



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Consideration of reports submitted by States
parties under article 35 of the Convention**

Initial reports of States parties due in 2009

Panama^{*,}**

[Date received: 26 June 2014]

* The present document is being issued without formal editing.

** Annexes may be consulted in the files of the secretariat.

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I. Introduction

1. The Convention on the Rights of Persons with Disabilities, the first human rights treaty of this century, was adopted by the General Assembly of the United Nations on 13 December 2006, and opened for signature and ratification on 30 March 2007. It entered into force on 3 May 2008. Panama signed the Convention and its Optional Protocol on 30 March 2007 and ratified them on 7 August 2007. It was the second country to incorporate the Convention into its legislation, after Hungary, which did so on 20 July 2007.

2. Under article 35 of the Convention, States parties commit to submitting a report on the measures adopted to implement their obligations under the Convention two years after its entry into force and, subsequently, every four years or whenever the Committee so requests. The report is submitted through the United Nations Secretary-General for assessment and consideration by the Committee on the Rights of Persons with Disabilities.

3. Panama recognizes that all human rights are universal, indivisible, interdependent and inalienable and must be upheld in keeping with the principles of equality and non-discrimination.

II. General information

A. Geographic and political landscape

4. Situated in Central America, Panama is bounded to the north by the Caribbean Sea, to the south by the Pacific Ocean, to the east by the Republic of Colombia and to the west by the Republic of Costa Rica.

5. Panama lies between latitude 7 and 9 degrees north and between longitude 77 and 83 degrees west, which places it in the tropical region. There are two seasons: rainy and dry, and high temperatures predominate. The country's territory covers an area of 75,517 km², which includes its land surface, territorial waters, continental shelf, subsoil and airspace.

6. Politically, the Republic is divided into 9 provinces, 75 municipalities, 631 administrative districts and 5 indigenous regions (3 of which are considered to be at the same level as provinces).

7. According to the Population and Housing Census of 2010, Panama has a population of 3,322,576 (50.3 per cent men and 49.7 per cent women). Some 57 per cent of the population live in the metropolitan region, primarily in Panama Province, where the capital is located; the remainder is unevenly distributed across the interior of the country.

8. The Republic of Panama is a sovereign and independent State and has a unitary, republican, democratic and representative form of government. The State's authority emanates entirely from the people and, in accordance with the Constitution, is exercised through the legislative, executive and judicial branches of government, which act separately within their respective domains but in cooperation with one another.

B. Panamanian society

9. As a transit country, Panama sees itself as a melting pot of cultures, languages, ethnic groups and religions from around the world, in which people are free to exercise their beliefs. The geography of the Panamanian isthmus lent itself to the construction of the Panama Canal, an enormous feat of engineering linking the Atlantic and Pacific Oceans.

The Canal has had a massive impact on transport and communications by reducing distances and travel times, thereby contributing to economic and commercial progress for over a century now.

10. Since the founding of the Republic, the State has sought to shape a national Panamanian identity by attempting to define shared cultural norms for all social groups residing in the country. It is therefore necessary to describe its people, culture, economy, potential for foreign investment and governance, as well as the democratic freedom that its citizens enjoy to openly express their opinions, thoughts and needs.

11. Thanks to improved health conditions, life expectancy at birth has risen to 74 years for men and 79 years for women, which is among the highest in the region. The population structure exhibits a slight trend towards ageing and a slowing of population growth.

C. Economic overview

12. The economy grew by an average of 6 per cent in the first decade of this century, making it one of the most sustained periods of growth that the country has ever known.

13. The integration of the Panama Canal — the country's main resource for development — into the economy has expanded activity by enabling Panama to make commercial use of its ports, land, water and skilled workforce.

14. The labour market has continued to perform well. In 2012, the number of employed people rose to 83,057 countrywide, up from previous years (82,490 in 2011 and 14,791 in 2010). The rise was greater in urban areas than in rural ones and among women more than among men. Unemployment fell to 4 per cent, the lowest rate in the past five years. It also fell to 4.8 per cent in urban areas and remained at 2.4 per cent in rural areas.¹

15. The number of employees rose in businesses of more than five people, as did the average monthly wage. Furthermore, job stability improved as businesses offered more open-ended contracts than in the previous year. Mobility continued to make it possible to find better conditions and wages: for every resignation, 3.4 contracts were signed, and the ratio was higher in the rest of the country (5.0) than in Panama City (2.8).

16. More than 40,000 people acquired new job skills, at no cost, in order to enter the labour market or to improve their job prospects. The most sought after fields are those that require an increasingly skilled labour force, including: trade, information and communications, the hotel, restaurant and tourism industries, fisheries, shipping and maritime services, civil construction, auto mechanics and metalwork.

17. These changes have resulted in an improvement in the quality of employment as the formal economy begins to employ recent entrants to the labour market and workers who are making the transition from the informal to the formal sector. Consequently, more workers have become eligible for annual leave, access to retirement programmes, social security coverage for their families and other benefits.

18. The Government allocated 6,264.4 million balboas to social spending, a record amount compared with previous years. Most was earmarked for satisfying the population's health and education needs. Funds for social investment (2,236.9 million balboas) were channelled towards programmes to improve the standard of living, especially for the most vulnerable.²

¹ <http://www.mef.gob.pa/es/informes/Documents/Informe%20Economico%20y%20Social%20-%20Diciembre%202012.pdf>.

² Ibid.

19. The most noteworthy social and sectoral programmes include: “*100 a los 70*”, the Opportunity Network, the Family Food Allowance, universal educational assistance scholarships, school allowances, the provision of technological equipment to students and schools, supplementary feeding programmes, the refurbishment or construction of hospitals and primary care centres, vocational training, urban renewal in Curundú and improved housing, Metro line 1, bay clean-up and early childhood development.

20. For example, 87,154 people over the age of 70 who neither receive old-age or retirement pensions nor have any income benefited from the “*100 a los 70*” programme, 72,485 impoverished families from the Opportunity Network and 10,000 families from the Family Food Allowance. The latter two programmes primarily benefited persons living in indigenous and rural areas.

21. The social situation improved in 2012 owing to economic buoyancy. Poverty continued to fall: between 2008 and 2012, 140,683 people emerged from general poverty and 95,745 from extreme poverty or indigence, which increased the number of non-poor persons to 525,103.

D. Labour market

22. According to the Labour Market Study carried out in August by the National Statistics and Census Institute, of the 1,689,491 economically active people over 15 years of age, 1,621,139 were employed (96 per cent). Unemployment fell to 4 per cent, the lowest rate in the past five years. It fell to 4.8 per cent in urban areas and remained at 2.4 per cent in rural areas.

23. Unemployment was lower among men (3.5 per cent) than women (4.9 per cent), which held true for different areas of economic activity. Male unemployment fell in almost all age groups (except among men aged under 24 and between 40 and 49), as did female unemployment (except among women aged under 24 and between 30 and 39), mainly because of the type of jobs most commonly available, in areas with the most intensive commercial activity.

E. Government social spending

24. In 2012, social spending totalled 6,264.4 million balboas (714.9 million balboas, or 12.9 per cent more than in 2011), a record amount compared with past years. It accounted for 48.3 per cent of total public expenditures and 17.3 per cent of gross domestic product at current prices, close to the proportions seen in recent years.

25. As has been the usual practice, greater resources were allocated to those sectors that directly meet the population’s health needs (1,886.6 million balboas, or 30.1 per cent) and education needs (1,553.9 million balboas, or 24.8 per cent). However, investment in education (255.7 million balboas, or 19.7 per cent) increased more than in health (204.7 million balboas, or 12.2 per cent) owing to efforts to improve the quality of education. These two sectors were followed by the multi-social sector (192.5 million balboas, or an 18.5 per cent increase), which contributes to the other sectors and the implementation of large-scale country development programmes; by social work and social security (61.2 million balboas, or 4.4 per cent) and by housing (0.9 million balboas, or 0.6 per cent).

26. Some 64.3 per cent of social spending went to overhead costs (staff wages and purchases of goods and services, among others) and 35.7 per cent to investment, compared with 66.8 per cent and 33.2 per cent respectively in 2011. Thus, investment in social issues rose by 21.3 per cent while overhead costs increased by 8.7 per cent.

27. The 2,236.9 million balboas of social spending were distributed as follows: 53.9 per cent for the multi-social sector, 21.5 per cent for education and culture, 17.4 per cent for health, 5.5 per cent for employment and social security and 1.8 per cent for housing. The proportions were the same in 2011.

28. The proportion of investment spending out of the total varied from sector to sector: 97.7 per cent in multisectoral programmes, 82.6 per cent in housing, 31 per cent in education and culture, 20.6 per cent in health and 2.7 per cent in employment and social security.

29. The main multisectoral programmes that received investment were: “100 a los 70”, the Opportunity Network, the Family Food Allowance, early childhood development, Metro line 1, road infrastructure, the electrification of rural areas, community and school gardens and farms, and school lunches.

30. In the education sector, noteworthy initiatives include: universal scholarships, educational assistance scholarships, the provision of technological tools, in-service teacher training, school and supplementary food allowance, education programmes for children with disabilities and the strengthening of tertiary education, the arts, culture and sports.

31. In the health sector, funds were allocated to the clean-up of the bay, the construction and improvement of water reservoirs and aqueducts in rural and urban areas, the construction of new hospitals and remodelling of the main regional hospitals, and primary care and specialized centres at the national level.

32. In the area of employment and social security, resources were devoted to encouraging individuals to enter the job market, skills training, the socioeconomic integration of persons with disabilities and the prevention and eradication of child labour.

33. In the housing sector, funds were spent on the housing assistance fund, “Piso y Techo” (Floor and Roof), the housing solidarity fund, urban renewal in Curundú (Panama), Irving Saladino and Pradera de Buena Vista (Colón), and housing solutions or improvements in other areas of the interior of the country.

F. Legal system

34. The legal system is based on the 1972 Constitution of Panama. Article 4 states that Panama abides by the rules of international law. Article 17 establishes that the rights and guarantees enshrined in the Constitution are considered to be minimum standards that do not exclude any others related to the fundamental rights and dignity of the individual.

35. Fundamental safeguards are enshrined in Title III, chapter 1, of the Constitution, social, economic and cultural rights in chapters 2 to 6 and environmental rights in chapter 7.

36. All human rights agreements, covenants, optional protocols and conventions are adopted by Panama through laws enacted by the National Assembly, approved by the executive branch and promulgated in the Official Gazette.

G. Protection and promotion of human rights

37. As a guarantee of fundamental freedoms, article 54 of the Constitution states that: “Any person against whom any public official issues or carries out an order or an injunction that violates the rights and guarantees enshrined in the Constitution shall be entitled to have the order or injunction lifted upon that person’s or any other person’s petition. The remedy of *amparo* in respect of constitutional freedoms to which this article refers shall be dealt with through summary proceedings and shall fall within the jurisdiction of the courts.” The

implementation of this constitutional provision is set out in Book IV of the Judicial Code, entitled “Constitutional Guarantees”.

38. The highest court has indicated that the Constitution should be systematically interpreted in the light of articles 4 and 17 of the Constitution itself and of articles 1, 25 and 29 of the American Convention on Human Rights, as the latter instrument extends the range of human rights and freedoms laid down in the Constitution as minimum standards.

39. In accordance with the Judicial Code, the established procedure for the protection of human rights falls within the jurisdiction of the Third Chamber of the Supreme Court, which is empowered to nullify administrative actions issued by national authorities and, if appropriate, to re-establish or make good the violated right, whenever such administrative actions violate human rights enforceable under the laws of the Republic (including those that enact international human rights conventions into national law).

40. The writ 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 or private records, where the latter concern enterprises that provide a service to the public or information. A petition may also be filed to assert the right of access to public or open-access information, and in accordance with the Constitution, a person may request that any information or data of a personal nature be corrected, updated, edited, deleted or kept confidential. The courts that are competent to hear habeas data petitions, which shall be considered through summary proceedings and without the need for legal counsel, shall be governed by legal provisions established for that purpose.”

41. In Panama, any individual arrested for reasons or in a manner other than that prescribed by the Constitution or the law may be released upon that or another person’s petition for a writ of habeas corpus, which may be submitted to a court immediately after the arrest, regardless of the applicable penalty. The processing of the writ is to be given priority over other pending cases through expedited summary proceedings, which may not be suspended even if they run over into non-working hours or non-working days. This provision also applies when there is a real or certain threat to physical freedom or when the manner or conditions of detention or the place in which a person is being held endanger his or her physical, mental or moral integrity or infringe his or her right to defence.

42. The Office of the Ombudsman has been established to ensure protection of the fundamental rights and freedoms enshrined in the Constitution and in international human rights treaties and legislation through a non-judicial review of the deeds, acts or omissions of public servants and providers of public services and through action to ensure observance of those rights. The Public Defender’s Office operates within the judicial branch and is tasked with defending the constitutional and legal rights and guarantees of persons with insufficient economic means.

43. Regarding the protection and promotion of human rights, Panama has a National Disability Policy that is implemented at the national level through a strategic plan put into action by the institutions that make up the National Disability Council (CONADIS). The annual operating plans of the various public entities include the duty to implement actions for the protection and promotion of the human rights of persons with disabilities as part of the particular services they offer. For example, the Ministry of Housing and Land Management must include persons with disabilities in its housing programmes, in such a way as to safeguard their right to decent housing tailored to their needs and their disability.

44. There are also bodies that directly promote and protect the human rights of persons with disabilities, most of which are members of the Human Rights Commission of

CONADIS, in particular the Ombudsman's Office and the judiciary, which act through their respective bodies to fulfil these objectives.

45. All the commissions of CONADIS develop their operating plans on the basis of four strategic lines: (a) awareness-raising and prevention of disability; (b) accessibility to ensure equal opportunities and access to the physical environment, communication and information; (c) sectoral coordination to mainstream the issues of disability and social inclusion; and (d) knowledge management. Investment in these areas by the Human Rights Commission of CONADIS came to approximately 225,465.50 balboas for the period 2010 to 2012.

46. All the above actions were carried out by the sections responsible for disability issues in each of the institutions that make up the Human Rights Commission.

H. Methodology used in preparing the country report

47. The initial report was prepared by members of the National Disability Council, which is composed of public servants, autonomous and semi-autonomous institutions, boards of directors, trade unions and representatives of organizations of persons with disabilities and their families.

48. In May 2012, the units of the institutions that make up CONADIS were invited to update the information needed to draft the country report.

49. Public consultations were held in two phases: in the first, the draft was sent by e-mail to business leaders, trade unionists and representatives of the education sector, who expressed, without reservations or intermediaries, the country's needs in terms of health, housing, education and security. In the second, compact discs containing the information were personally handed to NGO representatives during meetings, like the one held in Chiriquí Province (see attached photo).

Figure I



Premises of the Panamanian Institute for Special Training (IPHE), David, Chiriquí, 23 August 2012.



The second phase consisted of a meeting with NGOs working with persons with disabilities and their families, which was held on 31 August 2012 at the premises of the Patronato Luz de Ciego.

50. At the meeting of 31 August, persons with disabilities and their families submitted their input in writing or in electronic form for consideration by the participants. Their input is part of the actual report.

51. The Government has advanced this effort by giving the National Disability Policy the status of State policy, thereby strengthening the country's efforts to promote the human rights of persons with disabilities and ensuring equal opportunities, in accordance with Act No. 42 of 27 August 1999.

52. The Government Plan reaffirms the Government's commitment to eradicate the root causes of barriers to social betterment for Panamanians by creating jobs, providing training and decent housing and ensuring greater access to education and health services, while avoiding temporary solutions or donations that do not permanently resolve the situation. It also presents a united front against marginalization given that some groups have historically been pushed to one side, resulting in discrimination on grounds of race, gender and age.³

53. The National Strategic Plan 2010-2014 incorporates the reduction of poverty and exclusion into its social component and creates new opportunities for all, to be achieved through training in order to foster development and social inclusion.⁴

54. Significant progress has been made in the area of disabilities in keeping with the Convention. This is the responsibility of the National Secretariat for Disabilities (SENADIS), which was established pursuant to Act No. 23 of 28 June 2007 and which has a large consultative body composed of civil society actors and the Government through CONADIS. The latter has played a key part in the establishment of the National Disability Policy⁵ and national strategic plans.

55. The 2011 Human Development Report of the United Nations Development Programme (UNDP) states that Panama is a country with great potential for achieving some of the objectives of the Millennium Development Goals by 2015. In order to do so, it is necessary to incorporate the principles of sustainable development into social, economic and environmental policies and to introduce and implement strategies and actions related to each goal.⁶

³ *Plan Martinelli*. [inddwww.tvn-2.com/.../gobiernomartinelli/martinelli-v](http://www.tvn-2.com/.../gobiernomartinelli/martinelli-v).

⁴ <http://www.presidencia.gob.pa/transparencia/Plan-de-Gobierno-2009-2014.pdf>.

⁵ Disability Policy of the Republic of Panama: www.senadis.gob.pa/wp-content/.

⁶ The 2011 *Human Development Report* invites the ... UNDP country office in Panama. <http://www.pa.undp.org/>.

56. In this regard, the country is facing sizeable challenges, namely poverty reduction (Goal No. 1) and the implementation of the Convention on the Rights of Persons with Disabilities.

57. The State is committed to developing new mechanisms to guarantee a safer, more stable, more sustainable and fairer future, ensuring equal opportunities for persons with disabilities and their families.

58. The initial report of Panama on the implementation of the Convention on the Rights of Persons with Disabilities contains information on the progress achieved and the remaining challenges in this area.

I. Persons with disabilities in Panama

59. Assistance to persons with disabilities began in Panama in the 1950s, with the establishment of the Panamanian Institute for Special Training, as one of the means of ensuring training and rehabilitation, with the focus on medical rehabilitation, as was the case in the rest of the world at the time.

60. Over the past 10 years, the State has taken steps to achieve social inclusion for persons with disabilities and their families, based on an equality and rights-based approach. It should nonetheless be acknowledged that certain welfare, medical-rehabilitative and human rights paradigms persist due to the social process needed to change the mindsets concerned.

61. The constitutional reforms of 2004 introduced the term “disability” as one of the prohibited grounds of discrimination (art. 19 of the Constitution).

62. One of the greatest achievements in terms of the social inclusion of persons with disabilities and their families was the establishment of SENADIS as an independent institution in charge of conducting and implementing the national policy on the social inclusion of persons with disabilities and their families.

63. At the same time CONADIS was set up as a consultative and support entity, headed by the President and composed of representatives of ministries, the judiciary, the legislature, business associations, trade unions, professional orders and organizations working with persons with disabilities and their families.

64. In 2005, CONADIS published the National Strategic Plan for the Social Inclusion of Persons with Disabilities and their Families (PEN 2005-2009), which emerged from a broad consultation with all its members, especially the organizations of persons with disabilities and their families. The Plan was based on the following strategic aims:

- Awareness-raising;
- Enforcement and harmonization of legislation;
- Equal opportunities;
- Promotion of research.

65. In 2006, with the support of the Office of the Comptroller General and other State entities, and on the basis of the International Classification of Functioning, Disability and Health (ICF) of the Pan American Health Organization (PAHO) and the World Health Organization (WHO), SENADIS conducted the first survey on the Prevalence and Characterization of Disability in Panama. The survey showed that 370,053 Panamanians have some degree of disability, which represents 11.3 per cent out of the total population of 3,260,645.

66. The data collected through this first survey fills an information gap in the National Population and Housing Surveys of 2000, which indicated that persons with disabilities accounted for only 1.8 per cent of the total population.

67. According to research carried out by WHO, it is believed that more than 1 billion people experience some degree of disability. From the point of view of the estimated world population, this corresponds to some 15 per cent of the total.⁷ According to the 2006 survey, of the country's nearly 800,000 occupied private homes, a little over 268,000 include at least 1 person with disabilities, in other words 1 in 3 homes (34 per cent).

68. The survey data once disaggregated by geographical area show that the situation is more critical among indigenous populations: slightly more than 50 per cent of homes include a member with disabilities. In urban areas, the percentage is lower but no less significant, with some 30 per cent of households having a family member with some form of disability. The equivalent rate in rural areas is 39 per cent. Data according to province show that 46 per cent of cases are to be found in Panama Province, due to the fact that it has the highest concentration of homes.⁸

69. For data on the interior of the country, in the indigenous regions of GunaYala and Ngobe Bugle, and the provinces with larger rural populations, such as Veraguas, Coclé, Chiriquí, Herrera and Darién, the proportion of households with at least one person with disabilities is higher than the national average, while Los Santos, Colón and Panama remain below the national average.

70. In Bocas del Toro Province and the Emberá indigenous region, the results reflect a significant lapse in the gathering of data.

71. The prevalence of disability by gender shows that more women (12.4 per cent) than men (10.4 per cent) have some form of disability. This applies in all areas of the country, with the gap being wider in cities.

72. Based on the progress achieved in the implementation of the National Strategic Plan for the Social Inclusion of Persons with Disabilities and their Families and the findings of the 2006 survey, CONADIS developed and published the National Disability Policy in 2009, as a general instrument that sets the country's operating guidelines and goals, using the Convention on the Rights of Persons with Disabilities as a conceptual guide.

J. Programming measures

73. The Government, in collaboration with all the other social actors, produced the second National Strategic Plan for the Social Inclusion of Persons with Disabilities and their Families (2011-2014) in May 2011, as a general instrument that sets the country's operating guidelines and goals, using the Convention on the Rights of Persons with Disabilities as a conceptual guide. The Plan is currently being implemented.

74. The Plan is based on the following strategic aims:

- Awareness-raising and prevention of disability;
- Accessibility with a view to ensuring equal opportunities;
- Sectoral coordination to mainstream the issues of disability and social inclusion;
- Knowledge management.

⁷ <http://www.who.int/features/factfiles/disability/facts/es/index.html>.

⁸ <http://www.senadis.gob.pa/wp-content/uploads/2010/10/informe-pendis.pdf>.

III. General provisions of the Convention

Articles 1 to 4

75. Panama signed the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 30 March 2007 and later ratified them through Act No. 25 of 10 July 2007.

76. Under the Act, persons with disabilities are defined as individuals who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

77. The State, which is bound by Act No. 25, has also adopted the definition of reasonable accommodations contained in article 2 (3) of the Convention. Act No. 42 of 27 August 1999, which safeguards equal opportunities, also provides for reasonable accommodations.

78. The National Disability Policy (including physical, motor and intellectual disabilities) was developed with the participation of persons with disabilities, women, young people and their families (including organized parent groups that represent children with disabilities). The Policy is currently being implemented through the National Strategic Plan 2011-2014 by the relevant bodies.

79. The National Institute for Women (INAMU) is developing the National Policy for Women, in which organizations of women with disabilities are taking part.

80. The Government adopted the Equal Opportunities for Women Policy in 2012, with the following main objectives and goals: (a) promoting the elimination of the structural causes of gender inequality and fully integrating women in the country's political, economic, social and cultural development process; (b) encouraging the development of strategies and actions, based on social equality, that involve women in all sustainable development processes; (c) strengthening cooperation links and the intersectoral work of the national system to introduce anti-discrimination measures, promote equal access to and control of resources for the empowerment of women, especially rural, indigenous and Afro-descendent women, women with disabilities, victims of violence and all other vulnerable women.

81. The Policy is structured around 17 thematic areas, one of which covers indigenous, rural and Afro-descendent populations and women with disabilities. The strategic focus of this thematic area is the promotion of non-discrimination, respect for human rights, equal opportunities, equality and the comprehensive development of indigenous, rural and Afro-descendent women, women with disabilities and all other vulnerable women.

82. This strategic guideline may itself be broken down into 11 strategic objectives, the most important being:

- The promotion of equal opportunities, equality, the elimination of all forms of discrimination in the social, economic, political, cultural and leisure spheres and access to justice for indigenous, rural and Afro-descendent women, women with disabilities and all other vulnerable women.
- The promotion of access to necessary rehabilitative resources and technical and health aids for indigenous, rural and Afro-descendent women and girls, women and girls with disabilities and all other vulnerable women and girls.

- The empowerment of indigenous, rural and Afro-descendent women, women with disabilities and all other vulnerable women through awareness of their rights and the law.
- The development of campaigns designed to eliminate stereotypes, discrimination and exclusion, as a form of violence against women, on grounds of ethnicity, age, gender, disability or others.
- Support for research projects to shed light on the situation of indigenous, rural and Afro-descendent women and girls with regard to gender-based violence, especially against women with disabilities, to their economic, educational and social status, and to their participation in decision-making and politics.

83. In the area of sexual and reproductive health, the Policy contains various strategic objectives in the area of health that include women with disabilities, the most salient of which are:

- The optimization of information systems, statistics disaggregated according to gender, analysis and research on the health situation of young girls of Asian descent, women with disabilities and all other vulnerable women, including with regard to sexual violence.
- The enhancement of counselling, prevention, diagnosis, care and medication programmes and of access thereto for women with sexually transmitted diseases, HIV/AIDS, chronic or degenerative diseases or disabilities and women victims of domestic violence.

84. The Ministry of Social Development designs policies for young people and older persons that include disability as a cross-cutting theme. One example is the recently adopted Act No. 39 of 2012, introducing the “Guardian Angel” project, whereby a grant is made to persons with severe disabilities, in a situation of dependence or living in poverty or extreme poverty.

85. There are also policies designed for population groups who have traditionally been excluded or prevented from participating in public life. For several years, public policies have been adopted in the areas of youth, equal opportunities for women, older persons and persons with disabilities. With regard to children, the country has joined the UNICEF world programme, which is implemented through the operating plans of the institutions involved.

86. The general objective of the Youth Policy is to offer suitable conditions to young people living in Panama for their personal development, the full recognition of their rights and their involvement in building a more equal, united, democratic and fair Panama, without distinction on grounds of ethnicity, national origin, age, gender, geographical location (urban, rural or indigenous region), sexual orientation, religious belief, socioeconomic status, disability or any other.

87. The Youth Policy is structured around components, objectives and strategies based on: civil and political rights, including the right to life and freedom, personal safety, justice and participation; economic rights, including the right to work, housing, credit, access to productive assets and the environment; social rights, including the right to health and sexual and reproductive health, education, scientific and technological development, family, equality and non-discrimination; and cultural rights, including the arts, culture, sport and recreation.

88. The Youth Policy incorporates the care of youths with disabilities as a cross-cutting theme, while establishing specific strategic lines. For example, the section on civil and political rights, when dealing with personal safety and justice, with the specific goal of protecting the right of young people to security, equality before the law and a fair trial,

excluding all forms of violence, contains a strategic line on defence, promotion and political impact, which includes a clause on denouncing and punishing family members who mistreat children with disabilities.

89. Another of the strategies establishes the need to raise awareness among and train young people and their families in order to prevent domestic violence.

90. The strategies also establish the need to train police and detention centre personnel in the rights and capacities of young people and in the appropriate and respectful care and management of juveniles deprived of their liberty, including equal treatment for youths with disabilities. They stress the importance of systematizing and reviewing current legislation in the area of juvenile justice, while suggesting ways of putting into effect the suggested updates using a rights-based approach.

91. In the section on civic participation under the section on civil rights, the strategic line deals with the development of and support for actions in the area of infrastructure and the adaptation of methodology and instruments, aimed at enabling young people with disabilities to exercise their right to participate under conditions of equality.

92. The Youth Policy stresses the need to raise the awareness of and train health-care providers with respect to Act No. 42 of 27 August 1999, with a view to safeguarding the relevant rights and equal opportunities of young people with disabilities.

93. Regarding education, the Policy includes a strategic line on the need to strengthen the in-service training programme for teachers, with an emphasis on human relations, social sensitivity, handling of emotions and affective communication, and the use of participative pedagogical methods that include the appropriate treatment of persons with disabilities.

94. The Policy calls for the establishment of counselling and support centres in all communities for families with members with disabilities, that promote social, leisure and sporting activities.

95. The Policy also promotes the right of young people with disabilities to choose whether or not to start a family and to exercise responsible parenthood. It advocates better dialogue between parents and their children and raises the awareness on both sides of the importance of communication and harmonious coexistence, including an in-depth understanding of young people with disabilities.

96. The line on equality and non-discrimination — whose specific objective is to ensure that young people who are excluded, vulnerable or discriminated against recover their rights and are included in development — contains various sections related to disability, including: the development of youth-oriented strategies aimed at eliminating all situations and practices that lead to exclusion, discrimination and vulnerability, with particular emphasis on rural, urban in conditions of indigence, women, indigenous persons, Afro-descendants, young migrants and foreigners living in Panama, young people with disabilities, youths who are discriminated against on account of their sexual orientation and all other socially disadvantaged groups of young people.

97. Another line worth mentioning is the promotion of the empowerment and civic participation of socially excluded young people and the organizations and groups of rural, indigenous and Afro-descendent young people and those with disabilities or special needs, with a view to engaging them in their own development and that of their families and communities.

98. The Policy also calls for support for public awareness campaigns to promote equal treatment of young people with disabilities, including through the provision of interpretation on television.

99. Most importantly, the Policy addresses the need to train the families of children with disabilities so that they can prepare them for independent living and foster their comprehensive development.

100. The section on economic rights tackles the right to work with the specific objective of protecting the right of young people to productive, dignified, decent and sustainable employment based on the principles of equality and ongoing training.

101. The Policy provides for the development of corporate programmes for the inclusion of young people with disabilities in the workplace and for the organization of a job fair specially intended for young people with disabilities.

102. The Government adopted the Equal Opportunities for Women Policy in 2012, whose objectives and goals include: (a) promoting the elimination of the structural causes of gender inequality and fully integrating women in the country's political, economic, social and cultural development process; (b) encouraging the development of strategies and actions, bearing in mind social equality, to involve women in all sustainable development processes; (c) strengthening cooperation and the intersectoral work of the national apparatus to introduce anti-discrimination measures, promote equal access to and control of resources for the empowerment of women, especially rural, indigenous and Afro-descendent women, women with disabilities, victims of violence and all other vulnerable women.

103. The Government has paid attention to demographic trends and has made major efforts to raise the population's level of social well-being. According to the 2010 census, older persons represent 12.5 per cent of the total population, while projections for the year 2050 place the figure at 22.3 per cent.

104. The Government, through its various political, institutional, judicial and legislative bodies, attaches importance to the development and implementation of policies, programmes and actions designed to enhance the quality of life of older persons.

105. On this basis, a public policy was formulated that sets out the relevant tools in order to design, in the very near future, a national action plan that includes actions, programmes and projects for this population group with a scientific and consensus-based approach.

106. While considerable progress has been achieved in the comprehensive care of older persons, a significant proportion still live in poverty or extreme poverty and are therefore greatly limited in their ability to achieve a decent standard of living.

107. The National Policy on Older Persons is structured around eight priority areas of action, each of which contains objectives and associated strategies.

108. With regard to health and well-being in old age, the priority area of action in relation to disability is the attainment of a good standard of living for older persons with disabilities.

109. The proposed strategies include:

- Conducting research into risk factors in order to take action to prevent or delay the onset of disabilities;
- Promoting the provision of comprehensive home care for functionally dependent older persons;
- Aiming for the establishment of national support networks for the families of older persons with disabilities;
- Developing an action plan on geriatric palliative care.

110. The area of action on favourable environments contains an objective that deals with an issue of the utmost importance for persons with disabilities, which is the adaptation of the physical environment to the specificities and needs of older persons, to enable them to live independently in their old age.

111. The relevant strategies include:

- Promoting the provision of infrastructure and other accommodations in communities to facilitate intermingling and coexistence between older persons and other generations;
- Promoting the enforcement of legal provisions on urban spaces contained in Act No. 42 on equal opportunities for persons with disabilities (promulgated on 27 August 1999; regulations adopted on 12 November 2002) and Municipal Agreement No. 19 of 10 August 1998 on the elimination of architectural barriers.

112. The organizations of persons with disabilities and their families have commented on the need to:

- Encourage the establishment of offices to ensure equal opportunities for persons with disabilities in public institutions that offer services to the population at large and that do not already have such an office;
- Promote accessibility in higher education for persons with disabilities in keeping with current legislation;
- Set up programmes designed to improve the quality of life of persons with severe disabilities;
- Strengthen the mechanisms for the oversight and monitoring at the provincial level of the operating plans of CONADIS.

113. The following laws on disabilities subsequent to the ratification of the Convention are worth noting:

- Executive Decree No. 8 of 2008, regulating Act No. 23 of 2007, on the establishment of the National Secretariat for Disabilities (SENADIS);
- Act No. 39 of 2012 on the establishment of a special programme of financial assistance for persons with severe disabilities who are dependent on others and live in extreme poverty;
- Act No. 38 of 2010, amending Act No. 44 of 2006, on the establishment of the Water Resource Authority, and Act No. 23 of 2007, on the establishment of the National Secretariat for Disabilities;
- Act No. 35 of 2010, which authorizes the addition of information regarding persons with disabilities or suffering from degenerative or chronic diseases on their personal identification papers and driver's licences.

IV. Specific rights under the Convention

Article 5 Equality and non-discrimination

114. Article 19 of the Constitution of Panama states that people cannot be discriminated against on account of their disability. Moreover, persons with disabilities are protected by

Act No. 3 of 2001, under which the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities was adopted.

115. Act No. 42 of 1999 on the Equalization of Opportunities for Persons with Disabilities and its regulation by Decree No. 88 of 2002 focuses on non-discrimination on grounds of disability.

116. Through its judicial system, Panama is making the necessary changes to facilitate access to justice for persons with disabilities, including physical, sensory and intellectual disabilities.

117. In this regard, an accessibility study was completed of all facilities open to the public. Physical accessibility is to be achieved gradually.

118. With regard to access to information and communication, the main bodies of law have been produced in Braille, so that they are available to blind persons. Although sign language interpreters have not been hired, they are borrowed from other institutions (such as SENADIS, the Panamanian Institute for Special Training and others) in order to comply with the provisions of the Convention on facilitating access to justice for deaf persons on an equal basis.

119. In Panama, there is no career in sign language interpretation as such, so the demand for qualified professionals has not yet been fully met; however, the Ombudsman's Office offers intensive sign language courses to prepare interpreters who can be hired by different State agencies to provide interpretation.

120. To meet this need, SENADIS has offered sign language courses for public servants and university personnel, so that they can facilitate communication with deaf persons and thus provide comprehensive support.

Article 8

Awareness-raising

121. Since 2007, Panama has conducted various publicity campaigns and outreach sessions, intended for the public in general and civil servants in particular, with a view to raising public awareness of the rights of persons with disabilities and their families.

122. The objective of the "SENADIS changed my life" campaign is to raise public awareness, so as to change the attitudes of some segments of Panamanian society to persons with disabilities.

123. "I too include" is a 2011 project intended to be used in shops throughout the country with a view to improving the accessibility of the physical environment, communications and information. The project was carried out in San Miguelito District and involved 92 shops there.

124. "I am a person like you — respect my rights" is a public speaking and painting competition for junior high students (from seventh to ninth grade), whose objective is to raise awareness among students without disabilities.

125. "You took my parking spot. Do you want my disability, too?" is an awareness-raising campaign and social movement developed and overseen by the Ombudsman's Office, whose basic objective is to encourage the appropriate use of parking spaces reserved for persons with disabilities.

126. The "You and I are equal — don't discriminate against me" campaign, also conducted by the Ombudsman's Office, was launched in September 2011 with the aim of

making people aware of the importance of recognizing human diversity and therefore equal rights for sound and peaceful coexistence.

127. “My friends and I” is a project for primary school students (from first to sixth grade), whose aim is to raise awareness among students and teachers and promote positive changes in attitudes towards persons with disabilities.

128. A radio programme, *Revista Incluye*, which is broadcast on Radio Nacional, the public broadcaster with nationwide coverage, is an awareness-raising initiative that focuses, once a week, on publicizing the achievements and activities of SENADIS, CONADIS and organizations of persons with disabilities and their families. The programme lasts half an hour and is broadcast early in the evening, considered prime time.

129. Awareness-raising and outreach activities, targeting the public at large, the private sector and public servants, are carried out as part of the Strategic Plan 2011-2014. They are ongoing activities carried out year-round by both SENADIS and CONADIS through inter-agency liaison offices.

130. There is an annual press competition which is intended to raise awareness among social activists and radio, print and television journalists.

131. The organizations of persons with disabilities and their families have asked to be consulted, through their organized groups, on the needs of each group (by disability), so that programmes can be implemented to meet those needs.

Article 9

Accessibility

132. Panama has adopted Act No. 42 of 1999 on equal opportunities for persons with disabilities, which seeks to ensure the creation of conditions that will enable persons with disabilities to attain their full potential, their integration into society and the enjoyment of all the rights conferred on citizens under the Constitution and the law. It also aims to establish the legal basis for the State to take equal opportunity measures, ensuring such persons’ access to health, education, work, housing, sports and culture, as well as family and community life.

133. In addition, Act No. 23 of 2007 establishes SENADIS (the National Secretariat for Disabilities), whose functions include approving, in liaison with municipalities, the design of urban and architectural projects and plans, as well as the renovation of existing buildings and spaces for public and private gatherings, in order to ensure that they comply with the technical specifications for access to the physical environment.

134. Through the Ministry of Housing and Land Management, the Government has incorporated the issue of accessibility into Act No. 6 of 2006, which regulates land use.

135. In the course of amending traffic rules and regulations, the Land Transit and Transport Authority introduced specific aspects on the human rights of persons with disabilities and their families, stating in Executive Decree No. 640 of 2006, article 104, as follows: “Pedestrians under 12 years of age must cross public thoroughfares accompanied by a person of sound mind and body who is over 16.”

136. Previously, persons of reduced mobility were included in the group of persons who had to be accompanied by a fit person, which constituted a violation of the constitutional principle of freedom of movement. The penalty established in Act No. 42 of 1999 for the improper use of parking spaces reserved for persons with disabilities was included in this Executive Decree.

137. In October 2004, the Social Investment Fund was asked for an amount of approximately US\$ 300,000 to implement the “Accessibility for All” project, with a view to making accessible the main government buildings receiving Panamanian citizens seeking basic services.

138. The institutions that received support to make the changes to facilities were the ground floor of the Presidential Palace, the Ministry of Housing and Land Management, the Ministry of Labour and Workforce Development, the Ministry of Social Development, Tocumen International Airport, Marcos A. Gelabert Airport, Enrique Malek International Airport, the National Post and Telegraph Directorate and some public parks.

139. In addition to making the changes that allow access to facilities, the Ministry of Housing has set in motion a project that provides for the construction of housing accessible to families in poverty and extreme poverty. The project was launched in 2007 and, as of December 2011, 1,600 housing units had been offered to persons with disabilities and women heads of household over the period from 2007 to 2011, for a total of 7,504 beneficiaries.

140. With regard to higher technical training, the universities, as institutions responsible for the design and administration of courses of study, must define and adopt any curricular changes required to take account of disabilities.

141. In 2008, SENADIS promoted and sponsored the first certification course in inclusive architecture, targeting architects, engineers and people in related fields. Combined with awareness and training projects, this course helps to comprehend the horizontal movements (ramps and sidewalks) and vertical movements (elevators and stairs) of persons with or without disabilities in the urban environment. Private universities have already included the issue of accessibility as a subject in their curricula, some considering it under the subject of ergonomics for persons with disabilities.

142. In Panama, through the Mayor’s Office of Panama City, specifically in the Projects and Construction Department, SENADIS has been included as a one-stop office, as a means of admitting institutions to the town hall, where paperwork and the review of plans by other agencies can be handled without the need to visit the agency in question.

Figure II



Incorporation of SENADIS as a “one-stop office”
of the Projects and Construction Department of the
Mayor’s office of Panama

143. The aim is for all plans, related to public access projects and preliminary designs, to incorporate the accommodations required to ensure the free movement of persons with any form of disability. The buildings and facilities considered to need public access include offices, hospitals, clinics, pharmacies, shopping centres, educational institutions, hotels and restaurants. In the review and inspection of plans for public buildings, only those that comply with these legal requirements may be approved.

144. Public spaces have been designed in such a way as to be accessible to persons with reduced mobility or other disabilities. In the light of this requirement, projects such as one on the accessibility of the physical environment, information and communications have been initiated since 2008. This project was developed with a view to facilitating the autonomy and independent living of persons with disabilities by equipping public spaces and settings with such equipment as ramps and handrails on staircases.

145. Accessible itineraries, designed to accommodate persons with disabilities, were built in the provinces of Panama and Los Santos. Such itineraries require alterations to sidewalks and ramps, in accordance with Act No. 42 of 1999. In the province of Panama, an accessible itinerary was built in the special district of San Miguelito, starting in Villa Guadalupe and ending at the San Miguelito Mayor's Office. In the province of Los Santos, an accessible itinerary was built in Las Tablas, starting at the national police building and ending in Parque Porras. In both cases, the itinerary seeks to facilitate access for persons with disabilities to hospitals, banks, official administrative offices and other places of interest.

Figure III



Accessible itinerary in Las Tablas giving access to government offices



Access to the Nacional Bank of Las Tablas



Access to the offices of the Town Hall of San Miguelito and schools



Access to the Mayor's offices in San Miguelito De San Miguelito

146. The provinces of Veraguas, Chiriquí and Colón so far have only plans for accessible itineraries.

147. The first Handbook on Access was produced in 2008 to encourage architects, engineers and the like to include access for persons with disabilities in their plans. This

handbook, which sets out the rules on accessibility for urban and architectural planning, was prepared in consultation with and with the advice and backing of the University of Panama.

148. “I too include” is a programme that was launched in 2009 with a view to ensuring that buildings accommodate their interiors to make them usable by persons with disabilities. “Usability” also applies to projects that were initially built without taking into account the needs of people with disabilities and were subsequently only slightly remodelled. This programme is carried out jointly with the Municipal Projects and Construction Department and the management of shopping centres. It is in place in the provincial capitals throughout the country.

149. Accessible facilities were adapted and installed in a children’s playground (Parque Omar) at a cost of 90,000.00 balboas in 2009.

Figure IV



Swings for children with reduced mobility



Access for children with disabilities in the Parque Omar



Special games for children with disabilities

150. Acquisition of eight accessible vehicles for a cost of 540,795.00 balboas. The vehicles were allocated as follows: six transport vehicles for the Reintegration Centres administered by the Ministry of Health, one for the National Physical Medicine and Rehabilitation Institute and one for SENADIS.

151. Delivery of an elevator for installation and use at the Specialized University of the Americas for a cost of US\$ 80,000. The existing elevator on the Curundú Campus of the University of Panama was adapted for a cost of US\$ 25,000.

152. With the sponsorship of Cable & Wireless Panamá, together with the Ministry of Public Works, work has begun, for an approximate cost of US\$ 1 million, on the first pedestrian crossing fully accessible to persons with motor disabilities, in front of San Miguel Arcángel Hospital in the district of San Miguelito.

153. In 2011, a second footbridge accessible to persons with disabilities was built and delivered in the district subdivision of Bethania, leading to the Social Security Fund's polyclinic Don Alejandro de la Guardia Hijo, for a cost of approximately US\$ 503,743.93.

154. SENADIS bought 10 Braille embossers with the aim of facilitating access to information for blind persons throughout the country. They were donated to institutions that provide information services to persons with visual disabilities in the different provinces of the country.

155. Through public and private institutions, CONADIS promotes and carries out activities to implement the National Strategic Plan; CONADIS is divided, by area of expertise, into four working groups. These include the committee on accessibility of the physical environment, communications and information, which promotes autonomy and independent living for persons with disabilities by promoting the modification of public spaces and physical surroundings and the construction of such equipment as access ramps, railings and signs to allow persons with disabilities to move about independently and safely.

156. Changes have been made in Panama's public transport, with traditional buses being replaced by new buses accessible to persons with disabilities.

157. The Panama Metro is a project that will provide a comprehensive solution to one of the main problems facing Panamanian citizens, the country's transport system. The general aim is to make use of trains as alternatives to cars and to improve access to sustainable mobility through more efficient and integrated use of the existing mass transport system and land area, on the basis of an urban development plan. This project provides for minimum accessibility facilities for persons with disabilities.

158. Distributed across the country, there are 268 *Infoplazas*, which are areas that provide free Internet service to the community. Eighteen of these are accessible to persons with disabilities and are equipped with software accessible to persons with visual and severe motor disabilities. In addition, the country is making progress towards meeting its commitment to providing Internet service to all communities, with more than 1,000 Internet access points (WiFi) scattered around the country.

159. Digital Resource Programme for Persons with Visual Disabilities. This programme seeks ways of improving the quality of life of persons with disabilities, by providing them with tools that allow them access to the field of information and communications. Beneficiaries include persons with disabilities, information technology professionals and special education and regular teachers.

160. Nineteen projects, which include the construction of accessible ramps and sidewalks in Panama during the period 2007-2009, have been implemented around the country by the Ministry of Public Works.

161. In all, 561 parking permits for persons with disabilities were issued by the Ministry of Social Development and SENADIS in 2007 and 2008.

162. The accessible schools project covers 24 schools countrywide whose physical environments will need to be adapted for students with disabilities. The necessary specifications and plans have been drawn up, and contracts totalling US\$ 84,000 have been awarded for seven of them.

163. Comments from the organizations of persons with disabilities:

- On the subject of accessible housing, more flexible mechanisms must be created to facilitate access to decent housing;
- Accessibility in tourist areas, including hotels and recreational or family leisure centres, must be improved, in accordance with existing rules;

- It is necessary to improve the guidance and mobility of persons with visual disabilities and the installation of signs for people with hearing or mental disabilities in the Metro Bus and Metro systems. The signage should consist of notices that guide people to access ways, entrances, exits, bus stops and so on.

Article 10

Right to life

164. The Constitution and laws of Panama protect the right to life. Article 109 of the Constitution established that: “It is an essential function of the State to safeguard the health of the people of the Republic. The individual, as a member of the community, is entitled to the promotion, protection, maintenance, restoration and rehabilitation of his or her health, understood in the sense of total physical, mental and social well-being, and is under an obligation to preserve it.”

165. The Family and Minors’ Code, Volume II (“On Minors”), articles 484, 485 and 489, and Act No. 42 of 1999, article 1, recognize and protect the right to life and survival of persons with disabilities.

Article 11

Situations of risk and humanitarian emergencies

166. On 16 December 2005, as part of its commitment arising from the Hyogo Framework of Action, Panama set up the National Platform through its National Commission of the Coordination Centre for the Prevention of Natural Disasters in Central America, coordinated by the National Civil Protection System, for the purpose of following up on and ensuring continuity of the agreements and commitments arising from the second World Conference on Disaster Reduction. The National Civil Protection System, in conjunction with the Coordination Centre and SENADIS, is working on mainstreaming the theme of care for persons with disabilities in situations of risk and humanitarian emergencies. A protocol is currently being drafted on assistance to persons with disabilities in situations of risk and humanitarian emergencies.

167. In that context, significant progress has been achieved, so that persons with disabilities in situations of risk and humanitarian emergencies are now being recognized as part of the vulnerable population requiring priority assistance.

168. The Civil Protection System, together with the Panama Coordination Centre and SENADIS, are currently working on mainstreaming the issue of assistance for persons with disabilities in situations of risk and humanitarian emergencies.

169. Although Panama is not one of the countries in the region most vulnerable to natural disasters, the United Nations Development Programme (UNDP) is working with domestic counterparts to ensure appropriate environmental risk management and the capacity to respond to emergencies.

170. The organizations of persons with disabilities and their families have urged the authorities, through the relevant bodies, to develop a national plan on situations of risk and humanitarian emergencies that includes priority assistance to persons with disabilities.

Article 12

Equal recognition before the law

171. The legislation of Panama ensures that persons with disabilities are able to enjoy full legal capacity, on an equal basis with others. It has also signed the Convention on the Rights of Persons with Disabilities.

Article 13

Access to justice

172. There are laws protecting persons with disabilities where access to justice is concerned. They include the Family and Minors' Code, which provides for a series of rights that protect persons with disabilities, of which the most relevant to the administration of justice are articles 377, 489, 518, 520, 521 and 829.

173. Rules on criminal proceedings for persons with disabilities are established in Act No. 42 of 1999, title III (Equalization of Opportunities), chapter VI (arts. 48-51).

174. The Convention on the Rights of Persons with Disabilities of 2006, article 13 of which explicitly provides for the right of access to justice for persons with disabilities, was adopted under Act No. 25 of 2007.

175. The Code of Criminal Procedure, which established measures to safeguard the rights of persons with disabilities in judicial proceedings (arts. 93-95, 126, 238, 364 and 391), was adopted under Act No. 63 of 2008.

176. The institutional policy of the judiciary on gender and access to justice was adopted by Supreme Court Order No. 626 of 2009. This policy outlines six obligations, including ensuring an environment suitable for and accessible to persons with disabilities, bringing the human system into line with models that ensure conditions of equality and non-discrimination, and restructuring judicial services, information, communication and signage that is accessible and comprehensible to the users of support services and technical assistance.

177. Order No. 244 of 2011, by which a charter of rights for persons appearing before the courts of the Panamanian judicial system was adopted, specifies the rights of persons with disabilities to access justice on an equal footing with other citizens (arts. 50-54).

178. In 2009, the Panamanian judiciary produced an institutional study titled "*Igualdad en el Acceso a la Justicia de las Mujeres, Personas con Discapacidad y Adolescentes en Conflicto con la Ley en Panamá*" (Equal access to justice for women, persons with disabilities and adolescents in conflict with the law in Panama).

179. This study formed the basis for the development of the institutional policy on gender and access to justice, as a response which, incorporating a gender perspective, mainstreams the principles of equality and non-discrimination set out in the international instruments for the protection of human rights. In other words, each judicial or court proceeding must take account of social and other differences between people. Their needs, interests, functions and resources need to be considered in order to determine the impact they could have in one area or another, with the effect of eliminating all practices and customs based on a supposed patriarchal neutrality and whose outcome is discriminatory.

180. The judicial system has a gender and access to justice unit, established by Order No. 806 of 11 September 2008, whose purpose is to mainstream a focus including gender, inclusiveness and equal opportunities, system-wide through guidance, training of personnel and system users and project development.

181. In addition, the Panamanian judiciary, through the Public Defender's Office, which is made up of selected lawyers, represents and defends the interests of any person entitled to free legal aid. There is also the office of free legal assistance to victims of crime, which offers legal representation to such persons, in accordance with the regulations on the free legal assistance established in the Judicial Code.

182. The judiciary has worked to develop training in the rights of persons with disabilities, targeting not only judges and other judicial personnel but also officials from other bodies, in addition to civil society.

183. The organizations of persons with disabilities have requested:

- The dissemination of the existing norms on the rights and duties of persons with disabilities and access to justice;
- The promotion in detention centres of the implementation of accessibility standards in infrastructures and in the inclusion of persons with disabilities in social rehabilitation programmes.

Article 14

Liberty and security of the person

184. Panama adopted a charter of rights for persons appearing before the law by Order No. 244 of 2011, which ensures that all persons, with any type of disability, enjoy the right to liberty and security and that no person may be deprived of his or her liberty as a result of a disability.

185. Currently, the right to liberty and security of persons with disabilities is guaranteed through expedited, fair criminal proceedings, which provide for mitigating circumstances when such persons are implicated in a punishable act and aggravating circumstances for those who use persons with disabilities to commit a punishable act, as set out in title III ("Equalization of Opportunities"), chapter VI ("Criminal Procedures Applicable to Persons with Disabilities"), of Act No. 42 of 27 August 1999 and legal amendments to the Judicial Code and the Criminal Code.

186. In order to implement article 14 of the Convention, SENADIS hired a consultant to produce a study of the conditions faced by persons with disabilities in the national prison system.

187. The study was entitled "*Identificación y Caracterización de la Población Privada de Libertad que presenta algún tipo de Discapacidad*" (Identification and description of persons deprived of liberty with some form of disability). It was found that 5.3 per cent of the population of persons deprived of liberty were persons with some form of disability.

188. This study began in August 2011 and ended in January 2012. Twenty-five detention centres were studied, including five for women and two for minors. The total population of these centres was 12,986 persons, of whom 693 were persons with disabilities. Of the latter, 612 were men and 82 women; of those 420 had been convicted, 100 were awaiting a hearing, 37 were being investigated, 75 were under indictment, 22 were appealing and 28 said that they did not know their status. In addition, there were three cases under review, seven non-responses and one case under appeal in cassation.

189. With regard to article 14, persons with disabilities called for raising awareness of international conventions and domestic legislation protecting the rights of persons with disabilities in higher education.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

190. Through Act No. 5 of 1987, Panama adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its entirety.

191. Article 4 of the Constitution states that Panama shall abide by the rules of international law.

192. Similarly, the Criminal Code, in its articles 156 and 156-A, incorporated different forms of the crime of torture, in accordance with the provisions of articles 1 and 4 of that Convention, as follows:

“**Article 156.** Public servants who subject persons deprived of liberty to improper punishment that affects their health or dignity shall be liable to imprisonment of 2 to 3 years. If the act constitutes torture, degrading punishment, humiliation or arbitrary measures, or if it is committed against a minor, the punishment shall be imprisonment of 5 to 8 years.”

“**Article 156-A.** Anyone who inflicts physical or mental pain or suffering on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty or for any other purpose shall be sentenced to 10 to 15 years’ imprisonment. The same sanction shall be applicable to any person who uses methods aimed at dehumanizing the victim or diminishing his/her physical or mental ability, even without causing physical pain or psychological anguish.”

193. In addition, penalties for the act of torture are defined in title XV (“Crimes against Humanity and Crimes against International Human Rights Law”), article 441, of the Criminal Code:

“**Article 441.** Whosoever, in a generalized or systematic manner, commits the following deeds against a civilian population, or having knowledge thereof and the means to do so, does not prevent them, shall be sentenced to between 20 and 30 years in prison, when such deeds result in:

- Aggravated homicide;
- Extermination of a person;
- Slavery;
- Deportation or forced displacement of the population;
- Serious deprivation of physical liberty in violation of the guarantees or fundamental provisions of international law;
- Torture;
- Rape, sexual slavery, forced prostitution, forced pregnancy, or sterilization without consent;
- Racial segregation practices;
- Enforced disappearance of persons;
- Unlawful persecution of a community for political, ethnic, racial, cultural or gender-related reasons.”

194. Article 444 of the Criminal Code incorporated the crimes against persons and property protected by international human rights law:

“**Article 444.** Whosoever physically mistreats a protected person or seriously endangers his or her life, health, physical or psychological integrity or subjects him or her to torture, biological experiments or medical treatment unsuitable for his or her state of health shall be sentenced to imprisonment of between 8 and 12 years.”

195. The Constitution of Panama, among the fundamental guarantees, states in article 22 that any person who is arrested shall be informed immediately and in an understandable manner of the reasons for his or her arrest and of his or her corresponding constitutional and legal rights.

196. Article 2140 of the current Judicial Code provides for pretrial detention and a minimum sentence of 4 years’ imprisonment.

197. Act No. 63 of 2008, which establishes an adversarial criminal justice system, provides in Title I (Guarantees, Principles and Rules), in Title IV (Alternative Methods of Dispute Resolution in Criminal Cases), and in Title V (Protective Measures), article 12, that coercive measures restricting personal freedom or other rights shall be exceptional. The due process judge, when ordering one of these measures, must observe their exceptional, subsidiary, provisional, proportional and humanitarian character. Pretrial detention shall be reasonably limited in time to prevent it from becoming an advance penalty.

198. The organizations of persons with disabilities have commented as follows:

- There is a need to improve the dissemination of legislation and conventions relating to disability as they pertain to torture and other cruel, inhuman or degrading treatment or punishment.

Article 16

Freedom from exploitation, violence and abuse

199. In fulfilment of its international commitments, Panama has introduced legislation aimed at preventing the victimization or re-victimization of victims and potential victims of human trafficking and providing them with protection and assistance.⁹

200. With regard to the steps taken to address the increasing number of cases of sexual abuse of children, especially girls, in the country, the National Secretariat for Children, Adolescents and Family is currently carrying out two programmes, one aimed at preventing sexual violence and assisting the victims thereof, and one on the prevention of child abuse and ill-treatment. These programmes focus on organizing educational seminars in different schools for the benefit of girls as well as their teachers and parents.

201. The State helps to finance the Comprehensive Assistance Association (San José de Malambo shelter), which provides assistance and full-time accommodation to children and young people who are victims of violence, abuse and sexual exploitation.

202. To combat the crime of trafficking in persons, Act No. 79 of 2011 establishes the Office of the Special Prosecutor on Organized Crime, with the responsibility of investigating and prosecuting the offence of trafficking in persons.

203. The Special Prosecutor’s Office on Organized Crime has been in place since November 2011.

⁹ See Act No. 79 of 2011.

204. Panama complies with international human rights instruments, bringing its domestic legislation into line with the Palermo Protocol through Act No. 79 of 2011 on combating trafficking in persons and related activities.

205. Legislative, administrative, social, educational and other measures have been taken to protect persons with disabilities, both within and outside the home, against all forms of exploitation, violence and abuse, including aspects related to gender and childhood.

206. Panama protects children and adolescents from commercial sexual exploitation through the major relevant international treaties and conventions that it has ratified. This protection is reflected in the Constitution, in volume III of the Family and Minors' Code and in Act No. 16 of 2004, which introduced amendments to the Criminal Code with respect to crimes against integrity and sexual freedom, with the addition of chapter IV (on Sex Trafficking, Sex Tourism and Pornography Involving Minors).

207. Panama does not currently have in place measures to ensure that all services and programmes intended for the benefit of persons with disabilities are effectively monitored by independent authorities.

208. The measures taken aim to ensure that all persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social reintegration services and programmes.

209. The aim of the measures is to ensure that all services and resources available to prevent violence and support and assist victims of violence are made accessible to persons with disabilities.

210. Legislation and policies. Included are legislation and policies focused on women and children, which ensure that all instances of exploitation, violence and abuse involving persons with disabilities are identified, investigated and, when appropriate, prosecuted.

211. The amendments to the Criminal Code of Panama, adopted by Act No. 14 of 2007, as amended and supplemented by Act No. 26 of 2008, Act No. 5 of 2009, Act No. 68 of 2009 and Act No. 14 of 2010, are legal provisions for protection from sexual exploitation, violence and abuse.

212. Act No. 42 of 27 August 1999 lays down the conditions that must be offered to persons with disabilities who have been deprived of their liberty. It also indicates the reasonable accommodations that must be made for such persons to enjoy the same procedural guarantees as other persons and thus fully exercise their other human rights. In addition to that Act, the country adopted Act No. 25 of 10 July 2007, which ratified the Convention on the Rights of Persons with Disabilities.

213. Civil society made the following observations:

- Encourage the hiring of independent authorities, preferably persons with disabilities, to monitor the services and programmes designed for the benefit of persons with disabilities;
- Call on the authorities to guarantee appropriate conditions to ensure that persons with disabilities can share in community well-being and are not subjected to abuse.

Article 17

Protecting the integrity of the person

214. There is a legal framework for combating violence against women and girls with disabilities in such settings as the family, the community, the workplace and in public and private institutions such as hospitals, schools and other institutions that offer services.

215. These laws are contained in the Criminal Code of Panama, adopted by Act No. 14 of 2007, as amended and supplemented by Act No. 26 of 2008, Act No. 5 of 2009, Act No. 68 of 2009 and Act No. 14 of 2010, which penalizes abortion.

216. They expressly prohibit forced psychiatric treatment, forced institutionalization, solitary confinement and the use of physical restraints in institutions, forced drug and/or electroshock treatment, forced abortion and forced sterilization.

Article 18

Liberty of movement and nationality

217. Responsibility for matters involving the identity of Panamanian citizens rests with two of the main directorates of the Electoral Court, the National Directorate of the Civil Registry and the Directorate for Identification Documents. The former is responsible for the registration of life records and legal acts in respect of individuals. Its purpose is to provide evidence of the existence and civil status of individuals, while the latter is responsible for issuing identity cards to Panamanian children and adults and residence cards to non-nationals with permanent residency in the country.

218. Article 492 of the Family and Minors' Code lays down that the registration of children born on Panamanian territory is mandatory.

219. The organizations of persons with disabilities added that the legislation on the right to freedom of movement of persons with disabilities in the country should be given better publicity.

220. Panama has not taken any legislative or administrative measures to guarantee the right to a nationality for persons with disabilities. Nonetheless, Act No. 25 of 2007, in article 18 (1) (a-d), refers to the right of all persons with disabilities to enter and leave the country and states that they may not be denied either entry or exit on account of their disability.

Article 19

Living independently and being included in the community

221. Through SENADIS and its National Civic Promotion and Participation Directorate, the State runs programmes that include training in independent living systems for persons with disabilities.

222. In 2011, a seminar was held on independent living for wheelchair users and visually impaired or blind persons.

223. In 2012, a seminar was held on independent living for persons with intellectual disabilities, with the aim of promoting independent living among young people with intellectual disabilities. Parents also received guidance on their children's right to lead an independent life.

224. Currently, there are no programmes or services that include personal assistance to persons with disabilities who need it to be able to live independently in their community.

225. In some communities, there is a programme of home visits to provide basic health care to persons with disabilities who, as a result of their disability, cannot be attended to in medical centres.

226. Training sessions have been held for local authorities, governors, mayors and representatives of district subdivisions for the purpose of facilitating the civic participation

of persons with disabilities in their community. Efforts are being made to achieve accessibility, but the country does not yet have an accessible community environment.

227. The organizations of persons with disabilities reported that independent living in Panama is not yet possible, since neither the physical environment, or information or communication are sufficiently accessible to enable such persons to become assimilated independently.

Article 20

Personal mobility

228. With the adoption of Act No. 25 of 2007, Panama facilitated accessibility for persons with physical, sensory and intellectual disabilities, as shown by the steadily increasing number of curb ramps and the proliferation of audible traffic signals that make it easier for blind persons to cross streets.

229. Public facilities are built to the specifications set out in Act No. 42 and Act No. 25 of 2007 on the right to freedom of movement, which includes the accessibility necessary for persons with physical, sensory and intellectual disabilities.

230. The National Secretariat for Innovation and Technology is responsible for projects accessible to persons with disabilities that are high-quality, affordable and user-friendly. This is the case of the “My Opportunity” project, which gives students the opportunity to undertake university projects, professional internships, dissertations and masters’ projects, for the benefit of the country’s development. More research is being carried out into the needs of persons with disabilities.

231. In 2012, the first Forum on Technology and Disability was held, offering participants a chance to understand new technologies, raising awareness of information and communication technologies as indispensable tools for inclusion and encouraging their use in the classroom and in occupational and social settings.

232. Panama has the Specialized University of the Americas, which provides training in mobility skills to persons with disabilities and to specialized staff who work with them. Panama also has the Andrés Cristóbal Toro Comprehensive Rehabilitation Centre for Blind and Visually Impaired Persons, the main objective of which is to promote the full development of blind and visually impaired adults by offering them functional, occupational and social rehabilitation that makes it possible for them to reach their full potential.

233. Through SENADIS, support is provided to such institutions as the National Physical Medicine and Rehabilitation Institute, which has a workshop for the development of orthopaedic braces and prostheses.

234. Panama is also active in the Association of Universities of Latin America and the Caribbean, with the aim of encouraging state and private universities to take part in research and the development of techniques involving accessibility aids, devices and support technologies that take into account all aspects of mobility for persons with disabilities.

235. In this respect, the organizations of persons with disabilities advocated:

- Calling on universities to review the curricula dealing with the topic of disability, with a view to improving the quality of life of persons with disabilities;

- Calling on the authorities to increase the budgets of institutions that provide rehabilitation and habilitation services to persons with disabilities, in order to ensure that they enjoy a better quality of life.

Article 21

Freedom of expression and opinion, and access to information

236. Articles 43 and 44 of the Constitution of Panama, Act No. 6 of 22 January 2002, establishing standards for transparency in public administration, and Title IV (“Offenses against the Honour of Natural Persons”), article 190 et seq. of the Criminal Code.

237. In Panama’s legal system, legislative measures have been taken to ensure that information provided to the general public is accessible to persons with disabilities in good time and without additional cost.

238. The State is making continual efforts to comply faithfully with the provisions of the law. On some television channels, for example, the news is broadcast with simultaneous interpretation in sign language, although more televised media and more programmes still need to be provided with such simultaneous interpretation.

239. Act No. 1 of 1992 establishes sign language as the natural language of persons with hearing disabilities. Similarly, Act No. 42 of 1999 establishes the right to information and communication through Braille and sign language.

240. Through SENADIS, the Ombudsman’s Office and the Panamanian Institute for Special Training, the State runs sign language courses for public servants in order to facilitate communication with deaf persons.

241. The International Conference of Sign Language Interpreters, held in Panama City from 16 to 20 April 2012 and sponsored by the Ombudsman’s Office, the Institute for Special Training and SENADIS, held the closing ceremony of the first sign language course for the training of interpreters. World leaders such as the Presidents of the World Federation of the Deaf and the World Association of Sign Language Interpreters were present. It was attended by 150 persons from a variety of institutions, members of civil society, interpreters and deaf persons from legally established associations in Panama. Representatives from Mexico, Central America and the Caribbean, Colombia, Argentina, Brazil, New Zealand and the United Kingdom were also present.

242. The State has donated computers equipped with the JAWS (Job Access With Speech) system, felt-tip pens, image highlighters and Braille embossers (for an approximate value of US\$ 10,000) to various institutions, including NGOs such as digital resource centres for persons with visual disabilities, to facilitate access to written information for persons with visual disabilities and limited vision.

243. Only SENADIS and the Ministry of Social Development, which account for about 2 per cent of the total, meet the standard of the Web Accessibility Initiative.

244. Act No. 1 of 1992 protects persons with hearing disabilities. Similarly, articles 19 and 20 of Act No. 53 of 1951 have been amended and other measures have been adopted, establishing sign language as the natural language of persons with hearing impairments.

245. The organizations of persons with disabilities advocated using the public television and radio system to give more publicity to the projects and programmes involving persons with disabilities.

Article 22

Respect for privacy

246. In Panama, medical records, including personal information and information related to rehabilitation, are strictly confidential. Act No. 6 of 2002, which lays down standards for transparency in public administration, establishes the action for a writ of habeas data alongside other provisions. Under the Act, any information held by State officials or any public institution is considered to be confidential; this includes information about individuals' medical and psychological conditions and their private lives.

247. Concealing a person with disabilities is considered to be a form of abuse and/or ill-treatment; it is forbidden by the State and punished under the Family Code, specifically in Book 2, on Minors, chapter II, on the fundamental rights of minors.

248. The Code refers to the right of children with disabilities to be protected and to enjoy a full and inclusive life in society.

249. In articles 202 to 204 of the Criminal Code, contained in chapter II, on the ill-treatment of children or adolescents, it is stated that any person who mistreats a minor shall be punished and that the penalty shall be increased by between one third and one half in cases where the victim is a person with disabilities.

250. The organizations have indicated that the State needs to promote the participation of persons with disabilities in community activities, so as to avoid any stigmatization.

Article 23

Respect for home and the family

251. Article 57 of the Constitution states that marriage is the legal basis of the family, is based on equal rights between spouses, and can be terminated in accordance with the law. This applies to all citizens.

252. Article 518 of the Family Code provides that persons with disabilities shall enjoy the same rights granted to all citizens in the Constitution, the Family Code and other laws, and that their best interests shall be taken into account, as provided for in international conventions or treaties.

253. In addition, and additional to the above, article 19 of the Constitution emphasizes that there shall be no public or private privileges or discrimination on grounds of race, birth, disability, class, sex, religion or political ideology.

254. The National Secretariat for Children, Adolescents and the Family is a public body tasked with carrying out activities to promote the rights of children, adolescents and families. It promotes the creation of decentralized mechanisms among public and private bodies to carry out programmes and projects that guarantee the rights of these groups. It also helps build local governments' capacity to provide comprehensive protection for the rights of children, adolescents and families.

255. The legal framework for establishing and fulfilling these functions includes the General Act on Adoptions,¹⁰ which states in section 2, article 21, that the following persons may become adoptive parents:

- Adults who are legally capable and are able to fully exercise their civil and political rights;

¹⁰ See Act No. 61 of 2008.

- A husband and wife who have been married or in a de facto union for two years, provided that both have given their consent;
- In the case of adoptions of minors, in addition to the above-mentioned requirements, the adoptive parent must reside in Panama or in a State that is a party to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

256. Article 22 of the Act sets out conditions for adoption and states that adoptive parents must prove that, along with holding the financial resources necessary to meet the adoptee's basic needs, they also possess the emotional, moral, physical, psychological and social characteristics that would enable them to responsibly take on the role of parents as well as the rights and duties that the role entails. In addition, they must not have a criminal record. Nowhere does it state that disability is a condition that would prevent adoption.

257. Articles 404 to 407 of the Family Code establish that, in the case of persons with serious intellectual disabilities or serious mental illness, in order for a guardian to be appointed a statement must be issued to the effect that they are unable to administer their own property. This is done following an assessment of their degree of disability with respect to their occupational or physical independence, social integration or economic self-sufficiency, which will determine the extent and limits of the guardianship.

258. Pursuant to the Code, institutionalization must be avoided as far as possible. In order to achieve this, the law provides for shelters or substitute homes, so that whenever possible persons with disabilities may be placed with a host family, depending on their diagnosis, which is based on assessments conducted by an interdisciplinary technical team.

259. As stated above, national laws do not make any distinction on the ground of disability with regard to parents' ability to exercise and discharge their responsibilities towards their children. In any case, parents have equal access to public bodies and may ask them to intervene, if necessary, to protect the parent-child relationship.

260. In Panama, the exercise of parental responsibility is not subject to any conditions; that is to say, regardless of any disability a father or mother might have, they are free to exercise their rights, duties and responsibilities as a parent, unless a court judgment orders otherwise in order to safeguard the best interests of the child.

261. The National Secretariat for Children, Adolescents and the Family has established the Family Strengthening Programme as a mechanism for developing and implementing policies and strategies that are aimed specifically at strengthening family bonds and enabling families to correct any problems that might be affecting the normal family dynamics. In this context, the support provided through this programme is available to anyone who needs it, regardless of any disability they might have.

262. The General Alimony Act¹¹ provides clarification about alimony claims made by persons with some degree of disability by stipulating in article 7 that any adult or person with a severe or debilitating disability that prevents them from having an income is eligible to receive alimony for as long as is needed. Such cases are also subject to an assessment conducted by an interdisciplinary technical team to verify the disability.

263. Panama, as a signatory to the Convention on the Rights of the Child (Act No. 15 of 1990), has incorporated into its national legislation (art. 487 of the Family and Minors Code and art. 5 of Act No. 61 of 2008 (the General Act on Adoptions)) the principle that no child should be separated from his or her parents except under very exceptional and unusual

¹¹ See Act No. 42 of 2012.

circumstances. Such separations may be ordered and carried out only on an exceptional basis and for the purpose of protecting the minor.

264. None of the above-mentioned pieces of legislation explicitly state that a disability would automatically result in the separation of a child from their parents.

265. National law sets out the appropriate mechanisms to safeguard against or rectify any situation involving an unjustified or illegal separation of children from their parents. In this regard, article 322 of the Family and Minors Code states that any parent, without any discrimination, may request assistance from the competent authority, and that the authority must offer assistance to return the child to the parent's home.

266. Under article 158 of the Criminal Code, the arbitrary separation of a child from their parents is punishable with 3 to 6 years' imprisonment.

267. In Panama, the concealment, abandonment, neglect or segregation of a child or adolescent with disabilities is a punishable act under criminal law, insofar as it constitutes ill-treatment.

268. The National Secretariat for Children, Adolescents and the Family, through the Family Strengthening Programme or the Programme to Protect the Right to Family Life, provides support and conducts the relevant investigations to determine the nature and scope of the circumstances surrounding each of the above-mentioned offences. Under the relevant Organic Act, the National Secretariat has the power to coordinate actions with other government bodies and stakeholders to address or rectify any such situations that may jeopardize the comprehensive development of the child or adolescent.

269. Panama recognizes the right of all children and adolescents to live and fully develop in the family home — a right that is enshrined in the Convention on the Rights of the Child and that has been incorporated into national law through Act No. 15 of 1990.

270. The institutionalization of any child or adolescent, irrespective of whether they have some degree of disability, should be carried out only on an exceptional basis and not as a general rule. This is the meaning of article 5 of Act No. 61 of 2008 (the General Act on Adoptions) and article 724 of the Family and Minors Code. In any case, before placing any child in a shelter or home, a social assessment must be conducted to determine whether there are any viable alternatives to institutionalization, especially if there is a possibility of placing the child with members of the extended family.

271. Any act that inflicts bodily harm on another person is considered to be a punishable offence. An aggravating circumstance is applied, however, in cases where the act makes the victim impotent or unable to reproduce, thus increasing the penalty to between 6 and 10 years' imprisonment, as stipulated in article 173 of the Criminal Code. Panamanian criminal law also provides for an aggravating circumstance in cases where the offence is committed against a person with disabilities who is in a vulnerable condition or against a person incapable of ensuring his or her own safety or health.

272. The organizations have added that there is a need to train and build the capacity of professionals and specialists dealing with persons with disabilities, so as to enable them to better serve this population group.

Article 24

Education

273. Schooling is compulsory in Panama up to the ninth grade.

274. By means of Act No. 34 of 1995, the State has reformed the Education Act and established that the education of children with special educational needs will be coordinated by the Ministry of Education through the National Directorate for Special Education.

275. The State is protecting persons with hearing disabilities¹² through the amendment of articles 19 and 20 of Act No. 53 of 1951 and through other measures, while at the same time guaranteeing a bilingual education for persons with hearing disabilities and recognizing sign language as their native language.

276. Executive Decree No. 1 2000 also establishes procedures for providing inclusive education to persons with special educational needs.

277. The Ministry of Education is the government institution responsible for primary education, the legal basis of which is the Constitution.

278. In Panama, there are some 103 Children and Family Guidance Centres registered with the Ministry of Social Development, which provide early childhood education. There are about 3,680 children enrolled in these centres, of whom 1.3 per cent have some type of disability.

279. In Panama, there are no significant differences between the education provided to boys and that provided to girls at any of the levels of education.

280. Persons with disabilities are guaranteed opportunities for access to, continued attendance at and completion of mainstream education at the basic general education level (grades 1 to 9), the middle school level (grades 7 to 9) and the high school level (grades 10 to 12), in both public and private schools.

281. In addition, inclusive education has been incorporated in the National Education Plan in order to guarantee access to quality education for persons with disabilities, with social equity, by establishing a national plan with specific targets and lines of action at each educational level. This became a reality with the adoption of Organic Act No. 34 (the Education Act) of 1995.

282. With regard to accessibility, architectural accessibility has been improved in 181 schools throughout the country. Specific skills-development services are available for children, adults or teachers who so require in Braille, sign languages, augmentative and alternative communication, mobility and other areas. A total of 1,109 technical aids have been delivered, making it possible to print 872 texts in Braille. Eighteen sign language classes have been held, attended by 331 persons. However, there is no degree offered in sign language interpretation.

283. According to statistical data from the Ministry of Education, the number of persons with disabilities in private and public schools increased at the primary level from 2007 to 2008; it dropped in 2009, however, only to increase again in 2010.¹³

284. The first national survey on the prevalence of disability in Panama indicated that 9 per cent of persons with disabilities enrol in university.

285. There are no statistics on the number or percentage of students with disabilities disaggregated by gender or by field of study, but data disaggregated by level of education and type of disability are available.

286. In Panama, reasonable accommodations are recognized by law and in other measures taken to ensure access to lifelong education; however, so far not all schools have

¹² See Act No. 1 of 1992.

¹³ See annex.

been made accessible, and accessibility is even less common in institutions of higher education.

287. The organizations of persons with disabilities have called for:

- Training for professionals working with students with disabilities in the use of alternative communication systems and the latest technologies to facilitate communication during the learning process;
- Progress with regard to accessibility in schools;
- Increased services for persons with disabilities in the various programmes that provide support to this population group, with a view to reducing the poverty rate among persons with disabilities.

Article 25

Health

288. Legislative measures relating to the rights of persons with disabilities and health include Act No. 3 of 2001, which fully endorses the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities. In addition, Act No. 42 of 1999 on equal opportunities for persons with disabilities and Act No. 25 of 2007 ensure equal access to quality health services, including sexual and reproductive health services, for persons with disabilities.

289. The Panamanian Institute for Special Training carries out the community-based rehabilitation programme, which offers guidance to parents and members of the community on how to assist children with disabilities in their homes; this guidance covers subjects ranging from personal hygiene to basic physical therapy and the construction of technical aids with materials that are already available in the communities.

290. There are rehabilitation programmes, but information on these with regard to technical and human resources for the reception and processing of data is fragmented.

291. The National Strategic Plan on Disability identifies action lines and preventive education strategies that take into account all the factors influencing disability and that promote healthy lifestyles for persons with disabilities at all levels:

- Neonatal programmes;
- Introduction of regulations calling for mandatory screening for newborns and hearing tests;
- Training in early childhood development;
- Maternal and child health programmes;
- Growth and development;
- School;
- Adolescents;
- Maternal;
- Mental health programmes;
- Extended immunization programmes;
- Programmes for older persons;
- Comprehensive residential care system;

- Occupational health;
- Oral health.

292. Act No. 4 of 2007 provides for the establishment of the National Neonatal Screening Programme along with other provisions, with a view to preventing disabilities among newborns. According to preliminary figures, 32,812 newborns had been screened as at 26 December 2011 and, in 2011, cases of newborns with glucose-6-phosphate dehydrogenase (G6PD) deficiency, congenital hypothyroidism, congenital adrenal hyperplasia and haemoglobinopathy had been diagnosed.

293. CONADIS is mainstreaming the theme of the social inclusion of persons with disabilities.

294. There are regulations in place governing preventive health programmes, such as the implementing regulations of Act No. 50 of 1995, which protect breastfeeding and related programmes, including the Safe Motherhood Initiative. Similarly, the National Plan for the Prevention and Monitoring of Micronutrient Deficiencies 2008-2015 is being managed using a cross-cutting approach.

295. Rice fortification is part of the Food and Nutrition Plan, the main goals of which include those set out in the National Plan for the Prevention and Monitoring of Micronutrient Deficiencies. This is because it has been determined that Panamanians are suffering from deficiencies in essential nutrients such as folic acid, iron and zinc, which are important for development and good health.

296. CONADIS conducts continuous training for health-care professionals to ensure that they are informed about and implement standards on disability in their respective areas of responsibility. Awareness-raising workshops have been held for 7,532 professionals from different areas within the field of health care, including those working in rural areas.

297. Health-care professionals are trained in the standards in force in Panama relating to persons with disabilities, in order to ensure quality care for such persons throughout the country.

298. Staff members of the health institutions (Ministry of Health and Social Security Fund) are trained in sign language so that the two institutions may provide better support to persons with hearing disabilities. An online programme is being carried out for the Social Security Fund to provide access to deaf persons receiving medical care. A diagnostic study was carried out on the accessibility of infrastructure throughout the country, which showed that only 11 per cent of Social Security Fund facilities were accessible to persons with disabilities.

299. The Panamanian National Strategic Plan 2011-2014 calls for strengthening multisectoral actions to provide priority support to families that include persons with disabilities, whose situation with respect to poverty, education, health and human development limits their possibilities of obtaining appropriate support for their disability. The aim is that, by 2014, alternatives will be made available that have undergone inter-institutional analysis and evaluation, in order to provide more permanent support for persons with disabilities who experience situations of neglect, violence, abuse and poverty.

300. These goals for 2014 are to be achieved by means of the following lines of action:

- Conducting comprehensive programmes for children with disabilities who are neglected;
- Providing support for children with disabilities and their families and reducing their exposure to risk through support services;

- Caring for women and children with disabilities in shelters, who are victims of violence, exploitation, neglect and abuse;
- Identifying and assessing persons with disabilities who are living in poverty and wandering the streets.

301. In addition, the Panamanian National Strategic Plan 2011-2014 calls for municipalities to be encouraged to facilitate access for persons with disabilities to local services, so that local bodies can put those persons in touch with the family welfare services and they can then benefit from those services.

302. In view of the helpless situation faced by persons with disabilities who are victims of violence, whether they be women, children or older persons, data about them are to be collected with assistance from the relevant government and civil society organizations.

303. Training is to be provided to health-care professionals, judicial officials, police officers and staff of other organizations that deal with cases of violence against persons with disabilities.

304. Women and children with disabilities are to be empowered as much as possible by informing them about their rights with regard to domestic violence, using methodology and terminology that is accessible to them.

305. Awareness is to be raised among local governments at all levels about disability and the responsibilities of municipal governments.¹⁴

306. Observations from the organizations of persons with disabilities:

- There is a law — Act No. 59 of 28 December 2005 — that protects workers from dismissal on account of disability or chronic illness, but the organizations point out that the Act is not effective, as it refers to a committee that is to be responsible for certifying that persons with chronic degenerative (disabling) diseases are unable to work. Since this committee has yet to be established, the Act does not protect such persons against unjustified dismissal;
- The organizations also call for further awareness-raising among health-care professionals on how to provide more personalized care for persons with disabilities;
- The accessibility of health infrastructure should be improved throughout the country;
- As part of social security policy, future reforms of Organic Act No. 51 on the Social Security Fund should provide for a permanent disability pension (including pensions for beneficiaries with disabilities);
- The regulations on advance pensions for persons with disabilities should be reformed;
- The organizations also asked that the health system include home care programmes, so as to facilitate access to health care for persons with serious disabilities.

Article 26

Habilitation and rehabilitation

307. Comprehensive rehabilitation centres have been established to improve the quality of care for persons with a disabling condition. These centres form part of the social

¹⁴ National Strategic Plan for the Social Inclusion of Persons with Disabilities and their Families: 2011-2014. Republic of Panama, p. 49

inclusion projects that have been carried out in seven of the country's nine provinces, namely Veraguas, Chiriquí, Los Santos, Herrera, Colón, Darién and Coclé. Another centre is soon to be built in Bocas del Toro. In Panama City, improvements are being made to the National Physical Medicine and Rehabilitation Institute. In order to facilitate access to rehabilitation for persons with disabilities, the Institute was provided with a bus that can carry 29 passengers.

308. A total of 255,000 balboas was invested in equipment for the centres and another 30,000 balboas in training for the staff.

309. In Panama City, new facilities were built at the National Physical Medicine and Rehabilitation Institute so as to provide better support to persons undergoing rehabilitation. There is an orthosis and prosthesis laboratory within the Institute.

310. There are also community-based rehabilitation programmes and new technologies for rural areas. From 2009 to 2011, with an investment of 125,000 balboas, the Panamanian Institute for Special Training trained more than 1,590 families of children, adolescents and adults with disabilities in how to build rehabilitation furnishings (from wood, PVC tubes and other raw materials) and set up community-based rehabilitation centres locally.

311. In response to calls for action from members of civil society, they have been given access to new technologies through workshops where they are trained to use accessibility devices and programmes (free open source software), so that persons with disabilities may have at their disposal assistive technologies that will help them live a more independent life.

312. The organizations of persons with disabilities have called on the State to:

- Provide a transportation allowance to persons with disabilities who join rehabilitation programmes and who may be living in poverty or in extreme poverty, in order to ensure their access to rehabilitation;
- Equip health-care facilities with advanced technologies so they can properly rehabilitate persons with disabilities;
- Carry forward the independent living workshops for persons with various types of disabilities, such as those with reduced mobility and visual disabilities. Expand the concept of rehabilitation to include functional rehabilitation;
- Train family members on how to include persons with disabilities in daily life activities and society.

Article 27

Work and employment

313. Legislative measures have been taken to ensure protection against discrimination in all stages and forms of employment and to recognize the right of persons with disabilities to work on a basis of equality with others, in particular the right to equal pay for equal work.

314. These legislative measures include the adoption of Act No. 1 of 28 January 1992, which protects persons with hearing disabilities. Articles 19 and 20 of Act No. 53 of 30 November 1951 have been amended, in addition to other measures.

315. Executive Decree No. 60 of 19 April 1993 regulates the benefit established under article 14 of Act No. 1 of 28 January 1992 that is granted to employers who hire persons with disabilities.

316. Act No. 18 of 1993 adopted the International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

317. The Labour Code was adopted through Cabinet Decree No. 252 of 30 December 1971.
318. Act No. 42 of 27 August 1999 created equal opportunities for persons with disabilities.
319. There is a department within the Ministry of Labour and Workforce Development that is tasked with promoting the rights of workers with disabilities and that also coordinates training activities through the National Vocational Training Institute for Human Development.
320. The Labour Affairs Commission of CONADIS has adopted a policy on the social inclusion of persons with disabilities, which is implemented through programmes carried out by the Ministry of Labour, the Micro, Small and Medium-sized Enterprise Authority, the National Vocational Training Institute for Human Development and the Panamanian Autonomous Cooperative Institute. SENADIS is in charge of the “*Famiempresa*” project, which consists of micro enterprises run by persons with disabilities and their families with the help of funding (seed capital) that they are not required to repay.
321. The impact of targeted employment programmes and policies in place to achieve full and productive employment among persons with disabilities is shown in article 27, paragraphs 1 (a) to (g), of the Convention.
322. The availability of technical and financial assistance for the provision of reasonable accommodations, including the promotion of the establishment of cooperatives and start-ups in order to encourage the entrepreneurial spirit, is ensured through agreements with the Panamanian Autonomous Cooperative Institute and the Micro, Small and Medium-sized Enterprise Authority, which, inter alia, trains entrepreneurs with disabilities who are part of the “*Famiempresa*” project.
323. Affirmative and effective action measures for the employment of persons with disabilities in the regular labour market include programmes such as: the “My First Job” Labour Market Integration Support Programme; the National Employment Service; the Vocational Training and Employment Programme; and the Agora Project (run by the Fundación ONCE para América Latina/the National Union for the Blind/SENADIS).
324. There are positive and effective action measures in place for the prevention of harassment in the workplace against any worker, regardless of disabilities. There is also a department for persons with disabilities, known as the Department of Socioeconomic Development for Persons with Disabilities, within the Ministry of Labour and Workforce Development.
325. Persons with disabilities have access to open employment and vocational training services, including those for the promotion of self-employment, through: the Micro, Small and Medium-sized Enterprise Authority; the National Vocational Training Institute for Human Development; the Seed Capital Programme; Business Management; and the Financing Programme for Micro and Small Enterprises (ProfiPyme).
326. The groups that are most vulnerable with respect to integration into the national labour market are persons with intellectual disabilities, followed by persons with motor disabilities, for whom physical and urban environments are not accessible, which limits their chances of entering the labour market. On the other hand, current legislation supports all types of employment, from self-employment to protected employment.
327. Articles 42 and 43 of Act No. 42 include specific provisions on the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks.

328. The Ministry of Labour and Workforce Development provides training that enables individuals to move out of the informal sector and into the formal sector, but there are no statistics available on the number of persons with disabilities who have received this type of training.

329. The Ministry is responsible for implementing the regulations set out in the Labour Code to protect persons with disabilities from unfair dismissal and forced or compulsory labour.

330. The Department of Socioeconomic Development for Persons with Disabilities, which has been established within the Ministry, promotes the integration of persons with disabilities into the national labour market. The Department began as a small office, but its status was later upgraded to that of a department.

331. The Ministry promotes employment in telemarketing and in call centres for persons with disabilities, with a view to their integration into the labour market.

332. The organizations of persons with disabilities have called on the State to:

- Ensure coordination between the Ministry of Labour and Workforce Development and the Ministry of Education so that students with disabilities who graduate from schools and vocational training centres are considered for integration into the labour market on the basis of their skills;
- Spread awareness of the tax incentives available to businesses that hire persons with disabilities.

Article 28

Adequate standard of living and social protection

333. The Institute of National Aqueducts and Pipelines is responsible for providing drinking water and for collecting and safely disposing of wastewater in order to help maintain and improve the health, well-being and development of the Panamanian people and their communities, irrespective of whether they suffer from any disabilities.

334. This institution serves 2.2 million inhabitants and has a water distribution network covering 5,000 km, along with a sewage system that extends across 1,300 kilometres.

335. With regard to persons with disabilities, according to the 2006 survey on the prevalence of disability, 11.6 per cent of all households surveyed do not have access to drinking water, 14.7 per cent do not have electricity and 3.5 per cent do not have any type of sanitation. This institution currently has an inter-agency liaison officer who participates in CONADIS.

336. The Ministry of Housing and Land Management carries out programmes to provide housing that is accessible to persons with disabilities. The Ministry has an equal opportunities office that is responsible for following up on the requests it receives from all around the country.

337. The Ministry of Social Development and the National Secretariat for Disabilities conduct programmes that aim to help persons with disabilities cover the extra costs incurred as a result of their disabilities. These programmes, which include the “100 at 70” Programme, the Opportunities Network Programme and the Financial Subsidies and Scholarships Programme, aim to provide social protection and alleviate poverty from a gender equality perspective.

338. Through the Ministry of Housing and Land Management, persons with disabilities have access to various types of programmes aimed at providing them with low-cost and

accessible housing. In other cases, they are provided with materials to build their own homes.

339. There is no specialized pension programme for persons with disabilities in Panama. However, any Panamanian worker who is unable to perform his or her job is entitled to a disability pension, which is paid out through the Social Security Fund.

340. The relationship between poverty and disability is highlighted through the strategic lines of action set out in the National Disability Policy. Under the National Strategic Plan on Disability 2011-2014, various government institutions take measures to improve the quality of life of persons with disabilities. In addition, the plan calls for municipalities to be encouraged to facilitate access for persons with disabilities to local services, so that local agencies can put those persons in touch with the family welfare services, from which they can benefit.

341. The organizations of persons with disabilities and their families have urged the State to guarantee that the cash transfer programmes offered by various government institutions to the rest of the population effectively include persons with disabilities.

Article 29

Participation in political and public life

342. Article 10 of Act No. 42 of 1999 states that the Electoral Court shall take the necessary measures to ensure that citizens with disabilities can freely exercise their right to vote. Polling stations, centres and areas shall be equipped for this purpose.

343. Articles 299 and 300 of the Electoral Code explicitly refer to providing support that will enable persons with disabilities to exercise their right to vote, either with the assistance of a person of their choice or with full accessibility.

344. Panama does not have any indicators that measure the full enjoyment of the right of persons with disabilities to participate in political and public life.

345. The National Secretariat for Disabilities, through its Directorate for Citizen Participation and Promotion, supports the strengthening of organizations of persons with disabilities, promoting their participation as citizens in all areas of political and community life. To achieve this, they are encouraged to lead an independent life, and they receive training aimed at enabling them to be self-sufficient and independent and to represent themselves in various bodies at the local, national, regional and international levels.

346. The organizations of persons with disabilities and their families have advocated that:

- The State, through the regulations currently in force, should guarantee the free participation of persons with disabilities in political and public life;
- The Electoral Court should train persons with disabilities in how to exercise their right to vote and should ensure that the necessary accessibility measures are taken to enable their participation;
- In the case of persons with disabilities who hold high-level public office, the State should guarantee equal opportunities for them so that they may carry out their duties on an equal footing with others.

Article 30**Participation in cultural life, recreation, leisure and sport**

347. The right to participate in cultural life, recreation, leisure and sport is set out in Act No. 42 of 27 August 1999 on equal opportunities for persons with disabilities. This right is further clarified in Decree No. 88 of 2 November 2002, Act No. 25 and Decree No. 88.

348. The preliminary draft of the National Institution of Culture and History Act was revised to include amendments to the articles in Act No. 63 on the social inclusion of persons with disabilities in the cultural sector.

349. Panama has enacted Act No. 25 adopting the Convention on the Rights of Persons with Disabilities, article 30, paragraph 4 of which recognizes respect for the culture of deaf persons.

350. The National Paralympic Committee of Panama is responsible for promoting the participation of persons with disabilities in high-performance sports. The National Sports Institute conducts various programmes that encourage persons with disabilities to practise sport. There are sports organizations in Panama for blind persons, deaf persons, persons with reduced mobility and persons with intellectual disabilities, who participate in the Special Olympics.

351. The National Institute of Sports and the Ministry of Education promote the participation of children with disabilities in the Central American Intercollegiate Games (PARACODICADER). This, in turn, encourages children with disabilities to participate in different sports in school, thereby ensuring their inclusion in sporting activities.

352. The organizations of persons with disabilities and their families have added the following recommendations:

- Increase the budget allocated to cultural activities, recreation, leisure and sport;
- Promote the training of professionals specializing in sports for persons with disabilities and distribute them throughout the country.

V. The specific situation of boys, girls and women with disabilities**Article 6****Women with disabilities**

353. Panama has ratified various regional and international instruments relating to gender, such as the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, which the State ratified through Act No. 17 of 2001, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará).

354. It is worth mentioning the recommendations issued by the bodies established to monitor implementation of these instruments.

355. Panama has national legislation in place, such as:

- Act No. 4 of 29 January 1999 on equal opportunities for women and its implementing regulations set out in Executive Decree No. 53 of 25 June 2002;
- Act No. 42 of 27 August 1999 establishing equal opportunities;

- Act No. 6 of 4 May 2000 providing for the compulsory use of gender-sensitive language, contents and illustrations in school textbooks and publications;
- Executive Decree No. 31 of 16 April 2001 establishing the National Gender Training System;
- Act No. 68 of 19 December 2001 establishing joint titling as a form of purchasing land and modifying articles in the Agrarian Code;
- Act No. 29 of 13 June 2002 guaranteeing the health and education of pregnant adolescents;
- Executive Decree No. 89 of 2002 on the network of government and civil institutions producing and using statistics for the incorporation of a gender perspective in national statistics;
- Act No. 14 of 2007 adopting the new Criminal Code;
- Act No. 31 of 1998 on protection for victims of crime, which defines the rights of victims;
- Act No. 11 of 1995 establishing family prosecutor's offices;
- Act No. 44 of 1995 criminalizing the offence of sexual harassment in the workplace;
- Act No. 16 of July 1991 establishing within the criminal investigation police force the Complaints Reception Centre, which includes the Support Centre for Victims of Crime.

356. With regard to the participation of persons with disabilities, and of women in particular, in the development, evaluation and implementation of policy, the Government developed its National Disability Policy with the participation of organizations of persons with disabilities (including those with physical, sensory and intellectual disabilities) and their family members (including organized groups of parents), and with women and young people with disabilities. This policy is currently being implemented by the relevant bodies through the National Strategic Plan 2011-2014.

357. The National Institute for Women, as a decentralized public body, coordinates intersectoral actions with government institutions through a network of State mechanisms to implement the National Policy on Equal Opportunities for Women in accordance with its objectives and responsibilities. It acts as a direct counterpart when coordinating various actions to combat domestic violence and to implement the National Plan against Domestic Violence and Civil Coexistence Policies. The Institute works in coordination with key stakeholders in communities to prevent, identify and support victims in cases of domestic and sexual violence perpetrated against women, girls and adolescents.

358. Regarding the number of women and girls with disabilities who had access to the Institute's services and programmes to prevent and combat violence in 2011, only 0.02 per cent of the women and their children who received counselling and shelter were persons with disabilities (physical and mental).¹⁵

359. There is a legal framework in place for dealing with violence against women and girls with disabilities in various settings (within the family, the community or the workplace) and in State and private institutions such as hospitals, schools and other service providers. The following are explicitly prohibited by law: forced psychiatric interventions; forced institutionalization; solitary confinement and the use of physical restraints in

¹⁵ The Clara González National Report on the Situation of Women in Panama.

institutions; forced drug treatment and/or electric shock treatment; forced abortion and forced sterilization.

360. Act No. 4 of 29 January 1999, in article 28, establishes as a public policy the promotion of equal opportunities for women with disabilities. This entails eliminating discriminatory behaviour towards women with disabilities, such as indifference, segregation and isolation, architectural barriers, labour exploitation, labelling, humiliation or any other treatment that devalues them as human beings. The article provides for job placement for women with disabilities through appropriate training, habilitation and rehabilitation programmes; it also provides for job reassignment programmes designed to enable the reintegration of women who have acquired a disability through an accident or illness.

361. Article 21 of the Act establishes the public policy that the State will carry out to promote equal opportunities for girls. This includes promoting initiatives that will prepare girls to participate actively and effectively, on an equal footing with boys, at all levels of family, social, economic, political and cultural life. It also includes carrying out policies and action plans to eradicate all forms of sexual and labour exploitation and violence, rape and incest, child prostitution, early pregnancy and early marriage, in view of the fact that girls are more vulnerable to all kinds of ill-treatment.

362. The National Institute for Women is in the process of approving the national policy on equal opportunities for women. During the process of drafting the policy, consultations were held specifically with women with different kinds of disabilities, who described the various situations they faced due to their status not just as women but as women with disabilities. The policy focuses on, *inter alia*, equal opportunities, gender mainstreaming and human development, women's rights, empowerment, and multiculturalism and diversity.

363. Laws addressing the issue of disability include Act No. 38 of 2001, which amends articles of the Criminal Code and the Judicial Code on domestic violence and the ill-treatment of children and adolescents, repeals articles of Act No. 27 of 1995 and contains other provisions.

364. In addition, SENADIS and the National Institute for Women, together with the judiciary, jointly promoted the drafting of the Policy on Access to Justice, Gender and Disability. That policy was issued in 2011 and is being implemented by the judiciary's Gender and Access to Justice Unit. Act No. 79 of 2011 establishes the offence of human trafficking and related activities and protects women with disabilities from this crime by establishing a number of safeguards and respect for their rights.

365. Article 52 of Act No. 79 of 2011 on human trafficking and related activities provides for the application of nine special measures for victims of trafficking with disabilities, while article 53 of the Act states that, in cases where the victim is an adult with disabilities, SENADIS shall be responsible for providing them with the care and assistance they require.

366. The National Institute for Women conducts awareness-raising and training activities in subjects related to women's rights, national and international legal instruments for the advancement of women and other subjects, and it ensures the inclusion of the rights of vulnerable women, girls and adolescents with disabilities, women living with HIV/AIDS, migrant women, indigenous women and other groups.

367. In addition, initiatives have been carried out with groups of women with disabilities, such as the "access to gender justice and women with disabilities" initiative, the purpose of which is to raise awareness among those who are responsible for implementing policies and programmes. It promotes the empowerment of women to exercise their rights in private and

in public life and covers topics such as: exercise of the rights of women with disabilities; access to justice; and the situation of women with disabilities in Panama.

368. Actions are being taken to promote women's participation with a view to their empowerment. To this end, gender offices have been established in various State institutions, including: the SENADIS Gender Office; the Equal Opportunities Office of the Ministry of Housing and Land Management; and the Access to Justice and Gender Office in the judiciary.

369. The Fire Brigade of Panama has established a national office for equal opportunities for women and persons with disabilities. The National Institute of Culture also has an office for equal opportunities, and all these offices are mandated to work with persons with disabilities.

370. The United Nations in Panama, through the "Partnership for a Life without Violence" joint programme, seeks to be a key partner in the national strategy to strengthen existing initiatives and in the development of other initiatives to prevent and address violence against women, girls and adolescents.

371. The Ministry of Social Development also provides support through the Counselling and Comprehensive Care Centre. This centre offers comprehensive care by trained personnel who provide psychosocial counselling and legal advice. Similarly, the national police force has its Service to Combat Domestic Violence. These bodies coordinate carefully with the Human Rights Directorate to provide referrals for appropriate care and follow-up. There is the 147 helpline, which is coordinated by the Ministry of Social Development, while the National Institute for Women helps run the 311 helpline (Citizen Care Centre).

372. There are shelters for women victims of violence, which are accessible to women with disabilities. The National Institute for Women runs two shelters, one located in the Eastern Region (Chiriquí) and another in the capital (Panama City), while a third one is under construction and will open in March in the city of Colón. The shelters are physically adapted to offer access to women, girls and adolescents with disabilities.

Article 7

Children with disabilities

373. Chapter III, article 489 (11) of the Family and Minors' Code states that children have the right to express themselves freely and to know their rights. Consequently, they must be heard — either in person or through a representative — in all proceedings that might affect them, in accordance with the law, and their views must be taken into account, with due consideration given to their age and psychological maturity.

374. Similarly, article 489 (12) of the Code establishes the right of minors to respect for their freedom of thought, conscience and religion, to a degree commensurate with their level of development and under the guidance of their parents, subject to the limitations established by law to protect the rights of others.

375. Article 489 (13) provides that minors with disabilities are entitled to enjoy a full and decent life, ensuring respect for their dignity and their participation in the community, and to receive special care and training aimed at achieving their active integration into society as far as possible. Those who cannot be understood because of their condition have the right to a translator or person with special training who can interpret their statements.

376. Act No. 47 on adoptions in the Republic of Panama was adopted on 17 July 2013. The Act covers the adoption of minors who have been declared adoptable by court order.

This includes minors who are approaching the age of majority during the proceedings. The Act aims to:

- (a) Promptly restore the right to family life for children and adolescents who have been deprived of this right;
- (b) Protect children and adolescents from unnecessary separation from their nuclear biological family and from their blood family;
- (c) Facilitate the permanent placement of children and adolescents with relatives or with adoptive parents who can provide them with love, security, care and support;
- (d) Provide counselling for parents who are deciding whether to consent to adoption;
- (e) Provide future adoptive parents with all the available information on the child or adolescent assigned to them, so that they may accept or reject the assignment;
- (f) Protect the parties' confidentiality, subject to the exceptions established by law;
- (g) Prevent the illegal trafficking of children and adolescents and other types of illegal placements.

377. The Act seeks to speed up adoption processes and makes changes to the pre-adoption stage of the proceedings so that children do not spend too much time in orphanages.

378. The Act also includes an article allowing minors who become pregnant and wish to offer their child for adoption to do so; however, this provision only applies to minors who have been emancipated by a court order.

379. In 2009, throughout the country there were 45 children's homes housing 2,143 children; in 2010, there were 55 temporary homes housing 2,474 children; in 2011 there were 50 homes housing 2,344 children; and, as at July 2012, there were 55 homes housing 2,416 children, who had been placed there by a competent judicial or administrative authority as required under the Family Code. These homes may be run by NGOs, private businesses, religious organizations or the State.

380. Decree No. 26 of 2009 sets out the regulations governing the opening and operation of children's homes. According to data from 2012, the National Secretariat for Children, Adolescents and the Family operates 55 such homes throughout the country, which house 166 children with disabilities, of whom 96 are boys and 60 are girls.

381. According to the above-mentioned Decree, the National Secretariat for Children, Adolescents and the Family is authorized to: conduct and coordinate the operations of children's homes in order to supervise the conditions in which the children and adolescents are living; maintain a register of authorized homes; maintain a register of the children living in the homes; provide technical assistance in legal and psychological matters and matters involving social work; promote and coordinate ongoing and refresher training courses on the rights of children and adolescents for all staff working in the homes; coordinate with government institutions to ensure access to basic services; and approve the internal rules of operation and care.

VI. Specific obligations

Article 31

Statistics and data collection

382. Measures are being taken to collect appropriate information in disaggregated form, including statistical and research data, so that it will be possible to formulate and implement policies to give effect to the Convention respecting human rights and fundamental freedoms, ethics, legal safeguards, data protection, confidentiality and privacy. CONADIS coordinates with the focal points within each institution to obtain the data and/or statistics from those institutions, thereby ensuring that the information is reliable and up to date.

383. It has been difficult to obtain such information, however, because institutions do not maintain their own databases on disability. Rather, each institution deals with the issue in a cross-cutting manner depending on its field of competence. One example of this is the statistics gathered by the National Secretariat for Children, Adolescents and the Family on the children and adolescents it cares for. These include information on children with disabilities, but that data is not disaggregated by type of disability, age group or ethnicity. The situation is similar in other institutions; they take into account the fact that they are working with a large population group (namely, persons with disabilities), but they do not specify the type of disability, age or, in many cases, even gender. Only SENADIS keeps disaggregated data, but those data cover only the persons with disabilities who are served by that institution.

384. In order to ensure that the statistical information gathered is available to all citizens, SENADIS always maintains an online portal with a statistical bulletin that contains all the information generated within the institution.

385. Such information is also available on the website of the National Statistics and Census Institute, which is the institution responsible for managing and compiling the country's statistical data and also for promoting the integration and development of the national statistical system, so that the statistics provided are in line with citizens' right to public information.

386. Moreover, as a way of promoting the participation of persons with disabilities and their families, in the various committees that operate within CONADIS and in the provinces through the Council's provincial branches, civil society is called upon to monitor the activities of CONADIS, which are carried out in accordance with the National Strategic Plan.

387. The first survey on the prevalence of disability in Panama was conducted in 2006; the organizations of persons with disabilities actively participated in the survey and approved the initial questionnaire used. In addition, the consultants hired also included persons with disabilities. The survey helped to support the National Disability Policy.

388. On the basis of this preliminary study, three further studies were conducted. These were epidemiological studies of risk factors associated with disability, which were conducted in Las Minas district in Herrera Province, in Tonosí district in Los Santos Province and in the small town of El Tejar in Alanje district, Chiriquí Province. These studies will serve as a scientific tool and as the basis for future State policies benefiting persons with disabilities.

389. In addition, the State conducted a census in 2010, that included a question on disability. The figures obtained are considered to be inconclusive, however, owing to a lack of preparedness among surveyors.

390. This information (from the 2006 study and the 2010 census) is available on the online portals run by SENADIS and the National Statistics and Census Institute of Panama.

391. The organizations of persons with disabilities and their families have called on the State to:

- Ensure that statistical databases are set up within all bodies that provide support to persons with disabilities, which will help justify funding for the various programmes that assist persons with disabilities;
- Ensure that health facilities where children are born with a disability develop databases, as this will make it easier to provide the necessary State support to these children.

Article 32

International cooperation

392. Legislative measures are in place that provide for international cooperation that is inclusive and accessible to persons with disabilities.

393. These include article 13 (21) of Act No. 23 of 2007, as well as article 32 of Act No. 25 of 10 July 2007, by which the Convention on the Rights of Persons with Disabilities was adopted.

394. SENADIS conducts workshops throughout the country to offer guidance to all associations of persons with disabilities and their families on how to access international cooperation funds.

395. Successful experiences have been shared through consultations and study exchanges with Argentina, Chile, Nicaragua, Mexico, Honduras, Guatemala, Costa Rica and Brazil, among others, and professional enrichment opportunities have been provided to experts from the National Advisory Council on Disability, the National Secretariat for Disabilities and civil society organizations working in the field of disability in relation to health, education, small businesses and employment.

396. The organizations of persons with disabilities and their families have called on the State to:

- Draw up cooperation agreements with other countries to further the implementation of projects and programmes that provide technical assistance to improve the quality of life of persons with disabilities;
- Promote training for persons with disabilities to enable them to participate in international cooperation projects.

Article 33

National implementation and monitoring

397. SENADIS, through the National Advisory Council on Disability, in which organizations of persons with disabilities and their families participate, is responsible for monitoring implementation of the Convention on the Rights of Persons with Disabilities.

398. The Council's functions include the following:

- To provide consultation and support for carrying out the mandate of the National Secretariat for Disabilities;

- To collaborate in the implementation of strategies to achieve the social inclusion of persons with disabilities and their families;
 - To promote and encourage actions aimed at safeguarding the rights of persons with disabilities and their families;
 - To promote equality and equal opportunities in accordance with the policy on the social inclusion of persons with disabilities and their families;
 - To date, no independent institution has been designated to monitor implementation of the Convention.
399. The organizations of persons with disabilities have called on the State to:
- Spread awareness of the intersectoral and inter-institutional mechanisms responsible for responding to the needs of persons with disabilities within different government bodies;
 - Create monitoring mechanisms to ensure that conventions and other international treaties are implemented.

VII. Conclusions

400. This document is significant for Panama, as it outlines the efforts made to coordinate and to self-assess the work carried out to implement the Convention on the Rights of Persons with Disabilities and it will serve as the baseline from which to measure the progress, obstacles and challenges that lie ahead.

401. It describes the actions that are being taken in various State bodies, including legislative, administrative and other measures, to respond to the needs of persons with disabilities.

402. Panama has made great strides towards the inclusion of persons with disabilities, while recognizing that further progress still needs to be made in certain areas relevant to the Convention.

403. The overall objective of the National Disability Policy is to promote and strengthen the social inclusion of persons with disabilities and their families, so as to ensure their full development as individuals. To that end, families, communities and the State need to ensure that the right conditions are in place to maximize their autonomy, independence and participation in the everyday environment and civic life.

Challenges facing the country and priorities for the period 2011-2014

404. Panama has made it a priority to further develop its strategy to mainstream the issue of the social inclusion of persons with disabilities in both public and private bodies. The plan is for the institutions themselves to take responsibility for implementing the National Disability Policy on the basis of the National Strategic Plan, as decided by the National Consultative Council for the Social Integration of Persons with Disabilities.

405. In Panama, the National Secretariat for Disabilities is responsible for promoting the policy on the social inclusion of persons with disabilities, and, on the basis of its legal foundation, for collecting all information on the progress achieved in implementing the Convention.

406. Targets are currently being established for continued monitoring, in conjunction with the organizations of persons with disabilities and their families, of the bodies

responsible for implementing the Convention and other international treaties directly related to disability.

407. The priorities set by Panama therefore include the following:

Municipal and local development

408. The Government believes in community-based development and it has made it part of State policy to ensure that citizens should receive care within their communities. It is for this reason that efforts are being made to incorporate and mainstream the issue of disability within municipalities (districts) and local governments.

409. In this regard, SENADIS promotes training sessions for these local authorities, so that they can in turn train others and thus contribute towards changing attitudes and creating a paradigm shift with respect to disability. The participation of local authorities is vital for persons with disabilities, as it is they who are responsible for ensuring accessibility and equal opportunities for persons with disabilities within their municipalities.

The Accessibility Plan

410. Panama is aware that the lack of accessibility to the physical environment and to information and communication poses a barrier to social inclusion. This is the reason why one of the great challenges facing the country is that of developing a national accessibility plan that will meet the needs of this population group. Experience has shown that, while some progress has been made in this area, there is still a long way to go, and that without this basic requirement persons with disabilities will be excluded not only from their environment but also from the human development that the country so clearly needs.

411. This is of paramount importance for persons with disabilities, since they are now being taken into account in the new transport systems currently being built in the country. In addition, new technologies are progressing every day, so that accessible Internet points and systems for accessing information and communications through customized software are now being created in conjunction with private companies, while efforts are being made to obtain the latest technology and to ensure that it is accessible to persons with disabilities.

Severe disabilities and neglect

412. According to the comments of the organizations of persons with disabilities and their families, as well as to various studies and practical experience, there is a segment of the population for whom, although they do receive care, sometimes in State institutions, sufficient resources are not yet available to ensure their social inclusion. This is particularly the case with persons with severe disabilities whose caregiver is deceased and who are neglected due to poverty or extreme poverty.

413. For this reason, the Government intends to ensure that this population group is offered access to the health, habilitation and rehabilitation services they deserve, so that they can exercise their right to a full life regardless of their age.

Government intervention in abusive situations

414. As seen in the specialized literature on these cases, hidden situations of abuse, particularly sexual abuse, are a widespread problem. In the case of persons with disabilities, and particularly children and women, the problem is even greater because the victims are much more vulnerable, especially if the abusers are persons within the family or institutional environment.

415. The Government is aware that support is crucial; it will therefore begin a study on the subject and establish mechanisms and information networks to identify, study in depth

and evaluate situations of abuse of persons with disabilities, in order to identify specific legal and programme-based actions to be taken.

Inclusion also in banking and insurance services and in small and medium-sized enterprises

416. The Convention on the Rights of Persons with Disabilities includes and emphasizes not only the property rights of persons with disabilities but also their right of access to banking and insurance services, in accordance with the principle of equal opportunities. This is an area that the State has addressed only within the framework of ordinary civil laws and not yet within the framework of the Convention.

417. Situations of abuse and exclusion stemming from a lack of suitable guardianship have been detected, however, where banking services have been denied on the ground of disability or where persons with disabilities have delegated decision-making to third parties who then take over and misuse the legal powers granted to them. There have also been reports of cases of exclusion by insurers, which have left persons with disabilities only limited access to medicines and other services.

418. In order to begin studies and legal analyses in this area, the participation of new stakeholders who have thus far not been involved is needed, such as the National Banking Commission and the insurance organizations, so that they can review the rules, procedures and criteria currently in use and ensure that the principle of equal opportunities is applied in these areas as well.

419. Through the Association of Small and Medium-sized Enterprises, the country aims to offer more effective business training, marketing and financing, so that persons with disabilities and their families may themselves become entrepreneurs and small business owners. This is intended to ensure self-sustainability among persons with disabilities and their families with a view to integrating them within the economy.
