



General Assembly

Distr.: General
13 August 2010

Original: English/Spanish

Human Rights Council

Working Group on the Universal Periodic Review

Ninth session

Geneva 1–12 November 2010

Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1

Panama

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	16 August 1976	None	Individual complaints (art. 14): No
ICESCR	8 March 1977	None	-
ICCPR	8 March 1977	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	8 March 1977	None	-
ICCPR-OP 2	21 January 1993	None	-
CEDAW	29 October 1981	None	-
OP-CEDAW	9 May 2001	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	24 August 1987	Reservation (art. 1)	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	12 December 1990	None	-
OP-CRC-AC	8 August 2001	Binding declaration under art. 3: 18 years	-
OP-CRC-SC	9 February 2001	None	-
CRPD	7 August 2007	None	-
OP-CRPD	7 August 2007	None	Inquiry procedure (arts. 6 and 7): Yes
<i>Treaties to which Panamá is not a party: OP-ICESCR, OP-CAT, ICRMW, and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol ³		Yes	
Refugees and stateless persons ⁴		Yes, except 1954 Convention and its 1961 Protocol.	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵		Yes, except Protocol III (signature only, 2006).	
ILO fundamental conventions ⁶		Yes	
UNESCO Convention against Discrimination in Education		Yes	

1. In 2010, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Panama to ratify ICRMW and CED.⁷

2. Also in 2010, the Committee on the Elimination of Racial Discrimination (CERD) urged Panama to consider ratifying the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).⁸ The Committee also encouraged Panama to consider making the optional declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and to ratify the amendments to article 8, paragraph 6, of the Convention.⁹
3. The Human Rights Committee (HR Committee) noted with satisfaction the information provided by Panama that it was considering ratification of OP-CAT.¹⁰
4. The United Nations country team (UNCT) also recommends that Panama ratify the above-mentioned conventions, as well as the Ibero-American Convention on Youth Rights.¹¹

B. Constitutional and legislative framework

5. In 2008, the HR Committee noted with satisfaction, inter alia, the adoption of a new penal code and the repeal of the contempt laws. It also welcomed the adoption of the law on domestic violence and the adoption of legislative and administrative measures to prevent stigmatization of and discrimination against people living with HIV/AIDS.¹² It further welcomed the adoption of legislation that allows refugees who have been in the country for 10 years or more to request permanent residence.¹³
6. UNCT notes that the new Code of Criminal Procedure adopted in 2008 would change the current inquisitorial system of justice into an adversarial one. In August 2009, a month before the new system was due to enter into force, the new Government postponed its introduction until 2011.¹⁴
7. CEDAW welcomed Law No. 4 of 1999 and the incorporation into domestic law of a definition of discrimination in line with the Convention.¹⁵
8. In 2010, CERD viewed positively the adoption of legislation to combat racial discrimination, such as Act No. 11 of 2005 on discrimination in employment and Act No. 16 of 2002 on the right of admission to public places.¹⁶ The Committee also took note of Act No. 72 of 2008 on communal lands, which makes provision for land ownership by indigenous communities who do not live in an indigenous region.¹⁷
9. CERD also expressed concern about the absence of any provision classifying acts of racial discrimination as offences and reiterated its recommendation that Panama adopt criminal legislation specifically on this subject, in conformity with article 4 of the Convention.¹⁸
10. In 2008, the HR Committee noted with concern that, according to the Constitution, the State may deny a request for naturalization for reasons of physical or mental incapacity.¹⁹

C. Institutional and human rights infrastructure

11. In 1999, the *Defensoría del Pueblo* (Ombudsman) was accredited with 'A' status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC), which was reconfirmed in 2006.²⁰
12. In 2010, CEDAW commended the establishment of the National Institute for Women (INAMU) in 2009.²¹

13. In 2010, CERD welcomed the establishment by Panama of the Ombudsman's Office, the National Council of the Black Ethnic Community and the National Commission for Refugee Affairs.²²

14. According to UNCT, the National Commission against Discrimination, set up by Act No. 16 of 2002, has not been functioning properly. Little funding has been available to deal with cases of racial discrimination or provide legal assistance to victims.²³

15. UNCT also says that a human rights directorate began work in the Ministry of the Interior and Justice in 2010. The National Council for HIV Prevention and Control was set up in 2008. Specialized agencies have also been set up to protect the rights of persons with disabilities (SENADIS, the National Secretariat for the Social Integration of Persons with Disabilities) and food security (SENAPAN, the National Secretariat for the Food and Nutritional Security Plan).²⁴

D. Policy measures

16. In 2010, CERD welcomed the information that Panama intended to carry out a population census in that year,²⁵ and requested that the census gather, among other data, information on indigenous peoples and Afro-Panamanians.²⁶

17. In 2004, CRC noted with appreciation, inter alia, the adoption the National Plan of Action for Children and Adolescents (2003–2015).²⁷

18. UNCT has highlighted efforts to improve human rights protection, especially the Food and Nutritional Security Plan, 2009–2015, and the conditional cash transfer programme known as *Red de Oportunidades* (Opportunities Network), which is focused on regions of poverty and extreme poverty.²⁸ It also says that the impact of policies has often been weakened by a shortage of resources for implementation and monitoring, and that Panama has no comprehensive national plan for human rights.²⁹

19. In 2010, the ILO Committee of Experts requested Panama to provide information on the measures taken under the National Plan of Action for the Full Inclusion of Ethnic Blacks to promote equality of opportunity and treatment of the Afro-Panamanian population in employment and occupation.³⁰

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body</i> ³¹	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2009	March 2010	Due in 2011	21st to 23rd reports due 2013
CESCR	1999	August 2001	-	3rd report overdue since 2004
HR Committee	2007	April 2008	Overdue since 2009	4th report due in 2012
CEDAW	2008	February 2010	Due in 2012	8th report due in 2014
CAT	1997	May 1998	-	4th report overdue since 2000
CRC	2002	June 2004	-	3rd and 4th reports received 2009
OP-CRC-AC	-	-	-	Initial report overdue since 2003
OP-CRC-SC	-	-	-	Initial report overdue since 2003

20. In 2010, CERD invited Panama to observe the deadlines for submission of its reports in future. The Committee also urged it to involve members of civil society in the preparation and implementation of its reports.³²

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on mercenaries (2002) ³³ Special Rapporteur on indigenous peoples (Special visit on the situation of the Charco la Pava community in 2009). ³⁴
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Independent expert on minorities (2007)
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, eight communications were sent. The Government replied to three communications.
<i>Responses to questionnaires on thematic issues</i>	Panama responded to 4 of the 23 questionnaires sent by special procedures mandate holders, ³⁵ within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights

21. The OHCHR Regional Office for Central America, based in Panama City, was established in August 2007.³⁶ The Regional Office has organized several capacity-building activities for the Government, Ombudsman (*Defensoría del Pueblo*) and civil society, including on treaty-body reporting and follow-up and³⁷ human rights in the context of migration.³⁸ In 2009, Panamá hosted several OHCHR regional activities, including on the UPR,³⁹ rights of indigenous peoples, role of parliamentarians in the protection of human rights in Latin America.⁴⁰ The Regional Office facilitated the mission to Panama of the Special Rapporteur on the rights and fundamental freedoms of indigenous peoples.⁴¹

22. Former High Commissioner Louise Arbour undertook an official mission to Panama in 2007.⁴²

23. Panama contributed financially to OHCHR on an annual basis from 2002 to 2009 (except for 2004).⁴³

B. Implementation of international human rights obligations

1. Equality and non-discrimination

24. In 2010, CEDAW reiterated its concern about the persistence of traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society at large.⁴⁴

25. UNCT notes that racist stereotypes and stigmatization are still found in the media and official speeches.⁴⁵ In 2010, CERD expressed similar concerns.⁴⁶

26. CERD also expressed concern that, in practice, Afro-Panamanians and indigenous peoples still encounter considerable difficulties in exercising their rights and are the victims of de facto racial discrimination and marginalization and that they are particularly vulnerable to violations of human rights. The Committee was also concerned about the

structural causes that perpetuate discrimination and about the denial of access to social and economic rights and development. It underscored the importance of organizing consultations with the indigenous peoples and Afro-Panamanians concerned in order to draw up the relevant development plans and special measures.⁴⁷

2. Right to life, liberty and security of the person

27. In 2010, CEDAW was concerned that femicide has not been sufficiently addressed in criminal and other laws and that there is no reliable data on this phenomenon.⁴⁸ It urged Panama to take all necessary measures to address femicide in the criminal code and other relevant laws within a clear timeframe.⁴⁹

28. With regard to femicide, UNCT notes that 46 women were reported to have been murdered in 2008 and 80 in 2009.⁵⁰

29. In 2010, while welcoming the recent approval of modifications to the Criminal Code and the Criminal Procedure Code relating to domestic violence by the incorporation of new protective measures,⁵¹ CEDAW urged Panama, *inter alia*, to strengthen its efforts and to effectively implement existing legislative measures.⁵² In 2008, the HR Committee welcomed the existence of a law against domestic violence and the measures taken to ensure its application. Nonetheless, it was concerned about the high incidence of domestic violence and the numerous deaths it causes.⁵³

30. Additionally, CEDAW noted with concern that girls were not protected from corporal punishment and abuse as forms of disciplinary measures.⁵⁴ In line with the recommendations of CRC, CEDAW urged Panama to include in its legislation the prohibition of all forms of corporal punishment of children.⁵⁵

31. According to UNCT, the official figures show that on 1 March 2010 the prison population was 10,386, while capacity was for 7,145 prisoners.⁵⁶ Moreover, convicted and untried prisoners are not separated, and there is no proper classification of persons deprived of their liberty.⁵⁷

32. In 2008, the HR Committee noted with concern that abusive treatment of prisoners by law enforcement officers still persisted, especially in prisons but also at the time of arrest by the police, in most cases without such conduct being punished.⁵⁸ Additionally, the HR Committee was concerned about the high levels of overcrowding and poor prison conditions, especially unsanitary conditions, lack of safe drinking water, scarce medical care, as well as shortage of staff and absence of separation between accused and convicted persons.⁵⁹

33. In 2010, CEDAW noted with concern the large number of trafficked women and girls, and the very low number of perpetrators prosecuted and punished. It was further concerned about the non-comprehensive nature of the new legal framework and its implementation.⁶⁰

34. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) observed that, while national legislation contains provisions for punishing sexual exploitation and trafficking in persons for the purpose of sexual exploitation, it does not seem to contain provisions for punishing trafficking in persons for the purpose of labour exploitation.⁶¹

35. The HR Committee noted with concern that although the Constitution prohibits work under the age of 14, including domestic work, and despite legislative measures to prohibit the worst forms of child labour, child labour still persisted.⁶²

3. Administration of justice and the rule of law

36. According to UNCT, the lack of a law on judicial service means that the system whereby judges are appointed by their hierarchical superiors is mostly discretionary.⁶³

37. UNCT also observes that, at the local level, mayors appoint magistrates (*corregidores*), who hear administrative, minor civil and criminal cases and can order arrests, bail or imprisonment for up to a year. At the moment, the lack of legislation requiring that magistrates have legal training often leads to situations in which due process may be violated.⁶⁴

38. In 2008, the HR Committee expressed concern at the delays in processing applications for *habeas corpus*, and the limited number of officially appointed counsels. It considered that Panama should take measures to increase the number of counsels with a view to guaranteeing the right to defense for all citizens.⁶⁵

39. UNCT notes that the law prohibits the detention of suspects under investigation for more than 48 hours without a court order, but allows children under the age of 18 to be detained for 72 hours under this procedure. It also notes that there have been reports of cases of detention without the necessary court order, as well as cases where the detainee was not informed immediately of the reasons for his or her arrest or detention and right to have a lawyer.⁶⁶

40. UNCT notes that over 60 per cent of the prison population are prisoners awaiting trial, mainly because of judicial delays and the widespread use of pretrial detention. The period of pretrial detention in some cases is longer than the maximum sentence for the alleged offence.⁶⁷

41. UNCT also says that, since 1999, Panama has passed legislation establishing juvenile courts. In 2007, Act No. 40 of 1999, which established such a regime of criminal responsibility, was amended to increase the maximum prison term from 7 to 12 years. In March 2010, Act No. 6 lowered the age of criminal responsibility from 14 to 12 years.⁶⁸

4. Right to privacy, marriage and family life

42. In 2010, CEDAW regretted that Panama has not yet modified the very low minimum age for marriage, which is set at 14 for girls, and 16 for boys.⁶⁹ CRC had expressed similar concerns in 2004.⁷⁰

43. In 2004, CRC was also concerned about the difficult access to birth registration procedures, particularly for children of African descent, indigenous children and those living in rural areas and border areas.⁷¹

44. CRC urged Panama to develop and implement a comprehensive policy to protect children's rights, including, inter alia, measures to strengthen the competence of parents, with particular attention to poor families and female-headed households, increase fathers' awareness of their responsibilities, and ensure that they provide necessary financial support, and ensure that children in institutions enjoy the rights enshrined in the Convention.⁷²

5. Freedom of movement

45. UNCT draws attention to the restricted freedom of movement of persons covered by the Temporary Humanitarian Protection Statute who live in remote border areas and have been under this "temporary" protection regime for over 10 years. It recommends the establishment of a legal mechanism providing for the progressive realization of rights.⁷³

6. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

46. CERD is concerned by the information received about the intimidation and persecution of indigenous leaders and communities for militancy in protecting indigenous rights, and in particular in connection with major economic projects in the fields of hydroelectricity, mining and major works or tourist projects. The Committee urged the State party to step up measures to ensure the safety of indigenous leaders and communities, and in this respect to pay particular attention to the precautionary measures ordered by the Inter-American human rights system.⁷⁴

47. While welcoming the amendment to the Electoral Code in 1997 which, *inter alia*, established that 30 per cent of elective positions be held by women, CEDAW was concerned that the steps required to ensure that political parties comply with this minimum requirement have not been implemented. It was also concerned at the apparent lack of awareness and interest among political parties to include more women.⁷⁵ It suggested that Panama, *inter alia*, carry out awareness-raising campaigns on the importance of women's participation in decision-making.⁷⁶ The HR Committee expressed similar concerns.⁷⁷

48. UNCT says that the rule on devoting 10 per cent of public election funds to training courses to encourage women to participate has not been applied. The number of women elected to public office actually fell in the last elections.⁷⁸

49. In 2010, the ILO Committee of Experts noted a communication regarding the risk of public servants being dismissed because of their political opinion. Further referring to a previous communication regarding the alleged dismissal of more than 19,000 public servants without just cause and without following the procedures established by law, the ILO Committee of Experts expressed the hope that Panama would make every effort to prevent the recurrence of similar cases, and requested it to continue its efforts to solve cases which are pending.⁷⁹

7. Right to work and to just and favourable conditions of work

50. The ILO Committee of Experts referred to its previous comments in which it had asked Panama to amend section 10 of the Labour Code, which is limited to guaranteeing equal remuneration for "equal work," in order to give full legislative expression to the concept of equal remuneration for men and women for "work of equal value," as provided for under the Equal Remuneration Convention (No. 100). The ILO Committee of Experts noted the difficulties which Panama still encountered in applying the Convention, as reflected in a significant and persistent wage gap between men and women.⁸⁰ Also in 2010, the Committee noted that 64 per cent of economically active women are engaged in low-income activities, and urged Panama to take appropriate steps to reduce the wage gap between men and women.⁸¹

51. CEDAW also expressed similar concerns in 2010 and noted with concern that the legal protection of pregnant workers and those facing sexual harassment is inadequate. Concerned at the high level of child labour among girls,⁸² CEDAW called on Panama to, *inter alia*, enact legislation and measures to ensure the principle of "equal pay for work of equal value".⁸³ In 2009, the HR Committee expressed similar concerns and suggested that Panama should ensure, *inter alia*, equal pay for equal work and the abolition of pregnancy tests as a requirement for access to employment.⁸⁴

52. The ILO Committee of Experts noted that, according to the fourth national report on the situation of women in Panama (2002–2007), the situation of indigenous women is serious, since their low level of education on average prevents them from accessing activities which generate sufficient income for a decent standard of living. It requested Panama to take the necessary measures to address this situation.⁸⁵

53. In 2009, the ILO Committee of Experts noted that Act No. 44 amending the Labour Code requires too large a membership for the establishment of an employers' organization and an even greater membership for the establishment of a workers' organization at the enterprise level. It noted the high number of public servants required to establish an organization under the Act on Administrative careers. The ILO Committee of Experts requested Panama to take the necessary steps to amend its legislation.⁸⁶ CESCR had expressed similar concerns in 2001.⁸⁷

54. In 2004, CRC recommended that Panama ensure full implementation of child labour provisions and take all necessary measures to prevent child labour in both rural and urban areas (including child domestic workers).⁸⁸

8. Right to social security and to an adequate standard of living

55. The United Nations Development Assistance Framework (UNDAF) emphasized in 2006 that the most pressing problems facing Panamanian society were poverty, inequality and exclusion. It added that a geographical analysis of poverty showed that the indigenous population suffered most from exclusion.⁸⁹ UNCT points out that, despite the economic progress made, nutrition indicators show that hunger still affects the country, as does food insecurity, with a disproportionate impact on rural and indigenous areas.⁹⁰

56. In 2004, CRC strongly recommended that Panama continue to strengthen its efforts in health reform, in particular with regard to primary health care, and ensure accessibility of quality health care in all areas of the country, including through far-reaching programmes, training local villagers in safe midwifery, and providing adequate prenatal care.⁹¹

57. According to UNDAF, the maternal mortality rate fell between the 1950s and the 1980s but has not improved since then. In fact, the trend is slightly upwards. The maternal mortality rate is four times higher than the national average in the Ngobe Bugle region and seven times higher in Kuna Yala.⁹²

58. In 2010, CEDAW noted with concern the high rate of maternal mortality due mainly to the lack of appropriate medical care, particularly for rural and indigenous women and adolescent girls. It was further concerned at the difficulties women encountered to obtain a legal abortion.⁹³ It urged Panama to, inter alia, facilitate dialogue on women's right to reproductive health, including the consequences of restrictive abortion laws.⁹⁴ In 2008, the HR Committee expressed concern at the restrictive legislation on abortion in the Criminal Code, in particular the limitation that abortion should be carried out within the first two months of pregnancy in the case of conception that occurred as a result of rape, which should be documented in court proceedings.⁹⁵

59. CEDAW was additionally concerned at the insufficient recognition and protection of women's sexual health and reproductive rights, in particular with regard to the delay in the debate over Draft Law No. 442 on Sexual and Reproductive Health.⁹⁶ It urged Panama to take the necessary steps to overcome the stalemate surrounding the draft law and to promulgate it as soon as possible.⁹⁷

60. Regarding HIV/AIDS, CEDAW called on Panama to address the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices.⁹⁸

61. In 2010, CERD noted with concern the levels of HIV/AIDS infection among the Kuna indigenous community and, in this connection, also noted with concern the limited access to sexual and reproductive health services for indigenous peoples and Afro-Panamanians.⁹⁹

9. Right to education

62. UNCT notes that Panama offers nine years of compulsory, free-of-charge basic education and that the enrolment rate at this level is 98 per cent. At the secondary level, which basically concerns children between the ages of 15 and 18, the enrolment rate is 60 per cent, with high levels of dropout.¹⁰⁰

63. In 2010, CEDAW urged Panama to take measures, including studies, to address the root causes of gender discrimination and stereotypical gender roles in the field of education, and strengthen efforts to promote the inclusion of women in non-traditional careers.¹⁰¹

64. CEDAW was concerned at the large number of girls who drop out of school due to early pregnancies and regretted that although there is legal provision (Law No. 29) mandating continuation of education for girls during and after pregnancy, there is no effective mechanism in place to ensure compliance.¹⁰² It also noted with concern the high level of illiteracy among rural women who speak indigenous languages.¹⁰³

65. In 2004, CRC was concerned about identity preservation of indigenous children, since bilingual education remains a challenge in indigenous areas, and general education lacks resources.¹⁰⁴ It recommended that Panama pay particular attention to guarantee the preservation of the identity of indigenous and Afro-Panamanian children by, inter alia, the implementation of a national plan to develop bilingual intercultural education.¹⁰⁵

66. CRC also recommended that Panama pay special attention to the educational needs of vulnerable children, for example, girls, indigenous and refugee children, working and street children, in order to fulfil their basic right to education, by upgrading the infrastructure of the educational system and offering more facilities for non-formal learning and vocational training, including for children who have not completed primary and secondary education.¹⁰⁶

10. Minorities and indigenous peoples

67. In 2010, CERD recommended that the State party finalize the procedures still pending to ensure that all Panamanian indigenous communities secured a region or entity of similar status.¹⁰⁷

68. In 2008, the HR Committee expressed concern at the many problems affecting indigenous communities, including serious shortcomings in health and education services and non-recognition of the special status of indigenous communities that do not reside within a *comarca* (specially designated area).¹⁰⁸

69. UNCT says that the right to consultation with a view to securing the prior, free and informed consent of the groups affected by mining, hydroelectric and tourist projects is not guaranteed or regulated. All that is required under the Environment Act to obtain a permit to exploit or drill for natural resources is to produce an environmental impact study.¹⁰⁹

70. CERD noted with concern that on several occasions consultations concerning projects for the exploitation of resources, construction and tourism had been left in the hands of the private firms carrying out such projects. It recommended that the State party should institute appropriate mechanisms, in conformity with international standards, and in particular article 5 of the ILO Indigenous and Tribal Populations Convention, 1957 (No. 107), which the State party has ratified, to conduct consultations with communities potentially affected by development projects and the exploitation of natural resources so as to obtain their prior, informed and voluntary consent.¹¹⁰

71. CERD also recommended that effective redress and compensation should be provided for persons facing displacement owing to economic projects and that Panama should ensure that the persons displaced from their properties received proper

compensation, and should provide for their relocation places that are equipped with basic services.¹¹¹

72. In 2009, after a visit to Panama, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people issued a report on the situation of the Charco la Pava community and other communities affected by the Chan 75 hydroelectric project. One of the conclusions drawn by the Special Rapporteur in his report was that the communities affected had not been properly consulted before the Government gave the project the go-ahead and that they had not had the chance to consent to their relocation.¹¹² Panama offered a detailed reply to the report, maintaining that there had been no human rights violations and that both the weight of evidence and the report itself showed there had been no lack of prior consultation.¹¹³

73. CERD noted with serious concern that the case of Charco La Pava had prompted a letter under its early-warning procedure in August 2008 and a visit by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in 2009, and urged Panama to pay careful attention to the statements and decisions of regional and international bodies on the issue.¹¹⁴

11. Migrants, refugees and asylum-seekers

74. UNCT notes that there is no efficient procedure for identifying those in need of international protection in mixed migration flows, which leaves the persons entitled to protection in a vulnerable situation. It has observed shortcomings in the processing of asylum applications and in the observance of the basic principles of international protection such as the right to asylum (access to the procedure), non-refoulement (non-return and non-rejection at the border), non-punishment for illegal or irregular entry (arbitrary detention) and non-discrimination. There are problems regarding effective access to rights, increasingly related to lack of documentation (including work permits).¹¹⁵

III. Achievements, best practices, challenges and constraints

N/A.

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

75. CEDAW requested Panama to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13 (legal measures to guarantee gender equality) and 41 (sexual and reproductive health). It also requested Panama to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate, for implementing the above recommendations.¹¹⁶

76. In accordance with rule 71, paragraph 5 of the HR Committee's rules of procedure, Panama should submit, within one year, information on the follow-up given to the Committee's recommendations in paragraphs 11 (prison conditions), 14 (refugees) and 18 (domestic violence).¹¹⁷

V. Capacity-building and technical assistance

77. CRC recommended that Panama request technical assistance in the areas of juvenile justice and police training from, among others, UNICEF,¹¹⁸ and combating HIV/AIDS from, inter alia, UNFPA, UNICEF, WHO and UNAIDS.¹¹⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No.

- 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁷ CEDAW/C/PAN/CO/7, para. 56.
- ⁸ CERD/C/PAN/CO/15–20, para. 22.
- ⁹ Ibid., para. 25.
- ¹⁰ CCPR/C/PAN/CO/3, para. 10.
- ¹¹ UNCT submission to the UPR on Panama, 2010, para. 64.
- ¹² CCPR/C/PAN/CO/3, paras. 3 and 4.
- ¹³ Ibid., para. 6.
- ¹⁴ UNCT submission to the UPR on Panama, 2010, para. 31.
- ¹⁵ CEDAW/C/PAN/CO/7, para. 12.
- ¹⁶ CERD/C/PAN/CO/15–20, para. 5.
- ¹⁷ Ibid., para. 8.
- ¹⁸ Ibid., para. 9.
- ¹⁹ CCPR/C/PAN/CO/3, para. 8.
- ²⁰ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ²¹ CEDAW/C/PAN/CO/7, para. 8.
- ²² CERD/C/PAN/CO/15–20, para. 6.
- ²³ UNCT submission to the UPR on Panama, 2010, paras. 50 and 51.
- ²⁴ UNCT submission to the UPR on Panama, 2010, para. 57.
- ²⁵ CERD/C/PAN/CO/15–20, para. 7.
- ²⁶ Ibid., para. 10.
- ²⁷ CRC/C/15/Add.233, 30 June 2004, para. 3.
- ²⁸ UNCT submission to the UPR on Panama, 2010, para. 58.
- ²⁹ UNCT submission to the UPR on Panama, 2010, paras. 14 and 15.
- ³⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010PAN111, para. 5.
- ³¹ The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- ³² CERD/C/PAN/CO/15–20, para. 3.
- ³³ E/CN.4/2003/16, p. 13.
- ³⁴ A/HRC/12/34/Add.5.
- ³⁵ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24 and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, Annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16, footnote 29 and Corr.1, No. 4; (m) A/HRC/11/6, Annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, Annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ³⁶ OHCHR 2007 Report, pp. 58 and 118.

- 37 OHCHR 2008 Report, p. 28.
- 38 Ibid., p. 139.
- 39 OHCHR 2009 Report, p. 119.
- 40 Ibid.
- 41 Ibid.
- 42 OHCHR 2007 Report, p. 48.
- 43 OHCHR 2009 Report, p. 212.
- 44 CEDAW/C/PAN/CO/7, para. 22.
- 45 UNCT submission to the UPR on Panama, 2010, para. 51.
- 46 CERD/C/PAN/CO/15–20, para. 18.
- 47 Ibid., para. 11.
- 48 CEDAW/C/PAN/CO/7, para. 12.
- 49 Ibid., para. 13.
- 50 UNCT submission to the UPR on Panama, 2010, para. 44.
- 51 CEDAW/C/PAN/CO/7, para. 26.
- 52 Ibid., para. 27.
- 53 CCPR/C/PAN/CO/3, para. 18.
- 54 CEDAW/C/PAN/CO/7, para. 28.
- 55 Ibid., para. 29.
- 56 UNCT submission to the UPR on Panama, 2010, para. 24.
- 57 Ibid., para. 26.
- 58 CCPR/C/PAN/CO/3, para. 10.
- 59 Ibid., para. 11.
- 60 CEDAW/C/PAN/CO/7, para. 30.
- 61 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 092010PAN029, 1st para.
- 62 CCPR/C/PAN/CO/3, para. 20.
- 63 UNCT submission to the UPR on Panama, 2010, para. 28.
- 64 Ibid., para. 30.
- 65 CCPR/C/PAN/CO/3, para. 13.
- 66 UNCT submission to the UPR on Panama, 2010, para. 22.
- 67 Ibid., paras. 24 and 25.
- 68 Ibid., para. 35.
- 69 CEDAW/C/PAN/CO/7, para. 50.
- 70 CRC/C/15/Add.233, paras. 21 and 22.
- 71 Ibid., para. 29.
- 72 Ibid., para. 36.
- 73 UNCT submission to the UPR on Panama, 2010, para. 68.
- 74 CERD/C/PAN/CO/15–20, para. 20.
- 75 CEDAW/C/PAN/CO/7, para. 32.
- 76 Ibid., para. 33.
- 77 CCPR/C/PAN/CO/3, para. 17.
- 78 UNCT submission to the UPR on Panama, 2010, para. 45.
- 79 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 062010PAN111, 1st and 2nd paras.
- 80 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 062010PAN100, 2nd and 3rd paras.
- 81 Ibid., 1st para.
- 82 CEDAW/C/PAN/CO/7, para. 38.
- 83 Ibid., para. 39.
- 84 CCPR/C/PAN/CO/3, 17 April 2008, para. 16.
- 85 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No.

- 111), 2010, Geneva, doc. No. (ILOLEX) 092010PAN111, 6th para.
- ⁸⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organize Convention, 1848 (87), 2009, Geneva, doc No (ILOLEX): 062009PAN087, 6th para.
- ⁸⁷ E/C.12/1/Add.64, paras. 15 and 29.
- ⁸⁸ CRC/C/15/Add.233, 3, para. 57.
- ⁸⁹ United Nations Development Assistance Frameworks (UNDAF), *Cerrando las brechas: Evaluación Común de País y Marco de Cooperación para el Desarrollo en Panamá, 2007–2011*, pp. 13 and 15, available at http://www.undg.org/archive_docs/9223-Panama_CCA_UNDAF_2007–2011.pdf.
- ⁹⁰ UNCT submission to the UPR on Panama, 2010, para. 36.
- ⁹¹ CRC/C/15/Add.233, para. 44.
- ⁹² UNDAF, *Cerrando las brechas: Evaluación Común de País y Marco de Cooperación para el Desarrollo en Panamá, 2007–2011*, p. 25, available at http://www.undg.org/archive_docs/9223-Panama_CCA_UNDAF_2007–2011.pdf.
- ⁹³ CEDAW/C/PAN/CO/7, para. 42.
- ⁹⁴ Ibid., para. 43.
- ⁹⁵ CCPR/C/PAN/CO/3, para. 9.
- ⁹⁶ CEDAW/C/PAN/CO/7, para. 40.
- ⁹⁷ Ibid., para. 41.
- ⁹⁸ Ibid., para. 45.
- ⁹⁹ CERD/C/PAN/CO/15–20, para. 19.
- ¹⁰⁰ UNCT submission to the UPR on Panama, 2010, para. 42.
- ¹⁰¹ CEDAW/C/PAN/CO/7, para. 35.
- ¹⁰² Ibid., para. 36.
- ¹⁰³ Ibid., para. 34.
- ¹⁰⁴ CRC/C/15/Add.233, para. 63.
- ¹⁰⁵ Ibid., para. 64.
- ¹⁰⁶ CRC/C/15/Add.233, para. 52.
- ¹⁰⁷ CERD/C/PAN/CO/15–20, para. 12.
- ¹⁰⁸ CCPR/C/PAN/CO/3, para. 21.
- ¹⁰⁹ UNCT submission to the UPR on Panama, 2010, para. 47.
- ¹¹⁰ CERD/C/PAN/CO/15–20, para. 14.
- ¹¹¹ Ibid., para. 15.
- ¹¹² A/HRC/12/34/Add.5, para. 60.
- ¹¹³ Ibid., annex, para. 137.
- ¹¹⁴ CERD/C/PAN/CO/15–20, para. 16.
- ¹¹⁵ UNCT submission to the UPR on Panama, 2010, para. 54.
- ¹¹⁶ CEDAW/C/PAN/CO/7, para. 58.
- ¹¹⁷ CCPR/C/PAN/CO/3, para. 23.
- ¹¹⁸ CRC/C/15/Add.233, para. 62.
- ¹¹⁹ Ibid., para. 48.