

## Universal Periodic Review

(22<sup>nd</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

#### Panama

#### I. BACKGROUND AND FRAMEWORK

##### **A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i> <i>dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	10/08/1967, Acceptance	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	03/03/1978, Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	20/08/2004, Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	22/01/2007, Ratification			Right to take part in cultural life

**II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

**Right to education**

**Constitutional Framework:**

2. “[...] The Constitution of the Republic of Panama<sup>1</sup> states, under Title III “Individual and Social Rights and Duties”, Chapter 1 “Fundamental Guarantees”, **Article 19**: “There shall be no public or private privileges, or discrimination, by reason of race, birth, social class, gender, religion or political ideology”. Moreover, the Constitution, under Chapter 5 “Education”, indicates clearly in **Article 91**: “Everyone has the right to education and the responsibility to educate themselves, [...] education is democratic and founded on principles of human solidarity and social justice”. Thus, it is established in **Article 95** that: “Formal education is free at all pre-university levels. Primary level or basic general education is compulsory. Free education requires that the State provide students with all the tools necessary for learning while completing their basic general education.” The Constitution of the Republic of Panama also states, under **Article 106**: “Exceptional students of all types shall be afforded special education based on scientific research and educational guidance”. Under **Article 108**: “The State shall develop programmes for the education and advocacy of indigenous groups as they have their own cultural patterns, so as to ensure their active participation as citizens”.<sup>2</sup> **Article 56** states that “the State will [...] grant the right to [...] education”<sup>3</sup>.

**Legislative Framework:**

3. The legislative framework of Panama is composed of:

- i) “**Law No. 2 of 30 January 1984** incorporating the study and systematic teaching of Human Rights in the Education System Panameño.
- ii) **Resolution No. 2701-September 14 of 1990** establish[ing] the promotion and teaching of human rights in the national education system. [...]
- iii) “[...] **Law No. 34 of July 1995**, modifying **Organic Law No. 47 on Education**, which in its Article 1 stipulates that “*education is a right and a duty for the human person, without distinction of age, ethnicity, gender, religion, economic or social status or political ideology*”. [...] **Article 10** [states] that the objectives of Panamanian education are, among others: 4. To encourage the development of attitudes in defence of the standards of justice and equality of individuals, through knowledge of and respect for human rights. 15. To ensure the development of a social conscience in support of peace, tolerance and dialogue as a means of understanding among human beings, peoples and nations. 16. To reaffirm ethical, moral and

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<http://www.unesco.org/education/edurights/media/docs/8e836c42e8373ec8287ff0a5ae9fdd5de394afa7.pdf>

<sup>2</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 1

<sup>3</sup> Unofficial translation

religious values in the framework of respect and tolerance among human beings. **Article 11** of the aforementioned Law states that “education for indigenous communities is based on their right to preserve, develop and respect their identity and cultural heritage”. Furthermore, **Article 12** stipulates that “the education of indigenous communities is part of the general principles and objectives of the national education system and takes place in accordance with the characteristics, objectives and methodology of intercultural bilingual education”. Moreover, **Article 13** states: “Panamanian education is characterized by being democratic, progressive, participatory and pluralistic; proactive and inclusive; free and fair; comprehensive and innovative; creative and civilian. It practices interdisciplinary multiple work and work-study for educational purposes; it is guided by logical principles and is able to evaluate its management on an ongoing basis”. “Educational institutions of a discriminatory nature shall not operate in the territory of the Republic of Panama.”<sup>4</sup>

- iv) The **Law No.2 of 14 January 2003**<sup>5</sup> established compulsory instruction of English language in primary and secondary levels of education.<sup>6</sup>
- v) The **Law No. 40 of 1 December 2005** created the International Shipping University of Panama. The **Organic Law No. 24 on the University of Panama of 14 July 2005**<sup>7</sup> established that the University of Panama has to grant quality and relevancy of higher education as well as to recognize title and grades (Article 45).
- vi) The **Law No. 30 of 20 July 2006**<sup>8</sup> created the national System of evaluation and accreditation in order to improve the quality of higher education in university. This Law also created the National Council of University Evaluation and Accreditation.
- vii) **Executive Decree No. 178 of June 14, 2007** creat[ing] the National Commission for Development and Strengthening Education in Morality, Moral. Spiritual and a Culture of Lawfulness.
- viii) **Executive Decree No. 596 of November 17, 2008** declar[ing] November 18 as" National Day of the ethical and moral values."<sup>9</sup>
- ix) **The Decree 944 of 21 December 2009**<sup>10</sup> **on curriculum transformation** ("Por el cual se implementan experimentalmente nuevos planes y programas de estudios en el Segundo nivel de enseñanza o educación media").
- x) A legislation of 2010 recognized the right of indigenous people to bilingual and intercultural education.<sup>11</sup>

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<sup>4</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, pp. 1-2

<sup>5</sup> <http://docs.panama.justia.com/federales/leyes/2-de-2003-jan-16-2003.pdf>

<sup>6</sup> World Data on Education, seventh edition, 2010/11,  
[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Panama.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Panama.pdf)

<sup>7</sup> [http://www.asamblea.gob.pa/APPS/LEGISPAN/PDF\\_NORMAS/2000/2005/2005\\_542\\_2096.PDF](http://www.asamblea.gob.pa/APPS/LEGISPAN/PDF_NORMAS/2000/2005/2005_542_2096.PDF)

<sup>8</sup> <http://docs.panama.justia.com/federales/leyes/30-de-2006-jul-25-2006.pdf>

<sup>9</sup> Panama Report submitted for the Fourth Consultation on the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (2005-2008), 2009, pp. 1-2

<sup>10</sup> <http://www.laestrella.com.pa/mensual/2010/02/25/pdf/decreto944.pdf>

## **Institutional Framework:**

4. According to report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011) of 2012 by Panama the following are institutional innovations: “The national Government, through the Ministry of Education (MEDUCA), is carrying out the following programmes: **Peer education**: whereby each teacher leader multiplies knowledge gained so that at the regional level 100% (40,000) of formal and special education schools are reached in order to develop learning resources that will enable students to implement and integrate curricular content in solving real problems that affect their environment using the resources available on the Ministry of Education website “*Educa Panamá*”. Other innovative projects enable young people to become agents of change in their respective provinces, using their own initiative, effort and organization to carry out activities with the themes of values, dignity, virtue and self-esteem as well as fighting all forms of discrimination, such as **school debating societies** (*Club de Debates Escolares*) and the **Leaders Leaving Footprints project** (*Líderes Dejando Huellas*).”<sup>12</sup>

## **Policy Framework:**

### **1. Inclusive Education**

#### **A) Students with special needs**

5. “The Ministry of Education through the National Directorate of Special Education has identified the construction of **Schools for All**, the following strategies: Training on Inclusive Education Policy and the Center for Inclusive Education Regional Directors and Regional Supervisors; Training in the “Inclusive School” to all heads of schools that are part of the plan; Appointment of special education teachers; Appointment of experts by region, for the schools of the Plan; Installation of the educational support services that is the figure of the special education teacher, psychologist, social worker, speech and accompanying teachers and teaching degree in education of students; Continuing training for teachers, focused on the reality of school and type of students with disability status and educational needs. This effort involves the IPHE.”<sup>13</sup>

6. “[C]and monitoring is given to pupils with disabilities and special educational needs, as well as to visually impaired pupils in the **Louis Braille Centre**; diagnosis and assessment of autism; and the detection of highly gifted students, without any kind of discrimination in teaching.”<sup>14</sup>

#### **B) Students from minority groups**

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<sup>11</sup> Committee of the Rights of the Child,

<http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.PAN.CO.3-4.pdf>

<sup>12</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 2

<sup>13</sup> Panama Report submitted for the Fourth Consultation on the implementation of the 1974 UNESCO Recommendation **concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms** (2005-2008), 2009, p. 11

<sup>14</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 3-5.

7. In regard with languages in education, “[...] the country recognizes major strategies of human rights education such as the provision of bilingual intercultural education, [...] the creation of the **National Directorate of Indigenous Education and District** and the use of mother tongue as first language in these villages.”<sup>15</sup>

**i) Quality education**

8. “*Telebasica* is a programme developed nationwide. It [...] served by [...] in general basic education institutions which were equipped with school furniture, TV equipment and DVDs. **Committee for the Elimination of Child Labour and the Protection of Working Minors (CETIPPAT)**. This programme contributes to the prevention and elimination of child labour [...]”<sup>16</sup>

**ii) Curriculum**

9. “With regard to the matter of education quality, action has been taken to make **curricular changes** in secondary school education and to update the curriculum in general basic education. [...] The aims of the curricular changes are: 1. Development of a new educational model. 2. Comprehensive education of students in values, attitudes and skills. 3. Training teachers to apply the competency-based education model. [...] Under this pilot scheme to make curricular changes a **project is being run to equip education institutions nationwide**, providing for the supply, installation and training in the use of equipment. [...] Agreements have also been signed with other institutions and private companies to develop joint programmes and action in the field of training, research and curriculum development to improve the students’ learning process. [...] Regarding the quality of education, the curricular proposal contextualized in bilingual intercultural education, consists in developing and implementing contextualized curricula that incorporate bilingual intercultural education, targeting in particular the Ngöbe, Buglé, Emberá, Embera-Wounaan and Kuna indigenous people. These contextualized curricula are being validated to ensure quality education with equity for the indigenous population.”<sup>17</sup>

**iii) Financing of education**

10. “The Fund for the Quality and Equity of Education (**FECE**) is constituted with 27% of the tax levy of education insurance. The Fund finances the operating and administrative costs of schools (80%) and the training of teachers (20%) of Panama’s formal schools. For 2011, **FECE** allocated 20,836,830.00 Panamanian balboa, which benefited 694,561 students of 3,237 schools nationwide.”<sup>18</sup>

11. In addition, “[...] the Government is also concerned about aspects regarding food aid and that is how several programmes are run, without taking into account any discriminatory attitudes, including: **SCHOOL MEALS**: focusing on offering a nutritious snack to all students who attend official pre-schools and primary schools daily.[...] Other projects also

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<sup>15</sup> Panama Report submitted for the Fourth Consultation on the implementation of the 1974 UNESCO Recommendation **concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms** (2005-2008), 2009, p. 4

<sup>16</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, pp. 3-5.

<sup>17</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, pp. 2-3.

<sup>18</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 11.

developed to support school meals are: **School gardens and farms** – school production programme; **I like eating healthily** – food and nutrition education programme.”<sup>19</sup>

**iv) Gender equality**

12. “The country aims at “[...] institutionaliz[ing] Gender Equality and eliminate [ing] sexist language in textbooks and educational documents [...]”<sup>20</sup>

**v) Non formal education**

13. “In the field of non-formal education, the following three programmes have been established for coverage in marginalized urban, rural and indigenous communities, where no day nurseries exist, to address the educational needs of children under six years old:

- A) **Early education family and community centres (CEFACED)** offer non-formal early education to children aged four to five in the marginalized urban and rural areas of the 13 educational regions, including indigenous peoples and areas. [...]
- B) **Early education at home (EIH)** offers educational services to children under six living in scattered communities. It is aimed at families in rural and indigenous areas, to act as educational agents of the children. It is led by one of the mothers who is chosen by the participants based on a profile, trained and supervised and referred to as the lead mother. [...]
- C) **Community education centres (CEIC)** open up opportunities and improve the learning conditions for children aged four to five. The programme is covered by an education promoter proposed and selected by community members and fitting the profile established by Panama's Ministry of Education, working in a multi-grade classroom with a minimum age of seven and a maximum age of fourteen. [...]
- D) **Accelerated Primary Education (EPA)** is aimed at children and adolescents aged nine to fifteen, two or more years older than the school year that they should be studying in, who have left school or have not entered the mainstream subsystem. [...] In the same way, many other programmes are designed to fight against and eradicate discrimination and to promote the **education of young people and adults**, which offers educational opportunities for those who have not completed primary and secondary school, through modalities, part-time attendance and distance-learning. [...] Post-literacy education, adult primary education, Tele-Education, the “*Tecno educame*” programme, “*Aula Mentor*” distance learning programme, higher education, widespread English language teaching, as well as the consolidation of bilingual education in the territories of the Gunas in Panama and adult literacy with a focus on intercultural bilingual education show the great importance that the Panamanian Government attaches to using education to break the barriers of discrimination in education.”<sup>21</sup>

**Cooperation:**

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<sup>19</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 5

<sup>20</sup> Panama Report submitted for the Fourth Consultation on the implementation of the 1974 UNESCO Recommendation **concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms** (2005-2008), 2009, p. 9.

<sup>21</sup> Unofficial translation, Panama Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, pp. 3-5

14. Panama is **party** to the 1960 UNESCO Convention against Discrimination in Education since 10/08/1967.

15. Panama did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)

16. However, Panama reported to UNESCO within the framework of the **Eighth Consultation** of Member States (covering the period 2006-2011).

17. Panama reported to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation **concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the Fourth Consultation** of Member States (covering the period 2005-2008). However, it did not report within the framework of the **Fifth Consultation** (covering the period 2006-2011).

18. Panama did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** (1993). However, it did report within the framework of the **Second Consultation** (2011).

19. Panama is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

#### Constitutional and Legislative Framework:

20. Freedom of opinion is guaranteed by the Panama Constitution (2004) under Title II Article 37.<sup>22</sup>

21. Defamation against high ranking officials remains a criminal offense under the Panama's Penal Code but is not subjected to penal sanctions since 2008.

22. There is a freedom of information law in Panama. The law on transparency in public administration came into effect in 2002.<sup>23</sup>

#### Media Self-Regulation:

23. Media self-regulatory mechanisms exist in Panama through the National Press Council.

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<sup>22</sup> <http://www.wipo.int/edocs/lexdocs/laws/es/pa/pa019es.pdf>

<sup>23</sup> <http://www.legalinfo-panama.com/legislacion/administrativo/00195.pdf>

## Safety of Journalists:

24. UNESCO recorded no killing of journalists in Panama between 2008 and 2013. Journalists generally work in a safe environment.

### **III. RECOMMENDATIONS**

#### **Right to education**

25. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

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

- i) A - 68.11. Consider incorporating strategies for **human rights education and training** in its educational policies (Costa Rica);
- ii) A - 68.34. Create **new school structures** in the more distant villages and **improve the transport** system (Uruguay);
- iii) 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);
- iv) The following recommendations enjoy the support of Panama, which considers that they have already been implemented or in the process of implementation:
- v) 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);
- vi) 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);
- vii) A - 69.29. Speed up efforts to achieve **Millennium Development Goals** on education (Algeria);
- viii) 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);

#### 27. **Analysis:**

Panama has adopted plans to ensure education for Indigenous people. In addition, measures have been taken to enhance inclusive education for students with disabilities. However, according to available information, Panama did not take sufficient measures to improve the transportation system and to build new structures.

#### 28. **Specific recommendations for the second UPR cycle:**

28.1 **Panama is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.**

28.2 **Panama could be encouraged to further promote human rights education.**



**28.3 Panama could be encouraged to enhance access to education improving transportation means and educational structures.**

**28.4 Panama could be encouraged to further eliminate social discrimination in the educational system.**

### **Freedom of opinion and expression**

29. Panama is recommended to fully decriminalize defamation and place it within a civil code that is in accordance with international standards<sup>24</sup>.

### **Cultural rights**

30. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Panama is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Panama is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

31. With regard to contribution of science and technology to development, Panama is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

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<sup>24</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87<sup>th</sup> Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.