

Responses to Recommendations

PANAMA

Review in the Working Group: 2 November 2010
 Adoption in the Plenary: 16 March 2011

Panama’s responses to recommendations (as of 11.07.2011):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
71 REC accepted (among which 33 are considered implemented or in the process of implementation); 21 pending	Out of the 21 pending REC, 17 were accepted (among which REC n° 70.1 and 70.7 were considered as “in the process of implementation prior to the UPR”), 1 accepted in part (underlined in blue); 1 rejected and 2 pending	No additional information provided	Accepted: 89 Rejected: 1 No clear position: 0 Pending: 2

List of recommendations contained in Section II of the Report of the Working Group A/HRC/16/6:

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

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

A - 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);

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

- A - 68.4. Consider ratifying Convention No. 169 of the International Labour Organization (ILO) (Chile);
- A - 68.5. Continue its efforts to harmonize its normative framework with its international human rights obligations (Nicaragua);
- A - 68.6. Guarantee its continued compliance with its domestic and international obligations on the legal prohibition of the death penalty (Italy);
- A - 68.7. Better deploy resources, including manpower, to enhance the capacity of the Office of the Ombudsman (Trinidad and Tobago);
- A - 68.8. Intensify programmes aimed at fighting criminality and ensuring respect for human rights (Algeria);
- A - 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);
- A - 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);
- A - 68.11. Consider incorporating strategies for human rights education and training in its educational policies (Costa Rica);
- A - 68.12. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
- A - 68.13. Further strengthen its cooperation with the special procedures (Norway);
- A - 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);
- A - 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);
- A - 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);
- A - 68.17. Take concrete and practical normative and institutional measures to guarantee the rights of Afro-Panamanians (Haiti);
- A - 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);
- A - 68.19. Adopt additional measures to provide security staff and penal and judicial personnel with training on human rights, particularly concerning priority areas (Morocco);
- A - 68.20. Adopt and implement appropriate measures to humanize its penitentiary system in accordance with international standards (Slovakia);
- A - 68.21. Redouble efforts made to prevent and support victims of domestic violence, in particular children and women (Peru);
- A - 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);
- A - 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);

A - 68.24. Pursue ongoing efforts to improve the living conditions of the prison population, especially in terms of vocational training and health care (Algeria);

A - 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);

A - 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);

A - 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);

A - 68.28. Address difficult access to birth registration procedures, particularly for children of African descent, indigenous children and those living in rural and border areas (Nigeria);

A - 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);

A - 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);

A - 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);

A - 68.32. Continue to implement the strategic plan 2010-2014 to increase health coverage for the most vulnerable groups of the population (Colombia);

A - 68.33. Continue to strengthen its efforts in health reform, in particular with regard to primary health care (Bangladesh);

A - 68.34. Create new school structures in the more distant villages and improve the transport system (Uruguay);

A - 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);

A - 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);

A - 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);

A - 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:

A - 69.1. Consider ratifying the Optional Protocol to the Convention against Torture (Chile);

A - 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);

A - 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);

A - 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);

A - 69.5. Adopt a higher standard regarding the protection of women's rights, both in legal terms and in implementation (Hungary);

A - 69.6. Pay more focused attention to the issues of gender discrimination and domestic violence (Trinidad and Tobago);

A - 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);

A - 69.8. Adopt measures to eliminate discrimination against people of African descent and indigenous peoples (Argentina);

A - 69.9. Take appropriate measures to abolish the practice of pregnancy tests as a requirement for access to employment (Slovenia);

A - 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);

A - 69.11. Implement fully and immediately measures of protection for victims of domestic violence (France);

A - 69.12. Adopt legislation and strengthen action plans addressing the serious phenomenon of femicide and gender-based violence (Norway);

A - 69.13. Endeavour to incorporate femicide as a crime in its penal legislation, in line with the bill introduced (Costa Rica);

A - 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);

A - 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);

A - 69.16. Investigate thoroughly the Bocas del Toro Case (Germany);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 69.22. Reconsider seriously its policy towards the use of pre-trial detention, and ensure that this policy is effectively implemented and enforced (Netherlands);

A - 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);

A - 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);

A - 69.25. Consolidate poverty reduction programmes, as Panama is on track to meet Millennium Development Goal 1, related to extreme poverty (Algeria);

A - 69.26. Draw up an effective and appropriate policy framework and institutional mechanism to fight hunger, food insecurity and inequality in income distribution (Bangladesh);

A - 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);

A - 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);

A - 69.29. Speed up efforts to achieve Millennium Development Goals on education (Algeria);

A - 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);

A - 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);

A - 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);

A - 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.

A - 70.1. Ratify outstanding core international human rights instruments (Slovenia);

A - 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);

A - 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);

A - 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);

A - 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);

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

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

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

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

A - 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);

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

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

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

P - 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);

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

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

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

R - 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);

A - 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);

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

A - 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).

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