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Panama

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I. Introduction

1. The promotion and protection of human rights is accorded priority in the political system of Panama, and international standards for the promotion and protection of human rights have constitutional rank.
2. Panama attaches great importance to meeting its human rights obligations and cooperates closely with international monitoring mechanisms. It submits periodic reports to the United Nations human rights treaty bodies, under the treaties to which it is a State party, and to the special procedures of the Human Rights Council, which have a standing invitation to visit the country.
3. In that context, and pursuant to Executive Decree No. 7 of 2012, the State set up a national standing committee on compliance with and follow-up to the national and international human rights commitments of Panama. The committee verifies and monitors the implementation of international obligations arising from the universal and Inter-American systems for the promotion and protection of human rights.
4. During the preparation of the national report for the third cycle of the universal periodic review, the members of the national standing committee agreed to terms of reference for the collection of accurate information on human rights achievements and challenges and on the implementation status of the recommendations accepted in May 2015 and their links with the 2030 Agenda for Sustainable Development. These recommendations were forwarded to the relevant institutions with a request to report on their implementation.
5. The Government of Panama considers that the universal periodic review is an ideal opportunity for States, national institutions, independent institutions and civil society to hold a constructive dialogue on the actual implementation of human rights. The review's fundamental characteristics of universality and periodicity are conducive to an objective assessment in an atmosphere of respect and cooperation between States.
6. Citizen participation has become a central element in the drafting of public policies designed to strengthen and democratize institutions while taking account of every dimension of each process.

II. Strengthening legislation and institutions

7. The Panamanian Government reaffirms its commitment to complying with the 2030 Agenda¹ and to addressing the need to develop indicators that will allow for the formulation and evaluation of public policies to further the country's development.
8. It recognizes that to meet the goals and targets set forth in the 2030 Agenda, it must promote a comprehensive public policy that takes account of rights from the perspectives of culture and identity, political and economic organization and social conditions.
9. To achieve this, the 74 public policies must take full account of rights, which provide the normative framework for policies, and the following factors; territorial and demographic factors (dealing with gaps, hardships and longstanding and emerging needs in old and new settlements); cultural factors (participation and relevance); socioeconomic factors (the correlation between poverty, exclusion and inequality); and human development factors.
10. The Sustainable Development Goals have been introduced into public policies either directly or as cross-cutting issues, as appropriate, with input from government bodies, civil society, the private sector and international institutions. However, although significant progress has been made, the involvement and cooperation of all sectors of Panamanian society needs to be further strengthened in order to pursue national development within the framework of the Goals.
11. In 2017, Panama adopted the Multidimensional Poverty Index,² which is based on the Alkire-Foster method. The Panamanian Index is comprised of 17 indicators spread over five dimensions that represent the needs of households and persons living in poverty. These dimensions are education, housing, the environment, employment and health. Two reports

have been drawn up using the Index. The first voluntary national review of Panama gives an account of the actions undertaken to meet the targets established in the Sustainable Development Goals.

12. The National Council on Gender Parity³ promotes and generates spaces for coordination between government actors, the private sector and non-governmental organizations working towards equity between men and women. Its aims to include promoting women's inclusion in the workplace, reducing the gender wage gap and encouraging women, especially girls, adolescents and young women, to study for and enter the professions that the economy needs most.

13. In order to strengthen State policies designed to enhance public safety through measures that contribute to preventing and reducing violence, particular emphasis has been placed on the social prevention of violence and crime through the establishment of a boarding school as part of the "Finding the Right Path" (Encontrando el Camino Correcto) programme: this is a direct prevention mechanism designed to provide greater opportunities for young people in Panama.

14. In 2017, the Government established a national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment,⁴ which operates independently and is attached to the Ombudsman's Office. This mechanism has conducted 23 visits to places of detention within the State's jurisdiction and control, including a temporary humanitarian assistance station for vulnerable migrants, for the purpose of submitting reports containing recommendations to the competent authorities.

15. The adversarial criminal justice system⁵ was introduced in four phases in 2011, 2012, 2015 and 2016. The rules of this new justice system now apply to the whole territory and the adoption of the principle of orality means that criminal cases are dealt with more quickly. The management model for prosecutors' offices that work on cases under the adversarial criminal justice system was revised and updated as the new system was phased in.

III. Promotion and protection of human rights

A. Civil and political rights

1. Autonomy of peoples

16. The Constitution contains provisions that protect the rights of indigenous peoples, their social identity and their territorial autonomy; State actors are required to coordinate actions with the indigenous authorities by holding consultations.

17. To guarantee respect for the rights of indigenous peoples, indigenous regions (*comarcas*) have their own judges and prosecutors who are responsible for dealing with cases that are registered within their jurisdiction.

2. Right to life

18. As a State party to the American Convention on Human Rights and the International Covenant on Civil and Political Rights and its optional protocols, Panama guarantees respect for the right to life to every person. One direct consequence of this right is the requirement that the State provide effective health care, with the aim of preserving human life and preventing death from being seen as permissible or authorized. Article 30 of the Constitution establishes that there is no death penalty in Panama and therefore no such penalty has ever been applied.

19. Homicide and femicide are offences under the Criminal Code and are punishable by 10 to 30 years' imprisonment, the higher sentence being applicable if the victim is a close relative or person under the guardianship of the perpetrator, a child aged 12 or under or an adult aged 70 or above, or if the death results from an act of domestic violence, racism or discrimination.

20. Induced abortion is a criminal offence carrying penalties that range from 1 to 10 years' imprisonment, depending on the circumstances, and that are increased by one sixth if the person guilty of inducing the abortion is the woman's husband or partner.

3. Access to justice

21. In Panama, any individual arrested for reasons or in a manner other than those prescribed by the Constitution or by law may be released if they or another person apply for a writ of habeas corpus. Such an application can be submitted to a court immediately after arrest, regardless of the applicable penalty.

22. Alternative means of conflict resolution are applied in both the administrative and the ordinary justice systems. The National System of Community Judicial Facilitators, which serves as a link between citizens and the judiciary, is still active. The System is composed of community volunteers under the supervision of municipal judges. It has a presence in 81 per cent of districts and has a total of 850 judicial facilitators, of whom 490 are women and 360 men.

23. Oral proceedings were introduced in family courts in 2018, with the purchase of audio and video equipment and the training of justice officials. The court's decision can now be made known to persons involved in administrative proceedings at the time of the hearing, reducing the duration of the proceedings. As of January 2020, 73 per cent of family courts follow this practice.

4. Right to information and privacy

24. The remedy of habeas data is enshrined in the Constitution: "Any person may file a petition for a writ of habeas data with a view to guaranteeing the right of access to personal information contained in databases or official records, or in private records if the latter are held by businesses providing a service to the public or information services."⁶

B. Economic, social and cultural rights

1. Health

25. The Government is pursuing a health promotion strategy in the area of prevention, in partnership with agencies of the United Nations system and of the Organization of American States, in order to ensure the timely supply of antiretroviral drugs and adherence to treatment.

26. Health services have been free for children under 5 years of age since 2005.⁷ In 2016,⁸ HIV and syphilis diagnostic tests and treatment were made free of charge for the entire population. Programmes and policies on primary and comprehensive health care are currently being rolled out, including: the Water and Environment Programme; the Child Nutrition Programme; the Basic Sanitation Project 100/0; plans for the reduction of maternal mortality and of child malnutrition; and the policy to prevent sexually transmitted diseases.

27. In terms of improving the delivery of health services and access to them, since 2016 the Integrated Health Service Network Programme has been implemented in 12 of the 15 health regions, covering approximately 550,000 beneficiaries; the services are prioritized according to a life-course approach, and include comprehensive health promotion and disease prevention services.

28. The Rural and Indigenous Water and Sanitation Programme continues to be implemented in specific indigenous and rural areas in order to increase access to drinking water and adequate sewage disposal, and to improve the quality of these services. The specific objectives are: (i) to rehabilitate, expand and build water systems and individual sanitation solutions; (ii) to contribute to the sustainability of water and sanitation systems through community development and the strengthening of rural water management boards and the indigenous regions' water and sanitation commissions; and (iii) to strengthen the Ministry of Health, at the central level and in local and regional health offices located in the programme's target area, in its role as supervisor and technical adviser on rural water and sanitation issues.

2. Education

29. The National Directorate for the Curriculum and Educational Technology of the Ministry of Education includes and promotes human rights content in the education system through a component that is mainstreamed across educational provision, in social science subjects and in values, ethics and civics, as well as in summer training courses aimed at all teachers.

30. Workshops on gender and the prevention of violence are organized in indigenous regions, the contents and outcomes of which have benefited more than 600 students, teachers and parents. Teachers received specialized training on gender, women's rights and violence prevention, and teaching materials were supplied to teachers in 42 schools.

31. The Permanent Multisectoral Council for the Implementation of the National Commitment for Education⁹ has mechanisms to ensure citizen participation and accountability for the results achieved under the National Commitment for Education and in pursuit of the Sustainable Development Goals. During its first year of activity, it has helped analyse the impact of existing programmes.

32. The Council prioritizes five public policies, including: the establishment of a comprehensive, autonomous, scientific, technical and independent public evaluation system to measure the performance of the education system and promote continuous improvement in the quality of all education system actors; the establishment of a decentralized, public and social management model, with citizen participation; and the creation of a national training system centred on teaching qualifications.

33. The Government promotes training and community outreach for the entire population, including the indigenous and Afrodescendent communities, on topics such as respect for the rights of women, adolescents and girls and the early detection of all manifestations of violence against women. More than 40 awareness days were held in 2018 and 75 in 2019 on three specific topics: gender and the prevention of violence against girls, adolescents and women; the promotion of human rights; and the promotion of healthy lifestyles.

34. In view of the principle of non-discrimination enshrined in the Education Act, information on human rights, equality and non-discrimination has been included in the official curriculum at every educational level.

35. Since 2007, the National Directorate of Bilingual Intercultural Education has implemented targeted measures such as mother-tongue instruction in reading and writing; nutrition programmes; an early childhood care programme; the publication of books and materials in indigenous languages; and flexible educational provision for indigenous communities.

36. The aim of the recently adopted "Study without Hunger" programme¹⁰ is to guarantee adequate food for students in State schools, prioritizing the communities with the greatest needs. The NURA project, implemented by the National Directorate of Nutrition and School Health in the Ngobe Buglé region, provides schoolchildren with lunches, taking cultural preferences into account. The food is purchased from local producers so as to boost the local economy.

37. For more than two decades, Panama has been implementing the Complementary School Meals Programme, which consists in the distribution of a snack (fortified semi-skimmed milk or enriched cream dessert and a nutritionally improved biscuit) to all students in State schools throughout the country, during the school day.

3. Work

38. Since Panama ratified the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), the list of the worst forms of hazardous labour has been expanded.¹¹ Domestic service and agricultural activities are now included in this list.

39. The Directorate for Combating Child Labour and Protecting Adolescent Workers ensures that no work permits are issued to children between the ages of 12 and 14 for agricultural and domestic activities. Work permits are issued to adolescents aged between 14 and 17 only for activities that are not considered hazardous for them. About 100 work

permits are granted each year for activities that are permitted and regulated by the Ministry of Labour and Workforce Development.

40. In recent years, men and women have been trained to promote decent work; the training has been aimed particularly at rural workers, artisans and the trade union in the banana industry, with a view to strengthening their capacity to develop people's skills. Between 2014 and 2019, this training was provided to 5,616 people (872 men and 4,744 women).

41. In 2016 and 2019, the ILO Committee of Experts on the Application of Conventions and Recommendations reported that Panama had made progress in the application of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The committee on freedom of association and collective bargaining, established under the Tripartite Agreement of Panama, is responsible for compliance with obligations in this regard. Between July 2014 and June 2019, a total of 567 petitions were processed and 387 collective bargaining agreements were registered that benefited 249,634 workers.

42. Executive Decree No. 53 of 2002, which regulates equal opportunities for women, states that it is discriminatory for employers to request that women undergo a pregnancy test when applying for a job.

43. The judiciary has an institutional policy on gender and access to justice, one of the objectives of which is to guarantee women's equal enjoyment of labour rights. As of January 2020, the judiciary has 505 judges and magistrates, 41.2 per cent of whom are men and 58.8 per cent women. The Public Prosecution Service has 294 prosecutors, of whom 173 are women and 121 men.

44. The National Assembly is composed of 71 deputies – 57 men and 14 women – and 71 alternates, 30 of whom are women. Half of Electoral Tribunal staff are women.

45. The Government has implemented social policies and programmes to improve people's quality of life. It has defined a minimum wage policy framework under which the minimum wage is reviewed every two years. It has also introduced measures to increase employment opportunities and reduce poverty, through the work of the Labour Market Intelligence Unit, which tracks market needs.

46. The State has promoted cross-cutting social policies designed to integrate minorities into the labour market through plans such as the Inter-institutional Youth Strategic Plan 2014–2019 and investment projects for the implementation of public policies for indigenous peoples, for social integration and poverty reduction, and for the benefit of older persons. Successive governments have maintained these investment projects.

4. Quality of life

47. Economic assistance is provided through conditional cash transfer programmes to 196,200 households living in poverty and extreme poverty in the country's most vulnerable regions. Since 2019, these programmes have been strengthened by a targeted social mobility strategy based on the promotion of entrepreneurship and financial education so that families can support themselves.

48. Since 2019, the Beehive Plan has been implemented as the main strategy for combating inequality and extreme poverty. Through this targeting strategy, the provision of public services is channelled in a coordinated manner to the 300 poorest administrative districts (*corregimientos*) in the country. The strategy consists in coordinating different central and local government entities in order to strengthen institutional services on the ground, prioritizing needs, strengthening the social fabric and building capacity.

49. The National Physical Medicine and Rehabilitation Institute has comprehensive rehabilitation centres in all provinces for the decentralized provision of care; these centres have multidisciplinary teams for the rehabilitation of persons with disabilities, with an emphasis on early childhood. Panama also has a new Specialized Institute of Comprehensive Neurodevelopment, which is the national reference for early detection and intervention in respect of pathologies that cause disability; as a primary care provider, it is also responsible for the early identification of children at risk of neurodevelopmental disorders.

IV. Specific groups

A. Women

50. Legislation and national policies include Act No. 7 of 2018 concerning measures to prevent, prohibit and punish discriminatory acts, among other provisions; Executive Decree No. 100 of 2017, which regulates Act No. 82 of 2013; and Act No. 73 of 2015 amending Act No. 38 of 2001 on domestic violence. Other public policy instruments include the Action Plan on Equal Opportunities for Women 2016–2019; the national protocol for the comprehensive care of women victims of intimate partner violence; and the protocol for the detection, identification, assistance and protection of trafficking victims in Panama, adopted by the victim identification and assistance unit of the National Commission against Trafficking in Persons.

51. Through inter-institutional coordination efforts, the National Institute for Women (INAMU) has established a presence in 10 provinces and indigenous regions, thus increasing its geographical coverage and expanding prevention and protection activities for women at its 14 centres and 2 national shelters for women at high risk of domestic violence.

52. The Institute's centres provide legal and psychological support and assistance from social workers to guide and support women during the legal process, to direct them to shelters when required and to offer them new opportunities. The services provided are confidential and free of charge. The Institute has the 182 free helpline, which offers counselling for women whose rights have been violated, while the National Police has a specialized service for dealing with gender violence, composed of approximately 190 police officers in 19 police zones.

53. The Institute has set up the "DATA INAMU" information system, which is the first register of its kind to enable the profile of an attacker to be established and information on female victims of violence to be automatically categorized. It has carried out the women's rights campaigns "Count Me In" (Yo me sumo), "It's In Your Hands" (Está en tus manos) and "It's Up To All Of Us" (A todos y todas nos toca). Communication and information tools have been adapted so as to be accessible in indigenous languages.

54. Panama has a gender equality seal for the private and public sectors, the purpose of which is to increase the number of women in decision-making positions and to eliminate the wage gap between men and women.

55. In the context of the programmes and plans that the State has put in place as part of the decentralization process, and in compliance with Act No. 16 of June 2016 establishing community justice, the National Institute for Women and the National Secretariat for Decentralization organize training workshops for justices of the peace on the prevention of violence against women. Similarly, the multidisciplinary team of the judiciary's Prevention and Family Guidance Centre is being trained to address violence against women, including the risk factors linked to intimate partner violence, in a holistic manner.

56. The Higher Institute of the Judiciary of Panama and the Clara González de Behringer School, in coordination with the Gender and Access to Justice Unit and the Directorate of Human Rights of the National Institute for Women, have made great efforts to develop expertise among those working in the judiciary, including public defenders, victims' lawyers, judges and prosecutors. Training activities were carried out in 2019.

57. The Higher Institute of the Judiciary offers an advanced judicial training course which covers the subject of inclusive justice, including gender and access to justice. The training is aimed at strengthening participants' competence in the field of human rights.

58. The Brasilia Regulations regarding Access to Justice for Vulnerable People were amended and updated at the Ibero-American Judicial Summit in 2018. Panama is one of the six members of the Monitoring Committee which oversees the implementation of the Regulations in Ibero-America.

59. A network of governmental mechanisms promotes the public policy on equal opportunities for women and establishes strategies, targets, goals and specific actions to consolidate achievements and make sustained progress towards full equality. The network is composed of 44 institutions.

60. Regarding the promotion of women's economic autonomy and decision-making, the National Council on Gender Parity adopted the action plan of the Gender Parity Initiative, which includes commitments to improve the employability and employment of young and socioeconomically vulnerable women; to help girls and young women acquire the skills that will facilitate their integration in digital transformation processes and their access to the jobs of the future; and to promote and encourage female entrepreneurship.

61. Following the reform of 2017, women's political participation is regulated in such a way as to ensure that at least 50 per cent of candidates on nomination lists for political parties' internal elections (but not general elections) are women. Political parties must nominate a minimum number of female candidates and in a proportion such that they have a chance of being elected. Lists that fail to meet the requirements will not be accepted.

62. The 2017 reform also resulted in other important advances in women's political participation, namely the recognition of the National Forum of Women Members of Political Parties as a permanent advisory body of the Electoral Tribunal and the requirement that political parties provide for the formation of a secretariat for women or equivalent body within their structure, conferring upon it the powers set forth in the Electoral Code and its regulations and in their party statutes.

63. The Institute of Democratic Studies of the Electoral Tribunal carries out various training activities on different topics, including electoral issues, and runs electoral civic education programmes on an ongoing basis throughout the country, in order to comprehensively promote democratic values.

64. In 2018, the Institute created a gender equality office, whose strategic goals include the promotion of legal and institutional mechanisms that ensure women's participation and leadership in the political and civic activities undertaken by local and national government authorities and political parties.

65. The Gender and Access to Justice Unit of the judiciary drafted, and monitors compliance with, the institutional policy on access to justice and gender. It also ensures compliance with the public policy on equal opportunities for women, where the policy touches upon matters pertaining to the judiciary.

66. The judiciary's Department of Legal Aid for Crime Victims offers free legal assistance to women victims of violence, regardless of their socioeconomic status. In 2015, it had 10 defence lawyers; by January 2020, that number had risen to 72, covering all provinces. Free legal assistance is provided not only during the initial stages of proceedings, but up to the sentence enforcement phase. The assistance provided to victims may take the form of guidance, support during hearings or formal representation in criminal proceedings.

67. Units for the protection of victims, witnesses and other participants in criminal proceedings provided assistance and care to 98 victims of suspected crimes against humanity or trafficking in persons. Most of these cases, including those that were the subject of investigations opened before 2019, related to the trafficking for sex of foreign, particularly Colombian, women.

68. The psychological services provided to victims range from counselling and sessions with a psychologist to help in navigating a crisis, support during hearings, organizing transport to the airport and follow-up. Social work services include the provision of accommodation, food, travel expenses, transport, relocation, support in dealing with government bodies and legal issues, information on rights and obligations, and victim support and follow-up.

69. In 1997, a gender quota was introduced in Panamanian electoral law with the stipulation that in their internal elections, political parties would ensure that at least 30 per cent of candidates for party positions and nominations to run for elected office were women. In 2012, it was decided that at least 50 per cent of candidates for internal elections, primaries and nomination lists must be women. This and other factors have contributed to the increase in women's political participation.

70. A legislative amendment of 2017 established that at least 50 per cent of candidates on nomination lists for political parties' internal elections (but not general elections) must be women. Political parties must nominate a minimum number of female candidates and in

a proportion such that they have a chance of being elected. Lists that fail to meet the requirements will not be accepted.

B. Children and adolescents

71. The Government has applied the Multidimensional Poverty Index adopted in 2017 to the child population so that it can focus public policies for the protection of children's and adolescents' rights on efforts to reduce the social gaps that impact their comprehensive development, particularly in indigenous areas and areas of greater social vulnerability. The Child Multidimensional Poverty Index indicates that 453,837 children are living in multidimensional poverty, of whom 263,784 (58.1 per cent) are below the age of 9 years. It has been observed that multidimensional poverty is three times higher in the indigenous regions than in the provinces. These data show the need for increased efforts to ensure that children's living conditions are favourable to their development; they also inform policymaking for the comprehensive protection of infants, children and adolescents.

72. In 2018, Panama adopted the National Strategy for the Prevention of Violence against Children and Adolescents 2018–2022, which is structured as five components in keeping with the ecological model for addressing violence; it is also aligned with the Sustainable Development Goals, specifically targets 4.2, 5.2, 8.7 and 16.2. The first component sets out strategic actions and desired outcomes for the prevention of child sexual abuse, while the fourth component envisages the amendment of the law which permits corporal punishment. In 2018 and 2019, four municipal boards for the protection of children and adolescents were established as a local mechanism for the coordination of programmes, services and responses for the comprehensive protection of children and adolescents. This mechanism was adopted pursuant to an agreement between the municipalities and the National Secretariat for Children, Adolescents and the Family.

73. Like other countries in the region, Panama has, since the adoption of the Millennium Development Goals, made a commitment to ensure universal birth registration, as reaffirmed in the Sustainable Development Goals, specifically Goal 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Target 16.9 indicates that States must, by 2030, provide legal identity for all, including birth registration.

74. According to the latest estimates made by the National Statistics and Census Institute and the Civil Status Registry, underregistration of births in Panama stands at approximately 1.9 per cent. Underregistration of births is considered to refer to children who are registered after their first birthday.

75. In Panama, 90 per cent of births take place in hospitals, and all such births are registered within the first six months of a child's life by virtue of a special rule in the Civil Status Registry Act which requires each hospital to automatically register children who were born there but whose parents fail to register them within six months. This means that the difficulties with timely birth registration refer to the 10 per cent of children that are born not in hospitals but at home, in remote, hard-to-reach or border areas. To address this situation, the authorities have promoted and implemented assistance programmes in which they undertake visits to the most isolated communities, including those in hard-to-reach areas and indigenous regions, to register births and thus guarantee vulnerable persons' right to an identity.

76. The aim of the Opportunities Network programme, one of the conditional cash transfer programmes administered by the Ministry of Social Development, is to protect the rights to education and health of children living in poverty. As a condition for receiving cash transfers, families who benefit from such programmes commit to attending pregnancy check-ups, keeping the vaccinations of children under 5 up to date and ensuring that school-age children attend school.

C. Indigenous peoples and people of African descent

77. Programmes to promote entrepreneurship among indigenous peoples in their territories, including a rural savings bank programme, are implemented with the support of

the Inter-American Development Bank in the framework of the Plan for the Comprehensive Development of the Indigenous Peoples of Panama. The aim of these programmes is to minimize dependence on social welfare programmes.

78. Under this Plan, which is being carried out under the auspices of the Office of the Deputy Minister for Indigenous Affairs, an indigenous women's committee was established to develop plans and design public policies to promote women's literacy and education.

79. The Office of the Deputy Minister for Indigenous Affairs has made some progress in following up on the Plan, having established among its priorities the ratification of the ILO Indigenous and Tribal People's Convention, 1989 (No. 169). The Office has recommended that a committee should be set up, mainly consisting of the indigenous authorities of Panama, as a first step towards achieving these aspirations; and that an annual budget line should be established exclusively to fund public policies. The Office has also worked on the demarcation of the Naso Tjër Di region, on collective land titles and on requests to resolve the legal status of the Annex Areas of the Ngobe-Buglé region.

80. The Office has set up a multisectoral technical committee¹² covering all indigenous territories as a way of involving the authorities in collecting data and dealing with sexually transmitted diseases, including HIV, since it is known that rates are high and that there is a lack of health-care coverage in indigenous communities.

81. Free legal assistance has been extended to anyone from the Ngobe Buglé communities who needs it, while strategic partnerships have been forged with university legal aid clinics, the Ministry of Public Security, the Public Prosecution Service, the fire brigade, volunteer mediators and lawyers, the Electoral Tribunal and private laboratories. This is to ensure that people have a legal defence and the courts can obtain the civil registry and DNA evidence they need in order to hear and pass judgment in particularly important cases, such as custody, paternity and other proceedings involving children, a high percentage of whom remain in the custody of their mothers or other female relatives. The judiciary has dealt with 338 such claims in the course of 15 tours of indigenous regions.

82. In accordance with the human rights conventions to which it is a State party, Panama has adopted legislation and policies to combat racial and ethnic discrimination, including Act No. 16 of 2002 establishing the National Commission against Discrimination, Act No. 11 of 2005 prohibiting workplace discrimination and Act No. 7 of 2018 on measures to prevent, prohibit and punish discriminatory acts, including racism.

83. Considering that respect for the rights of people of African descent continues to be a vital issue, in 2016 the Government established the National Secretariat for the Advancement of Afro-Panamanians (SENADAP),¹³ which is attached to the Ministry of Social Development and is responsible for overseeing and implementing the policy on the social inclusion of Afro-Panamanians in Panama.

84. To guarantee the full inclusion of people of African descent, the Strategic Plan of Government envisages the implementation of the National Development Master Plan for Afro-Panamanians, which sets out specific measures for this sizeable population and its communities.

85. The Government has entered into a commitment with the United Nations Educational, Scientific and Cultural Organization to teach the contributions of Afro-Panamanians as part of the formal education curriculum using the manual *Del olvido a la memoria* ("From Oblivion to Memory"). SENADAP has signed an agreement to carry out national consultations with a view to the formulation of a public policy on the intercultural education of Afro-Panamanians.

86. SENADAP and the Panama Tourism Authority are developing several Afro-Panamanian cultural tourism attractions, collectively known as La Ruta Afro ("the Afro Route"), which has been included in the tourism master plan, to highlight the importance of this community and to generate sustainable development in rural and urban areas. This initiative is led by local community actors. The Panama Tourism Authority has also signed international agreements with Caribbean countries such as Jamaica for the exchange of experiences and best practices, which could benefit Afro-Panamanian communities.

87. Recognizing the legacy of people of African descent, the Government submitted "ritual and festive expressions of the Congo culture" to the United Nations Educational,

Scientific and Cultural Organization, which declared them to be intangible cultural heritage of humanity.

88. In the context of the International Decade for People of African Descent, SENADAP has supported various activities organized by Afro-Panamanian civil society throughout the country to celebrate Afrodescendent culture, especially during the month of May, when National Black Ethnicity Day is celebrated.¹⁴

89. In the 2010 census, 303,289 people, representing 9.2 per cent of the population, self-identified as being of African descent. However, in 2018, after recommendations were made by a census technical committee, the Multiple Indicator Cluster Survey revealed that 24.5 per cent of the population – an estimated 980,000 people – self-identified as being of African descent.

D. Persons with disabilities

90. Act No. 42 of 1999 on equal opportunities for persons with disabilities was amended by Act No. 15 of 2016 to update it and bring it into line with international standards on the rights of persons with disabilities, as ratified by Panama.

91. The National Advisory Council on Disability coordinates action to mainstream disability, working with the offices established in public institutions to ensure equal opportunities for persons with disabilities. There are currently 34 such offices.

92. The amendments to Act No. 42 of 1999 included the addition of an article 47-C on the appropriate management of persons with disabilities deprived of their liberty and amendments to articles 52 and 53 on the accessibility of the prison environment.

93. The National Physical Medicine and Rehabilitation Institute has comprehensive rehabilitation centres in all provinces for the decentralized provision of care; these centres have multidisciplinary teams for the rehabilitation of persons with disabilities, with an emphasis on early childhood. Panama also has a new Specialized Institute of Comprehensive Neurodevelopment, which is the national reference for early detection and intervention in respect of pathologies that cause disability; as a primary care provider, it is also responsible for the early identification of children at risk of neurodevelopmental disorders.

94. In 2019, the National Secretariat for Disabilities supported the University of Panama in the design, development and operationalization of the National Observatory on Disability, as an independent body, to strengthen the institutional follow-up and monitoring of compliance with the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the National Disability Policy.

95. The State has allocated 3.4 million balboas to conduct a second national survey on disabilities, which will take place after the national population census. A pilot test has already been carried out, which validated the instrument, and the methodology, guidelines and manuals (for interviewers and supervisors) have all been prepared.

96. The judiciary has: installed JAWS (Job Access With Speech) program licences and related computer equipment for staff; installed this tool in libraries and citizens' advice centres; installed an audio system in the main lift of the Palace of Justice, seat of the Supreme Court; purchased wheelchairs for justice system users; placed signs in Braille in all judicial premises; trained its officials in the use of software for persons with disabilities, guaranteeing their right to work; and printed and distributed copies of the Brasilia Regulations, the institutional policy on access to justice and compendiums of laws on disability.

97. The judiciary has also had national and international human rights instruments printed in Braille; these are kept in the Judicial Library of Panama. Similarly, 3,600 leaflets dealing with processes not requiring the assistance of legal professionals were printed in Braille and sent to various judicial offices, including citizens advice centres, mediation centres, offices providing legal aid for crime victims and judicial libraries, and to other institutions such as the Public Prosecution Service, the National Secretariat for Disabilities, the Panamanian Institute for Special Training and national associations of persons with visual impairments.

E. Migrants, refugees and stateless persons

98. Timely information was exchanged with the National Coalition against the Smuggling of Migrants and Human Trafficking of Costa Rica to repatriate an indigenous minor and to begin the process of identifying her and providing her with care in Panama. The girl in question received private psychological care, with the support of the International Organization for Migration.

99. In this case, the adolescent girl was identified as a victim of a form of human trafficking similar to slavery, and is now receiving individualized help with her schooling through an alternative modular education system which responds to her learning needs according to her age, culture and abilities.

100. Panama is a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, having ratified them in October 1977 with the adoption of Act No. 5 of 26 October 1977. In 2011, Panama also acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

101. Panama is a country of transit and asylum in Central America. Since 1990 it has granted refugee status to 2,556 people. The refugee population is composed mainly of Colombian, Cuban, Nicaraguan and Venezuelan nationals and other people from the countries of northern Central America.

102. In 2017, Panama and five other countries in the region joined the Comprehensive Regional Protection and Solutions Framework. As part of that process, a national action plan is being developed through consultations and participatory analysis conducted by national authorities, ministries, the private sector, civil society and the population concerned. The aim of this action plan is to strengthen the asylum system and promote the local integration of asylum seekers and refugees in the country. In July 2019, when the new Government took office, it formally recognized the Framework and assumed the leadership of continued work on the agreed commitments.

103. It is envisaged that the implementation of the national action plan will have medium- and long-term benefits and impacts, particularly in terms of the social inclusion of refugees and asylum seekers and the provision of support for host communities, which will favour the country's development.

104. Under Executive Decree No. 5 of 16 January 2018, changes were made to the asylum system established by previous legislation (adopted in 1998). This is a positive development, as the new law reinforces the country's commitment to guaranteeing international protection and reaffirms its compliance with due process standards. The new law also creates a regulatory framework for the recognition of refugee status and designates competent authorities for reviewing and deciding on asylum applications. It also includes specific safeguards for children and adolescents in need of international protection, taking account of their best interests, and covers the implementation of measures necessary for their protection.

105. At the procedural level, Executive Decree No. 5 of 2018 increased the frequency of the meetings of the National Commission for the Protection of Refugees from four to six per year. Consequently, the Commission will evaluate a greater number of cases each year.

106. Although the Executive Decree does not provide for asylum seekers to have access to work, this issue has been addressed in a separate decree (Executive Decree No. 20 of 29 May 2019), which allows persons whose applications for refugee status have been accepted for processing to apply for a work permit while their case is pending the decision of the National Commission.

107. The National Migration Service has drawn up a training plan on international refugee law, mechanisms for the identification and referral of persons in need of international protection and national legislation on refugees. This training was provided to 500 officials from the National Migration Service, the National Border Service, the Air and Naval Service, the National Secretariat for Decentralization, local authorities and justices of the peace.

108. A computer system has been set up to receive applications, which ensures procedural control over each stage of processing and allows applicants to remotely monitor

the progress of their application using a QR Code that is printed on the proof of admission to the refugee status determination procedure. The system also allows other authorities to validate this document, which prevents applicants from being referred to migrant shelters and precludes the risk of them being deported.

109. Regarding children and adolescents in need of international protection, the Ministry of the Interior and the National Secretariat for Children, Adolescents and the Family signed a protocol for the assistance of unaccompanied and/or separated children and adolescents in need of protection. This protocol establishes safeguards during the refugee status determination procedure, including support, legal assistance, priority attention, guidance and mechanisms for determining the best interests of the child or adolescent.

110. A procedure for the recognition of statelessness was adopted by Executive Decree No. 10 of 16 January 2019. In the area of mental health, the Ministry of Health has developed a road map for the referral of refugees and asylum seekers to an intersectoral mental health network, so that they may be included in mental health programmes.

111. As regards employability, the implementation of the “Talent Without Borders” programme generated a synergy with the private sector, improving the target population’s access to the labour market. This programme has been documented as a good practice owing to its originality and the positive results achieved so far.

112. Refugees were included in the vocational training courses taught by the National Vocational Training Institute for Human Development. This initiative was formalized through a letter of understanding of 20 June 2019, signed by the Institute, the Ministry of the Interior and the Office of the United Nations High Commissioner for Refugees.

113. Further to a cooperation agreement signed by the Ministry of the Interior and the Passport Authority of Panama, the Government grants travel documents (passports) to refugees who are recognized by the National Commission for the Protection of Refugees. This agreement has benefited refugees who do not have valid passports.

114. To ensure the provision of services to users, the Electoral Tribunal has offices in all provincial capitals, including 42 of its own offices. It has a total of 16 regional offices and 78 district offices in which services are provided by its three substantive directorates. The Civil Status Registry has 61 offices that are online, where birth registrations are entered in a computer system; and 106 that are not online, where they are entered manually. The directorates responsible for identity cards and electoral organization also have offices, so that the Tribunal’s services are decentralized and are more accessible for the population, especially people living in the most remote areas. The Tribunal also has offices in public hospitals, including in hard-to-reach and indigenous areas, in keeping with its policy of decentralizing services, so as to provide greater coverage and a comprehensive service for people in urban and rural areas throughout the country.

115. In this regard, the Electoral Tribunal is supported, as at January 2020, by 210 auxiliary registrars who are based in the most remote parts of the country and who register births and deaths in isolated communities, including in the indigenous regions. It should be emphasized that having offices in the indigenous regions gives the Tribunal greater coverage and ensures that it can provide services to the population.

116. The Government provides four different services to guarantee the right to an identity: birth registration and issuance of an identity card for the future mother; issuance of a medical certificate of a live birth; birth registration of the child; and issuance of the child’s identity card. Children must be registered immediately after birth, thus realizing the right from birth to a name and the right to acquire a nationality. The Government has also designed programmes and administrative measures to guarantee the human right to an identity.

117. As the lead institution on the issue of identity, the Electoral Tribunal has joined forces with civil registries elsewhere in Latin America and the Caribbean, signing cooperation agreements with the National Civil Registry Office of Colombia and the Supreme Electoral Tribunal of Costa Rica with the aim of guaranteeing the right to an identity of persons living in those countries, particularly in border areas. The right to a nationality is guaranteed through assistance and cooperation mechanisms established by the civil registries, such as binational identification campaigns, which since the signing of the

agreements in 2014 have provided services for more than 10,000 people, guaranteeing their right to an identity and preventing the risk of statelessness.

118. The Electoral Tribunal has also signed agreements with health, social and educational institutions with the goal of coordinating actions, plans, criteria, services and activities. These agreements, in which identity as a cross-cutting theme, seek to strengthen cooperation and information-sharing, allowing for continuous improvements, greater coverage in the registration of vital statistics and improvements in the functioning of ministries and agencies that have direct contact with the population, including in remote areas.

119. In February 2019, a technical evaluation team was set up to strengthen the victim identification and assistance unit of the National Commission against Trafficking, thus demonstrating the Ministry of Public Security's commitment to combating trafficking in persons and protecting the rights of victims. This team is made up of psychologists, social workers and legal professionals. In taking this action, Panama brought its framework for the protection and care for trafficking victims up to international standards.

120. Executive Decree No. 7 of 8 January 2019 created, within the temporary residence category, a temporary humanitarian permit for victims of trafficking in persons, granting them the right to remain in the country. This temporary permit is a card which is issued for one year and is renewable for up to six years. This benefit has been granted to 25 victims of trafficking in persons.

121. By Executive Decree No. 21 of 28 May 2019, the Government introduced a category of humanitarian work permits for temporary residents who have been identified as victims of trafficking and related activities. This measure recognizes the right of victims to social reintegration.

122. In 2019, humanitarian work permits were granted to two male Venezuelan nationals and one female Colombian national; permits for another four victims are being processed. These government policies minimize vulnerability by providing for the regulation of migration and the issuance of work permits to facilitate social reintegration.

123. The general secretariat of the National Commission against Trafficking in Persons, in its Decision No. 001-2019 of 13 August 2010, published in Official Gazette No. 28868-A, stated that the information contained in administrative files relating to the identification of victims of trafficking in persons and related activities is confidential. The data of such persons are therefore protected, in accordance with national and international norms.

124. In view of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Ministry of Education drew up Executive Decree No. 1225 of 25 October 2015, which regulates the recognition and validation of studies completed abroad, paying particular attention to migrant and refugee children and adolescents in order to ensure their rapid integration and reintegration in the education system. For that purpose, one national and 15 regional recognition and validation committees were established and instructions were drafted to reduce discretionary decision-making by officials and to standardize procedures at the national level.

F. Persons deprived of their liberty

125. The resocialization of adolescents is achieved through a comprehensive intervention model, structured as a set of processes, techniques and strategies that are based on a system of individual progress, implemented in different phases and intervention areas and complemented by a support network of government institutions, non-governmental organizations and private companies. These actors support initiatives such as the "Friend in Business" (Amigo Empresario) programme; the "Tell Me Your Success Story" (Cuéntame tu historia de éxito) programme; a national public speaking competition on the subject of the importance of resocialization; virtual classrooms of the Institute for Interdisciplinary Studies; activities in the areas of sport, art and culture; comprehensive training; primary, lower-secondary and upper-secondary education; and vocational workshops.

126. The Prison Training Academy, established by Decision No. 360-R-161 of 21 June 2007, closed and reopened in 2011 and was attached to the senior office of the Ministry of the Interior pursuant to Act No. 42 of 14 September 2016. It functions at the auxiliary

support level within the Ministry's organizational structure, as adopted by Decision No. 034-R-021 of 10 May 2018.

127. The Government is implementing and monitoring curricula for the education, specialization and continuous training of public servants employed in the prison service as operational or technical staff, so that they can contribute to the social reintegration of persons deprived of their liberty, including adolescents under the Special Regime Governing Juvenile Criminal Responsibility.

128. Training is provided for candidates wishing to join the Directorate General of the Prison System or the Institute for Interdisciplinary Studies; efforts are made to ensure that public servants in the prison service gain expertise and are trained to become considerate professionals with scientific and technical skills. Progress is being made in the design, planning, execution, monitoring and evaluation of prison management policies, processes and procedures in the areas of comprehensive care, security and rehabilitation.

129. Between 2014 and 2019, 872 new prison officers and civilian prison guards completed the basic prison officer course. During the same period, 4,067 operational and technical staff attended in-service training programmes covering topics such as human behaviour, human rights in the prison environment, sexual diversity, the Istanbul Protocol, search techniques during visits, values, courses to become a prison officer or senior prison officer, guidance and prevention in respect of adolescents, human rights of women deprived of their liberty, application of international human rights instruments to juvenile detainees, and emotional intelligence.

130. Statistics on participation in activities refer to the participation of persons deprived of their liberty in activities which count towards the commutation of their sentence. These are persons deprived of their liberty who study, work or do both.

131. It should be noted that there are many individuals who engage in sporting, sociocultural and spiritual activities as part of their prison treatment, although these activities are not recognized for the purposes of commutation.

132. Participation is quantified according to the number of persons who engage in activities that are recognized for commutation purposes (work and study). In recent years, the number of persons deprived of their liberty participating in intramural activities has increased; they benefit from training and preparation for work life as part of their commitment to resocialization, and these activities count towards the commutation of their sentence.

133. Vocational training is delivered by the National Vocational Training Institute for Human Development. It may take the form of programmes, which vary in duration from 300 to over 1,000 hours; courses, ranging from 40 to 450 hours; and seminars and workshops, which can last between 8 and 40 hours. Training is generally provided in the prison, since no other location is available with the infrastructure and facilities needed for the teaching of the Institute's programmes.

134. A gradual increase has been noted in the beneficiary population of these educational programmes. This is linked to the addition of new infrastructure, which has increased the Institute's capacity to deliver programmes, and the admission of prisoners to the La Nueva Joya and Chiriquí prisons.

G. Human rights and the environment

135. Under the Strategic Plan of Government 2019–2024,¹⁵ Panama is adapting its environmental laws to address new environmental challenges and is developing an institutional framework with a view to updating its policies on climate change, biodiversity and water resource management, and its corresponding position in respect of the different environmental conventions and forums to which it is a party.

136. Panama actively participates in international negotiations on the fight against climate change, placing special emphasis on reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD+) and on regional

initiatives such as the Regional Strategy on Climate Change of the Central American Commission on Environment and Development.

137. In 2019, Panama formally commenced the preparation of its fourth national communication on climate change and its second biennial update report. The Government will build the gender perspective into that process, so that it obtains specific information on how the climate crisis has a differential impact on women and men in sectors such as energy, agriculture and waste management.

138. In January 2020, the National Assembly ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement). This is the first multilateral binding agreement to protect these rights in such important areas as the sustainable use of natural resources, the conservation of biodiversity, the fight against deforestation, and climate change.

139. At the last “Our Ocean” Conference, held in Norway, Panama confirmed that it would host the Conference in 2021. It reaffirms its commitment to fulfilling the 2030 Agenda for Sustainable Development, particularly in respect of Sustainable Development Goal 14.

140. Panama has a commission for the formulation, implementation and monitoring of its National Oceans Policy.¹⁶ This Policy provides a general reference framework for the coordination and guidance of actions taken by government institutions, with a view to defining and spelling out public-private interactions related to the conservation, monitoring and sustainable use of the oceans, while safeguarding the national interest.

Notes

- ¹ Decreto Ejecutivo No. 393 de 2015, que adopta los Objetivos de Desarrollo Sostenible (ODS) y dicta Otras Disposiciones.
- ² Decreto Ejecutivo No. 63 de 2017 que adopta el Índice de Pobreza Multidimensional (IPM) como instrumento oficial para la medición de la pobreza multidimensional a nivel Nacional y crea el Comité Técnico para el IPM de Panamá.
- ³ Decreto Ejecutivo No. 236 de 2019.
- ⁴ Ley No. 6 de 2017, que crea el Mecanismo Nacional para la Prevención de la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes (MNPT).
- ⁵ Ley No. 63 de 2008, que adopta el Código Procesal Penal.
- ⁶ Artículo 44 de la Constitución Política de la República de Panamá.
- ⁷ Decreto Ejecutivo 546 de 2005.
- ⁸ Decreto Ejecutivo 214 de 2016.
- ⁹ Ley 59 de 2018.
- ¹⁰ Ley 115 de 2019.
- ¹¹ Decreto Ejecutivo 1 de 2016.
- ¹² Resolución No. 3 de 2019.
- ¹³ Ley No. 64 de 2016.
- ¹⁴ Ley No. 9 de 2000.
- ¹⁵ Resolución de Gabinete 149 de 2019.
- ¹⁶ Decreto 431 de 2018.