect the security of such communities. France welcomed legislative amendments that had introduced new measures for the protection of family violence victims, but contended that the phenomenon remained a subject of concern. Finally, it inquired about planned measures to address the excessive length of pre-trial detention, which had contributed to prison overcrowding. France made recommendations.

28. Azerbaijan commended Panama for the open and constructive approach to the preparation of the national report, especially the broad involvement of civil society in that process. It noted with interest the measures taken by the Government to promote and protect women's rights as well as gender equality. It congratulated Panama on its success in achieving the Millennium Development Goal on education. Azerbaijan requested further information about public policies and programmes to enhance the social inclusion of people of African descent with a view to building the capacity of their organizations and networks. It made a recommendation.

29. Mexico acknowledged Panama's commitment to human rights, which was reflected in its solid normative and institutional framework and in its cooperation with international human rights mechanisms, which would be increased through the issuance of a standing invitation to those mechanisms. It highlighted the achievements in the area of health care and the fight against poverty. It encouraged measures to combat domestic violence. Mexico inquired about the measures taken by Panama to criminalize acts of racial discrimination and to identify and eliminate the structural causes of that phenomenon. Mexico made recommendations.

30. Canada conveyed its appreciation to Panama for its efforts in promoting and protecting human rights and commended it for adhering to a large number of international and regional human rights instruments. Canada expressed concerns at the recent clashes between police and workers in Changuinola, which had resulted in injuries and two deaths. Canada welcomed the initiative undertaken to conduct roundtable consultations with labour and civil society leaders, to address underlying issues. It remained concerned about allegations of intimidation of the press and its impact on freedom of expression, and the perception that the right to freedom of assembly continues to be impeded under the law. Canada made recommendations.

31. Germany requested, further to concerns expressed by the Committee on the Elimination of Discrimination against Women in 2010, information about measures taken to ensure equal pay for equal work and the abolition of pregnancy tests as a requirement for access to employment. Referring to the discrimination faced by indigenous children, it also asked about the plans to preserve bilingual and cultural education for indigenous children. Germany inquired how Panama had followed up on the concerns expressed by the Human Rights Committee in 2008 regarding abusive treatment of prisoners by law enforcement officers in prison and at the time of arrest. Germany made recommendations.

32. Hungary welcomed the inclusive approach taken by the Government in preparing the report. It welcomed the “A” status accreditation of the *Defensoría del Pueblo* (Ombudsman). It expressed concerns about the absence of a procedure for filing and investigating complaints of discrimination against women and the lack of appropriate sanctions for confirmed cases, which remained the greatest challenge to the effective implementation of the Equal Opportunities Act. Hungary noted the efforts undertaken to combat discrimination against vulnerable groups and asked about the need for technical assistance in protecting the rights of women, children, Afro-Panamanians and indigenous persons. Hungary made recommendations.

33. China commended Panama for its good cooperation with OHCHR and other international human rights mechanisms. It welcomed the efforts made by Panama to improve the health of the population, promote employment, ensure compulsory education, eliminate domestic violence, prevent discrimination against HIV/AIDS patients, eliminate discrimination against women, protect the rights of the disabled, promote food security and prevent deforestation. It encouraged the country to take further measures to consolidate those policies. China stated that the human rights of indigenous peoples needed to be further guaranteed. It supported Panama in continuing to address poverty among indigenous peoples, ensure their right to education and protect their traditional culture.

34. Slovakia commended Panama for the accreditation of its Ombudsman’s Office with “A” status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights. It welcomed the ongoing construction of a new, large prison facility designed to promote prisoners’ re-socialization, as well as recent steps to increase access to health care for inmates. However, Slovakia noted the concern of treaty bodies about the persistence of the abusive treatment of prisoners, the persistence of traditional stereotypes regarding the roles and responsibilities of women and the large extent of trafficking in women and girls, as well as the low number of perpetrators facing prosecution. Slovakia made recommendations.

35. Brazil underlined recent developments in Panama, such as the reform of the Criminal Code, including measures to protect women, particularly regarding domestic violence, and the adoption of laws to combat racial discrimination. Brazil asked about the policies carried out to combat poverty and social inequalities. It inquired about measures taken to guarantee the rights of children and women, particularly in the fight against discrimination, violence, trafficking and sexual exploitation. Brazil asked about the policies and the legal framework regarding the promotion of the rights of indigenous peoples and people of African descent. It made recommendations.

36. Norway noted that Panama had ratified most treaties on human rights. However, it shared the concern of the Committee on the Elimination of Discrimination against Women about femicide and gender-based violence in the country. It also expressed concern over reports of the excessive use of force by the national police during the national strike in Changuinola in the province of Bocas del Toro in July 2010. Norway was pleased by the recent decriminalization of homosexual relations in the Penal Code of 2008. It made recommendations.

37. The United Kingdom welcomed Panama's signature of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It emphasized the large number of people, particularly in indigenous communities, still living in poverty, with poor education and health facilities. It asked whether the incidents that had occurred during the protests against Law 30 in Changuinola in July would be fully investigated. The United Kingdom expressed concerns about the law, in particular regarding its negative impact on the environment and on the rights of workers. It welcomed the revision of Panama's penal code, but expressed concerns about prison conditions and the length of time provided for courts to pass sentences. It made recommendations.

38. Italy acknowledged with appreciation that Panama had achieved the Millennium Development Goal on education and encouraged the authorities to adopt effective measures to reduce the high dropout rate at the secondary school level. Italy also noted that the prison population exceeded the capacity of the 22 prisons, the fact that many prisoners were awaiting trial owing to judicial delays and the widespread use of pre-trial detention. It asked for further information about the participation of civil society in the country, including the role of indigenous communities. Italy made recommendations.

39. Uruguay praised Panama for having adopted measures such as the establishment of innovative primary health-care centres and the development of a new identification and registration system for children. It welcomed Panama's recent accession to the Optional Protocol to the Convention against Torture. Uruguay asked whether Panama was considering issuing a standing invitation to all special procedures. It commended the country for the increased school coverage, but noted the challenges in that area. Uruguay inquired about measures taken to ensure access to drinking water and sanitation, particularly for those living in remote areas. Uruguay made recommendations.

40. The United States of America welcomed the creation of the Women's National Institute and the work of 29 other offices in designing and conducting policies on equal opportunities for women. It welcomed Panama's engagement with civil society in modifying Law 30, but expressed concern that the law had been adopted without consulting labour organizations and other stakeholders. It expressed concern at the alleged excessive use of force by the police against the Banana Industry Workers Union and indigenous communities in the July 2010 Bocas del Toro events, and looked forward to the report of the independent investigative commission thereon. The United States made recommendations.

41. Nicaragua highlighted the important reform process carried out by Panama in recent years within the normative and institutional frameworks. In particular, it recognized efforts made in the field of the administration of justice through the promulgation of a new Penal Code. Nicaragua also noted efforts made to improve a policy of national inclusion and non-discrimination, as well as efforts to improve the situation of migrant workers. It urged Panama to view the universal periodic review exercise as a valuable tool that could enable the country to evaluate gaps in the promotion and protection of human rights. Nicaragua made recommendations.

42. Guatemala highlighted Panama's efforts to expand its constitutional and legislative framework in key areas to strengthen the protection of human rights. It inquired how the recently established National Institute for Women, the Ombudsman's Office and the National Council for Black Ethnic Group effectively covered the national territory. Guatemala noted with interest the social development programmes being carried out. It praised the attention given to bilingual, intercultural education for indigenous communities. It acknowledged the steps taken to ensure public security and requested further information about the actions taken in that regard. Guatemala made a recommendation.

43. According to Paraguay, the report showed that in Panama there was a convergence of different cultures, ethnic groups and credos from multiple parts of the world, attempting to ensure respect for the human rights of all. It expressed the view that the report adequately listed achievements, efforts, limitations and challenges faced in implementing public policies. It emphasized the role of the Panamanian Canal in the country's development and stressed the need to increase social development programmes aimed at better redistribution of income. It inquired about the Plan for Land and Environment and the 2010-2014 Strategic Plan.

44. The delegation of Panama elaborated on issues that had been raised in the advance questions or during the interactive dialogue. With regard to the hydroelectric project Chan 75, in the province of Bocas del Toro, the Government had consulted with the Ngobe indigenous community, in compliance with national law and international standards. With respect to the Cerro Colorado Mining project, in the Ngobe Bugle area, it was still under study and undergoing technical verifications. Furthermore, the Government was in the process of consulting with the affected population and with local authorities.

45. Concerning the issue of education and health care for the most vulnerable groups, the delegation presented further information about specific indicators and programmes for the regions of Kuna Yala, Embera and Ngobe Bugle, where mainly indigenous populations live.

46. The delegation also provided further details about the Bocas del Toro incident of July 2010 and steps taken to eradicate child labour.

47. The Government guaranteed freedom of association, in compliance with ILO Convention No. 87. The law and the State encouraged the establishment of trade unions and recognized them as a means to contribute to economic and social development as well as to democracy in Panama. In addition, the Ministry of Labour was considering the possibility of establishing a council on labour issues as a tripartite body, in line with the standards set out in ILO Conventions Nos. 87 and 98.

48. Argentina congratulated Panama on its achievements in the field of human rights, including the amendment of the Penal Code, the repeal of legislation and the adoption of a law on domestic violence. Argentina was interested to know whether Panama would adopt additional measures to reduce gender violence, punish perpetrators and protect victims. It also asked about measures to guarantee access for indigenous communities to economic, social and cultural rights. Argentina made recommendations.

49. Chile highlighted Panama's commitment and concrete measures in the promotion and protection of all human rights. It noted the legislative modifications relating to domestic violence, the inclusion in national legislation of a definition of discrimination and the establishment of a National Institute for Women. Chile also highlighted the recent process for the legalization of undocumented foreigners, which had helped some 20,000 persons. It commended Panama for its accession to the Optional Protocol on the Convention against Torture. Chile made recommendations.

50. Spain emphasized the fact that Panama was a stable democracy in which the rule and the supremacy of law were guaranteed and citizens enjoyed broad rights and freedoms. It also noted that Panama was a party to most instruments in the field of human rights, that it had fully abolished the death penalty, and that it had established an extensive edifice of institutions ensuring a high level of human rights protection. Spain made recommendations.

51. Slovenia congratulated Panama on the "A" status accreditation of the Office of the Ombudsman and on being among the initial co-sponsors of the resolution on the World Programme for Human Rights Education. Slovenia invited Panama to step up efforts to implement the resolution, including through the preparation of a national plan and reports.

It also expressed concern about the persistence of child labour and asked for information about measures taken in that field in addition to the efforts referred to in the national report. Slovenia made recommendations.

52. The Netherlands expressed concerns about the high number of persons held in prisons still awaiting trial, the overburdened prison system and the fact that convicted persons were not separated from those awaiting trial. It acknowledged the steps taken by Panama to eliminate child labour, but noted with concern the observation by the Human Rights Committee that child labour persisted. The Netherlands expressed concerns about union rights and the barriers hampering the formation of trade unions. It also noted that the Government had allegedly exercised influence over the appointment of union leaders. The Netherlands made recommendations.

53. Latvia noted with satisfaction Panama's firm commitment to protecting and promoting human rights. With reference to the concluding observations of the Committee on the Elimination of Racial Discrimination, Latvia also noted Panama's collaboration with OHCHR since the establishment of its Regional Office there in 2007, as well as other aspects such as the creation of new institutions to combat discrimination and to protect and promote human rights. Latvia made a recommendation.

54. Colombia noted in particular the efforts aimed at the adoption of a new Penal Code and the establishment of a new criminal justice system that would more effectively combat common crimes and terrorism. It assured Panama of its continued cooperation. Colombia asked for further information about the impact and usefulness of information compiled by the Observatory against Gender Violence in the development of public policies against that phenomenon. It highlighted the implementation of the programme for regularizing migrants, "Panama Crisol de Razas", which had benefited thousands of Colombians, and congratulated Panama on its commitment to migrant rights. Colombia made recommendations.

55. Peru acknowledged the actions taken by Panama to reduce poverty. It highlighted the establishment of the National Secretariat for Children and Adolescence, the National Institute for Women and the Secretariat and the National Council for Persons with Disabilities. It commended the universal and free access to health care for children up to the age of 5, pregnant women and women who have just given birth, persons with disabilities and indigenous peoples. Peru requested further details about the scope of programmes such as "Weapons against food vouchers", "Telemedicine in prisons" and "Innovative Primary Health Care Centres". It made recommendations.

56. Costa Rica particularly commended Panama for the 2010-2014 Strategic Plan focusing on the most vulnerable groups. It also acknowledged the existence of the National Secretariat on Children, Adolescents and the Family, the National Institute for Women and the National Secretariat for the Social Integration of Persons with Disabilities. Costa Rica welcomed the efforts to reduce poverty and to increase the coverage and the quality of education, and commended Panama's signature of the Optional Protocol to the Convention against Torture. It urged Panama to increase its efforts regarding sexual violence, mistreatment and child abuse. Costa Rica made recommendations.

57. Ecuador acknowledged the efforts made by Panama in recent years to strengthen its human rights system. This was reflected in the creation of bodies to ensure such protection. It took note of Government plans and programmes to eradicate child labour as well as to promote respect for women's rights. Ecuador also highlighted Panama's efforts to combat gender violence and labour discrimination. Important efforts had also been made in protecting the rights of indigenous peoples and their traditions and customs, particularly by recognizing an indigenous judicial system and the right to territory, through territorial delimitation to benefit these ancestral peoples. Ecuador made recommendations.

58. Trinidad and Tobago acknowledged that Panama was one of the few countries with delimited areas for exclusive occupation by indigenous groups and encouraged the Government to protect the cultural identity and traditional knowledge systems of indigenous people. It noted with satisfaction legislative and practical action taken by Panama to reorient its society towards a more environmentally sustainable future. It commended the establishment of the Office of the Human Rights Ombudsman. Trinidad and Tobago noted with concern the problem of trafficking in women and girls and encouraged Panama to take the necessary actions in that regard. It made recommendations.

59. Jamaica welcomed Panama for having engaged in consultations with relevant stakeholders in the preparation of its national report, and commended its efforts to promote and protect the rights of the most vulnerable groups in its population. It also noted that nearly half of the 2010 budget was allocated to social expenditure, and praised the establishment of the 2010-2014 Strategic Plan addressing the problems of vulnerable groups and providing programmes to assist persons with disabilities in entering the labour market. Finally, Jamaica encouraged Panama to continue its efforts and achieve the Millennium Development Goal on education. Jamaica made a recommendation.

60. Bangladesh described poverty and uneven distribution of wealth as one of the most pressing problems of Panama, and noted that a number of policy plans had been undertaken to address them, including the 2009-2015 Food and Nutrition Security Plan and the "Opportunity network" conditional cash transfer. It commended Panama for focusing on the protection of the family, women and children, through establishments in its institutional framework. Referring to treaty bodies' conclusions, Bangladesh suggested that Panama needed to increase its efforts to guarantee basic services related to health and food. Finally, it expressed concern at the number of women and children victims of trafficking for sexual exploitation. Bangladesh made recommendations.

61. Nigeria acknowledged Panama's ratification of core human rights instruments and welcomed the adoption of the new Penal Code in 2008 and the repeal of contempt laws. Nigeria also acknowledged the adoption of the law on domestic violence and of legislative and administrative measures to prevent the stigmatization of and discrimination against people living with HIV/AIDS. It recognized that Panama faced pressing problems in the implementation of its agenda on human rights, and called on the international community to support the country's efforts. Nigeria made recommendations.

62. Haiti welcomed the presentation of Panama's national report, which outlined the progress made and the difficulties encountered in promoting and protecting human rights. It congratulated Panama on being in the process of achieving the Millennium Development Goal relating to education. Haiti referred to the fact that the Panamanian Criminal Code provided for a 30-year sentence for a homicide committed for discriminatory and racist reasons, and asked whether Panama had statistics regarding the persons convicted of this crime. Haiti made recommendations.

63. Responding to other questions raised during the interactive dialogue, the delegation of Panama recalled that since 2005, a reform of the administration of justice had been ongoing, with the participation of all stakeholders. It had achieved approximately 75 per cent of its targets. The delegation provided information about a draft law to establish a special jurisdiction for human rights and about measures to reduce the use of pre-trial detention and overcrowding in penitentiary facilities. It also noted that Panama's legislation provided for the use of measures alternative to pre-trial detention that were being used. In addition, in 2007 Panama had adopted a new Criminal Procedural Law that would progressively enter into force beginning in 2011. The new system would significantly reduce the use of pre-trial detention.

64. The delegation provided further details about the improvement of detention facilities and stated that the Government was investing up to \$170 million in new infrastructure and devoting additional human resources to prison administration.

65. In respect of civil society, the delegation highlighted the fact that the Administration valued its role and stated that there were several forums for dialogue to address indigenous issues and discrimination against women.

66. Before concluding, the delegation recalled that the death penalty had been abolished in Panama and that its international obligations prevented any attempt to reintroduce it.

67. In closing, the delegation valued the interactive dialogue during the universal periodic review of Panama and stated that it would study in detail the recommendations put forward, in the spirit of improving the promotion and protection of all human rights in Panama. It concluded by making pledges and commitments.

II. Conclusions and/or recommendations

68. The recommendations formulated during the interactive dialogue and listed below have been examined by Panama and enjoy its support:

68.1. Consider the ratification of international human rights instruments to which it is not yet a party (Nicaragua);

68.2. Consider ratifying, signing or adhering to, as appropriate, the Optional Protocol to the International Covenant on Economic Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);

68.3. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria, Guatemala);

68.4. Consider ratifying Convention No. 169 of the International Labour Organization (ILO) (Chile);

68.5. Continue its efforts to harmonize its normative framework with its international human rights obligations (Nicaragua);

68.6. Guarantee its continued compliance with its domestic and international obligations on the legal prohibition of the death penalty (Italy);

68.7. Better deploy resources, including manpower, to enhance the capacity of the Office of the Ombudsman (Trinidad and Tobago);

68.8. Intensify programmes aimed at fighting criminality and ensuring respect for human rights (Algeria);

68.9. Build on its ongoing engagement with labour and civil society leaders, and undertake a consultative process to review and adjust legislation to ensure the protection of the human rights of its workers (Canada);

68.10. Undertake a participatory and inclusive process with civil society organizations, including indigenous peoples, in the implementation of the universal periodic review recommendations (Norway);

68.11. Consider incorporating strategies for human rights education and training in its educational policies (Costa Rica);

- 68.12. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
- 68.13. Further strengthen its cooperation with the special procedures (Norway);
- 68.14. Consider the possibility of inviting the Independent Expert on the issue of human rights obligations concerning access to drinking water and sanitation (Uruguay);
- 68.15. Provide adequate funding and staffing for the Women's National Institute and 29 other institutional offices to design and promote equal opportunities for women and their organizations, to ensure their optimal functioning (United States);
- 68.16. Continue and further develop public policies and programmes to enhance the inclusion of Afro-Panamanians in all aspects of life in Panama (Jamaica);
- 68.17. Take concrete and practical normative and institutional measures to guarantee the rights of Afro-Panamanians (Haiti);
- 68.18. Continue working on the design and implementation of programmes to promote the rights of specific groups, such as the project entitled "Policy and plan to fully integrate the Afro-Panamanian population" (Colombia);
- 68.19. Adopt additional measures to provide security staff and penal and judicial personnel with training on human rights, particularly concerning priority areas (Morocco);
- 68.20. Adopt and implement appropriate measures to humanize its penitentiary system in accordance with international standards (Slovakia);
- 68.21. Redouble efforts made to prevent and support victims of domestic violence, in particular children and women (Peru);
- 68.22. Reinforce the measures aimed at combating domestic violence, the large number of women's deaths caused by such violence, and the impunity granted to perpetrators of trafficking in women and girls (Haiti);
- 68.23. Ensure the full implementation of child labour provisions, and take all necessary measures to prevent child labour in both rural and urban areas, including child domestic work (Slovenia);
- 68.24. Pursue ongoing efforts to improve the living conditions of the prison population, especially in terms of vocational training and health care (Algeria);
- 68.25. Increase the number of counsels with a view to guaranteeing the right to defence for all citizens, in accordance with a 2008 Human Rights Committee recommendation (Germany);
- 68.26. Continue its efforts to combat impunity and violations of human rights, with particular attention to the rights of indigenous populations and persons of African descent (Brazil);
- 68.27. Intensify the necessary measures to guarantee the right of all children to have their birth registered, in particular children of African descent, indigenous children and those who live in rural and border areas (Mexico);

- 68.28. Address difficult access to birth registration procedures, particularly for children of African decent, indigenous children and those living in rural and border areas (Nigeria);
- 68.29. Take measures to overcome the difficulty of access to birth registration procedures, particularly for children of African descent, indigenous children and children living in rural and border areas (Haiti);
- 68.30. Adopt new measures to guarantee a greater presence of and better participation by women and minorities in public administration, particularly in elected positions (Peru);
- 68.31. Redouble efforts to enhance the positive results in the area of economic, social and cultural rights to provide more benefits to the most vulnerable populations, in particular children, indigenous peoples, people of African descent and the rural population (Peru);
- 68.32. Continue to implement the strategic plan 2010-2014 to increase health coverage for the most vulnerable groups of the population (Colombia);
- 68.33. Continue to strengthen its efforts in health reform, in particular with regard to primary health care (Bangladesh);
- 68.34. Create new school structures in the more distant villages and improve the transport system (Uruguay);
- 68.35. Adopt a comprehensive approach with regard to indigenous policies as a cross-cutting pillar for all government policies, with an emphasis on those policies with greater social impact (Spain);
- 68.36. Give full implementation to the standards in force concerning the education of indigenous peoples, through study plans that take into account their language, history, art and philosophy (Uruguay);
- 68.37. Continue its constructive efforts to promote the rights of migrants and refugees through initiatives permitting the preservation of the legal framework and its effective implementation (Morocco);
- 68.38. Identify fields in which improvement can still be made, and compare Panama's experiences with those of other United Nations Members (Morocco).
69. The following recommendations enjoy the support of Panama, which considers that they have already been implemented or in the process of implementation:
- 69.1. Consider ratifying the Optional Protocol to the Convention against Torture (Chile);
- 69.2. Ensure compliance with all relevant national laws and policies within the legal framework of the Convention on the Elimination of All Forms of Discrimination against Women (Norway);
- 69.3. Ensure that appropriate policies and procedures are put in place so that the National Assembly approves, implements and enforces, in a consultative and transparent manner, the six laws replacing Law 30 (United States);
- 69.4. Strengthen coordination and enhanced engagement by the national authorities of Panama with the Regional Office of the United Nations High Commissioner for Human Rights for Central America, based in Panama City (Trinidad and Tobago);

- 69.5. **Adopt a higher standard regarding the protection of women's rights, both in legal terms and in implementation (Hungary);**
- 69.6. **Pay more focused attention to the issues of gender discrimination and domestic violence (Trinidad and Tobago);**
- 69.7. **Prioritize its legislation and policies, and empower the National Commission against Discrimination to combat discrimination against women, with particular attention to indigenous communities (Slovakia);**
- 69.8. **Adopt measures to eliminate discrimination against people of African descent and indigenous peoples (Argentina);**
- 69.9. **Take appropriate measures to abolish the practice of pregnancy tests as a requirement for access to employment (Slovenia);**
- 69.10. **Investigate and prosecute all allegations of professional misconduct, and implement extensive human rights education and training programmes for law enforcement personnel to prevent this negative phenomenon (Slovakia);**
- 69.11. **Implement fully and immediately measures of protection for victims of domestic violence (France);**
- 69.12. **Adopt legislation and strengthen action plans addressing the serious phenomenon of femicide and gender-based violence (Norway);**
- 69.13. **Endeavour to incorporate femicide as a crime in its penal legislation, in line with the bill introduced (Costa Rica);**
- 69.14. **Enforce and amend, when necessary, the relevant legislation on trafficking in women and girls, and adopt appropriate and efficient policies and programmes to address this situation (Slovakia);**
- 69.15. **Address the root causes of child labour by drawing up a cash-for-education programme or a similar programme that is aimed at reducing poverty and guaranteeing children's right to education, with a specific focus on rural areas and indigenous communities (Netherlands);**
- 69.16. **Investigate thoroughly the Bocas del Toro Case (Germany);**
- 69.17. **Ensure a credible independent investigation of the July 2010 Bocas del Toro incident, and prosecute all perpetrators of alleged human rights violations in compliance with international standards (Slovakia);**
- 69.18. **Effectively investigate and prosecute those responsible for excessive use of force during the national strike in Changuinola in the Province of Bocas del Toro in July 2010, and take steps to ensure total respect for freedom of assembly in the country (Norway);**
- 69.19. **Guarantee a clearer separation between the State powers and, in particular, take steps to promote the independence of the judiciary, in the conviction that these measures could benefit the fight against corruption and crime (Italy);**
- 69.20. **Take steps to guarantee a fair and timely trial to all defendants, reduce the use of preventive detention, and adopt measures to restructure the prison system, starting with the realization of those contained in paragraphs 58 and 59 of the National Report (Italy);**

- 69.21. Adopt legal measures guaranteeing the right to a judicial procedure without undue delay, and allocate more resources to ensure greater efficiency in the judiciary (Spain);
- 69.22. Reconsider seriously its policy towards the use of pre-trial detention, and ensure that this policy is effectively implemented and enforced (Netherlands);
- 69.23. Take concrete measures to ensure that all citizens are treated fairly and openly before the law and that undue delays in the sentencing process are rectified (United Kingdom);
- 69.24. Take all necessary measures to ensure that the press is not the target of undue political pressure and that freedom of the press and freedom of expression are guaranteed (Canada);
- 69.25. Consolidate poverty reduction programmes, as Panama is on track to meet Millennium Development Goal 1, related to extreme poverty (Algeria);
- 69.26. Draw up an effective and appropriate policy framework and institutional mechanism to fight hunger, food insecurity and inequality in income distribution (Bangladesh);
- 69.27. Ensure that the Panama Water Resources Authority takes into account the needs of vulnerable groups and carries out its work without discrimination (Hungary);
- 69.28. Give priority to measures that could guarantee access to drinking water for all citizens, including those living in areas that are difficult to access (Uruguay);
- 69.29. Speed up efforts to achieve Millennium Development Goals on education (Algeria);
- 69.30. Strengthen its steps to improve the quality of education and continue the establishment of elementary and secondary schools in communities that have none (Azerbaijan);
- 69.31. Take operational steps to implement the United Nations Declaration on the Rights of Indigenous Peoples, including the recognition of the right to land and natural resources of all indigenous peoples in Panama (Norway);
- 69.32. Conduct prior consultations with indigenous communities, as required by international standards, in relation to all plans and projects that might affect them, in particular when it comes to large-scale projects such as hydroelectric dams and mining activities and regarding national plans and projects to reduce emissions from deforestation and forest degradation (Norway);
- 69.33. Reinstate the requirement to produce environmental impact studies which take into account the possible impact on the rights of persons living in the affected area for all major projects, especially in indigenous and protected areas, and that these studies are made public (United Kingdom).
70. The following recommendations will be examined by Panama, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011.
- 70.1. Ratify outstanding core international human rights instruments (Slovenia);

70.2. Strengthen its legal arsenal by acceding to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (France);

70.3. Sign and/or ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

70.4. Sign and ratify the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, and ratify the Optional Protocol to the Convention against Torture, as well as the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

70.5. Ratify the following international treaties to which it is not yet a party: the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance (Ecuador);

70.6. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Haiti);

70.7. Ratify Convention No. 169 of the International Labour Organization, concerning indigenous peoples (Brazil and Norway);

70.8. Ratify ILO Convention No. 169, concerning indigenous and tribal peoples, and the Ibero-American Convention on the Rights of Young People (Ecuador);

70.9. Adopt a comprehensive law on the protection of children and young people (Hungary);

70.10. Revise the Constitution, in accordance with the Convention on the Rights of Persons with Disabilities, to avoid the rejection of naturalization for individuals on the grounds of physical or mental disability (Mexico);

70.11. Extend a standing and permanent invitation to the special procedures of the Human Rights Council (Brazil, Chile, Peru and Spain);

70.12. Adopt specific criminal legislation in conformity with article 4 of the Convention for the Elimination of Racial Discrimination (Brazil);

70.13. Harmonize all national legislation and elaborate policies in accordance with the Yogyakarta principles (Norway);

70.14. Revise its criminal legislation, including juvenile justice legislation, so as to reduce the use and length of pre-trial detention for persons under 18, and increase the age of criminal responsibility in accordance with the Convention on the Rights of the Child (Mexico);

70.15. Prohibit all forms of corporal punishment of children (Brazil);

70.16. Make efforts to include in its legislation a prohibition of all forms of corporal punishment of children (Costa Rica);

70.17. Modify the low minimum age for marriage for girls and boys (Nigeria);

70.18. **Make the necessary legislative revisions to clarify Law 14 in order to ensure the right to peaceful assembly for its citizens without fear of reprisals and penalties (Canada);**

70.19. **Lower the amount of workers needed to form a trade union and repeal policies which result in exerting influence over the appointment of union leaders, in order to strengthen the full enjoyment of the right to freedom of association (Netherlands);**

70.20. **Strengthen policies to guarantee the rights of migrants and refugees, under the principle of non-discrimination and non-refoulement (Brazil);**

70.21. **Adopt domestic legislation on refugees in accordance with international standards in this area, providing for due process of law and legal assistance for refugees (Argentina).**

71. **All conclusions and/or recommendations contained in the present report reflect the positions of the submitting States and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

III. Voluntary pledges and commitments

72. During the interactive dialogue, the delegation of Panama put forward the following pledges and commitments:

(a) International law: after the signature of OPCAT last September, the Government had the intention of ratifying it in the near future. In addition, the Cabinet was positively considering the possibility of adhering to the Convention relating to the Status of Stateless Persons and the International Convention for the Protection of All Persons from Enforced Disappearance. The Government was also prepared to consider adhering to the ILO Convention No. 169, on indigenous and tribal peoples;

(b) Universal periodic review follow-up: the inter-institutional commission created to prepare the universal periodic review national report would become a permanent body to follow up on the recommendations resulting from the review. The Ombudsman would participate in the commission, and civil society would be consulted. Civil society organizations could even become members of the commission;

(c) Standing invitation to special procedures: the Government was considering with interest the possibility of extending a standing invitation to the special procedures in the near future.

Annex

Composition of the delegation

The delegation of Panama comprised 21 members:

- H.E. Roxana Mendez, Minister of Government, Chair of the delegation;
- H.E. Meliton Arrocha, Ambassador Extraordinary and Plenipotentiary in Special Mission;
- H.E. Alberto Navarro Brin, Ambassador, Permanent Representative of Panama to the United Nations Office and Other International Organizations in Geneva;
- H.E. Alfredo Castellero Hoyos, Director General of Foreign Policy of the Ministry of Foreign Affairs;
- H.E. Candice Williams de Roux, Ambassador Deputy Permanent Representative of Panama to the United Nations Office and Other International Organizations in Geneva;
- Mr. Tomas Guardia, Director General of International Organizations and Conferences of the Ministry of Foreign Affairs;
- Mr. Vladimir Franco, Director General for Legal Affairs and Treaties of the Ministry of Foreign Affairs;
- Ms. Ana Belfon, Director of Legal Advice of the Ministry of the Presidency;
- Mr. Andres Mojica, Director of Legal Advice of the Judiciary;
- Mr. Mario Molino, Director of Legal Advice of the Ministry of Labour and Labour Development;
- Mr. José Isaac Acosta, National Director of Indigenous Policies of the Ministry of Government;
- Ms. Gina Correa, Director of Legal Advice of the Ministry of Social Development;
- Ms. Yadira Adames, Deputy National Director of Statistics and Census of the Comptroller General;
- Ms. Mariela Vega, Chief of the Department of Human Rights of the Direction General of Legal Affairs and Treaties of the Ministry of Foreign Affairs;
- Mr. Portugal Falcon, Chief of the Department of Social and Humanitarian Development of the Directorate General of International Organizations and Conferences of the Ministry of Foreign Affairs;
- Ms. Irene Abrego, Chief of the Department of the Western Hemisphere of the Directorate General of Foreign Policy of the Ministry of Foreign Affairs;
- Ms. Horzela Williams, Chief of the Department of Human Rights of the Ministry of Public Safety;
- Ms. Diana Coronado, Chief of Governmental Affairs of the Ministry of the Presidency;
- Mr. Alejandro Mendoza, Counsellor, Permanent Mission of Panama to the United Nations Office and Other International Organizations in Geneva;

- Mr. Jorge Felix Corrales, Counsellor, Permanent Mission of Panama to the United Nations Office and Other International Organizations in Geneva;
 - Ms. Grisselle Rodriguez, Diplomatic Assistant of the Permanent Mission of Panama to the United Nations Office and Other International Organizations in Geneva.
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