



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Fourth periodic report submitted by Panama  
under article 40 of the Covenant, due in 2012\*\* \***

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present report are on file with the Secretariat and are available for consultation.  
They are also available on the website of the Human Rights Committee.



## Introduction

1. This periodic report, the fourth to be submitted to the Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights, was prepared in accordance with the harmonized guidelines on reporting under the international human rights treaties.
2. The report contains responses to the concluding observations transmitted by the Committee to the Republic of Panama on 17 April 2008 (CCPR/C/PAN/CO/3).
3. It was drafted by the National Standing Committee on compliance with and follow-up to the national and international human rights commitments of Panama,<sup>1</sup> whose functions include coordinating the preparation of the reports that the State is required to submit to the United Nations human rights treaty bodies. Civil society organizations are invited to engage in consultations on such reports.
4. The National Standing Committee established a working subgroup for the preparation of the report, made up of representatives of the following bodies: the Ministry of Foreign Affairs, which chairs the National Standing Committee and acts as its technical secretariat; the Ministry of the Interior; the Ministry of Education; the Ministry of the Presidency; the Ministry of Health; the Ministry of Labour and Workforce Development; the Ministry of Social Development; the Ministry of Public Security; the National Assembly; the Supreme Court; the Ombudsman's Office; the National Statistics and Census Institute of the Comptroller General's Office; the National Institute for Women; and the National Secretariat for Children, Adolescents and the Family.

## Specific information on the implementation of the Covenant

### 1. Article 1: Right of peoples to self-determination

#### *Provisions on self-determination*

5. The Constitution of Panama contains provisions that protect the rights of indigenous peoples, their social and spiritual identity (art. 90), their language (art. 88) and the rights to education (art. 108), autonomy and land (arts. 124, 126 and 127).

#### *Autonomy of indigenous peoples*

6. The indigenous regions (*comarcas*) are protected by law. Their authorities are elected in accordance with indigenous customs, and government sectors are required to coordinate their activities with these authorities, in accordance with article 127 of the Constitution and the laws of each indigenous region.

#### *Government and self-determination, including consultation*

7. Panama has other provisions that build on the constitutional principles concerning the self-determination of indigenous peoples in the areas of environmental protection, the promotion of traditional medicine, the recognition of intellectual property, the promotion and development of indigenous handicrafts, the strengthening of the indigenous economy and the right of indigenous peoples to development. Details of these provisions are provided below.
8. Under article 127 of the Constitution, the lands needed to ensure the economic and social well-being of indigenous communities are reserved for and owned by these communities. The general congresses of these peoples are responsible for reviewing or approving productive and extractive activities carried out in their territories. The functions of the congresses are determined by the communities' internal laws.

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<sup>1</sup> Executive Decree No. 7 of 17 January 2012 establishing the National Standing Committee on compliance with and follow-up to the national and international human rights commitments of Panama. Official Gazette No. 26953-A.

9. The right of indigenous peoples to be consulted is governed by laws on environmental matters and transparency in public administration, namely General Environment Act (No. 41) of 1 July 1998 and Act No. 6 of 22 January 2002, which contains provisions on transparency in public administration, respectively. Pursuant to these Acts, indigenous peoples must be consulted on legislative initiatives that may affect their rights. See annexes 1 and 2.

#### *Judiciary*

10. Under the Code of Criminal Procedure, indigenous courts are competent to adjudicate, in accordance with “indigenous law”, on matters involving offences committed in indigenous regions, except in cases of homicide, drug-related offences, organized crime, offences against the public administration and offences against the national economy. For the relevant provisions of Act No. 63, see annex 3.

#### *Indigenous Peoples’ Access Unit within the judiciary*

11. In 2009, the judiciary established the Indigenous Peoples’ Access Unit, through which interpretation services and alternative means of dispute settlement are provided for the benefit of indigenous groups in Panama. The services are provided by a specialized department under the direct coordination of the judiciary’s Gender and Access to Justice Unit. The aim of this measure is to bring the traditional indigenous justice system and the ordinary justice system closer together.

## **2. Article 2: Safeguards concerning the rights recognized in the Covenant and non-discrimination**

### **(Reply to the issues raised in CCPR/C/PAN/CO/3, paras. 7 and 8)**

12. Article 12 of the Constitution remains in force. However, in 2004, article 19 of the Constitution, concerning the principle of non-discrimination, was amended to include disability among the prohibited grounds of discrimination.

13. Article 17, meanwhile, provides for the protection of the human rights of all persons in the national territory without discrimination of any kind.

14. The article establishes that State authorities have a responsibility to protect the “life, honour and property of nationals, wherever they may be, and of aliens who are under their jurisdiction; give effect to individual and social rights and obligations; and comply with the Constitution and the law”.

15. Article 4 of the Constitution stipulates that the State must abide by the rules of international law. The Supreme Court, meeting in plenary session, handed down a decision on this matter on 21 August 2008, ruling that human rights treaties in force have the same rank as the Constitution (annex ruling of 21 August 2008).

16. Panama ratified the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees through Act No. 5 of 26 October 1977.

17. Over the last five years, the country has made progress in the adoption of measures to harmonize the legal framework with international standards in the area of international refugee law. The main developments are detailed below.

#### *Regularization of the residency status of persons who have been granted temporary protected status on humanitarian grounds*

18. In order to safeguard the rights of refugees, Act No. 81 of 2011 was implemented to grant residency and, accordingly, permanent work permits to persons who, from 1996 to 2015, had temporary protected status on humanitarian grounds. The Act was implemented throughout 2014, 2015 and 2016 through visits to hard-to-reach areas of the country.

19. Thanks to this process, 408 persons with temporary protected status on humanitarian grounds were issued documentation. There are currently no persons with this status in Panama.

*Right of residence*

20. Moreover, Act No. 74 of 15 October 2013 is being implemented to allow refugees to obtain residency after at least three years have passed since the recognition of their refugee status by the National Commission for the Protection of Refugees, in accordance with the parameters established in the Act. Such persons also have the option of requesting an open-ended work permit.

21. Since March 2014, a total of 800 individuals have benefited from the implementation of the Act.

*Special measures for child asylum seekers*

22. Measures have been taken to ensure the participation of children and adolescents in the refugee status determination process by giving them the opportunity to be heard through eligibility interviews. To this end, they are assisted by a technical team made up of a social worker, a lawyer and, if necessary, a psychologist, to create an atmosphere of trust in which they can talk about the reasons for their application. This also makes it possible to detect whether the child or adolescent requires any special follow-up (psychological, psychiatric or other), so that he or she can be referred to the relevant State institutions or to non-governmental organizations that have specialists in various fields.

23. In order to guarantee a suitable process of integration for children and adolescents in Panama, legislative measures have been adopted to ensure that refugees have access to education.

24. This matter is governed by chapter II of Executive Decree No. 1225 of 21 October 2015, which establishes measures for certifying diplomas, certificates and credits earned in national and foreign educational institutions, taking into account the specific conditions in which asylum seekers were forced to leave their country of origin. In the event that the child or adolescent does not have documentation attesting to his or her level of education, the Decree establishes that he or she should sit general proficiency tests of core and basic pragmatic content in academic subjects corresponding to the grade and level declared by him or her. Children or adolescents who pass such tests are promoted to the next grade.

*Strengthening of the legal framework*

25. Since 2017, Panama has been part of the Comprehensive Regional Protection and Solutions Framework promoted by the Office of the United Nations High Commissioner for Refugees (UNHCR) with the aim of addressing the full cycle of displacement: from structural causes and solutions in countries of origin to the protection of persons in transit to integration and solutions in destination countries.

26. On 26 October 2017, the San Pedro Sula Declaration on the protection of refugees was adopted. The Declaration will be presented at the seventy-third session of the United Nations General Assembly in 2018.

*Principle of non-refoulement*

27. The principle of non-refoulement is recognized in Executive Decree No. 320 of 2008, as amended by Executive Decree No. 26 of 2009, under which the principles of non-refoulement, non-rejection at the border and non-punishment for illegal or irregular entry are to be observed in the case of asylum seekers who have been admitted by the National Office of Refugee Affairs or whose asylum applications are being processed. Border personnel and other security staff are being trained to prevent non-compliance with the above-mentioned principles.

*Broadening of the conditions under which refugee claims may be made*

28. Panama adopted Executive Decree No. 5 of 16 January 2018, which implements Act No. 5 of 26 October 1977 on the ratification of the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees. The Decree repeals Executive Decree No. 23 of 10 February 1998 and lays down new provisions on the protection of refugees.

29. The Decree also broadens the conditions under which refugee claims may be made. One of the most important innovations is the integration of a gender perspective. Article 4 provides that the Executive Decree is to be interpreted from a perspective that is sensitive to gender, age and diversity. Similarly, the Decree establishes that gender is one of the potential causes of a well-founded fear that might lead to the granting of refugee status. Article 39 stipulates that applicants, including children and adolescents, have the right to choose the gender of the person who interviews them.

30. On 5 March 2012, the international community and the State of Panama signed a memorandum of understanding on the implementation of the quality assurance initiative to strengthen national refugee status determination procedures.

31. The initiative involved a review of all stages of the refugee status determination procedure by the team implementing the initiative, which was made up of representatives of the Government and the international community. These stages included the reception of asylum seekers, the conduct of interviews, the admissions process and the presentation of cases to the Inter-Agency Commission, which is responsible for deciding whether to grant refugee status.

32. As the different stages of the procedure were reviewed, a series of recommendations for improvement were issued and were immediately implemented by the Government. Throughout the process, documents have been produced with the aim of institutionalizing improvements. An interview manual was drawn up that outlines the approach and procedure that interviewers must follow when dealing with applicants who are minors.

*More efficient and transparent processes*

33. The functioning of the National Commission for the Protection of Refugees was modified through amendments to refugee applications aimed at creating a more efficient and streamlined process (annex Decree).

34. Since December 2017, the Structured Regular Procedures System has been implemented as part of the application evaluation process with the support of the United Nations Development Programme. The objective is to facilitate procedures for both the Government and asylum seekers by systematically enhancing their efficiency, transparency, oversight and quality, so that faster responses can be provided.

35. This tool systematically enhances the efficiency, transparency, oversight and quality of procedures, so that faster responses can be provided, and enables applicants to register their details and submit an application for refugee status online ([www.mingob.gob.pa/onpar](http://www.mingob.gob.pa/onpar)). Applications are forwarded to the National Office of Refugee Affairs, which checks the information provided. The System generates a two-dimensional barcode for each applicant, which, when scanned by the security authorities in the event of an applicant's arrest, automatically redirects them to the aforementioned website, where they can verify the person's status.

*Right to challenge decisions*

36. If an individual's application for refugee status is rejected by the National Commission for the Protection of Refugees, he or she may file a petition for reconsideration with the Commission or lodge an appeal before the Minister of the Interior (art. 64 of Executive Decree No. 5). The Minister's decision may in turn be challenged before the Third Administrative Litigation Division of the Supreme Court (art. 97 of the Judicial Code). The individual may remain in the national territory pending a decision on all the appeals.

*Institution-building*

37. Decree No. 5 of 16 January 2018 provides that “the National Office of Refugee Affairs attached to the Ministry of the Interior shall be in charge of coordinating the implementation of decisions of the National Commission for the Protection of Refugees and of programmes for the assistance and protection of refugees”.

38. The Decree provides that the Office may be strengthened through bilateral agreements concluded by the Republic of Panama with other countries and with UNHCR.

39. For a detailed breakdown of the Office’s functions, see annex 4.

*International cooperation*

40. Panama has entered into cooperation agreements with UNHCR, HIAS Panama and the Refugee Education Foundation, and has signed a memorandum of understanding with the Norwegian Refugee Council, all with a view to improving the coordination of activities and strengthening cooperation between these bodies and the Government in order to create mechanisms to enhance refugees’ quality of life.

### **3. Article 3: Equal right of men and women to the enjoyment of civil and political rights**

**(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 17)***Provisions relating to the political participation of women*

41. In the Panamanian general election of 4 May 2014, of the 824 elective offices nationwide, 96 (11.7 per cent) were won by women. For a more detailed breakdown, see annex 5.

42. In 2017, in order to ensure women’s political participation, a new Electoral Code was adopted, article 303 of which provides that:

In the internal elections of political parties and in general elections, women shall account for at least 50 per cent of the candidates nominated. Political parties must ensure that the number and proportion of candidates standing for elective office are sufficient to meet the minimum requirements and to give candidates a realistic chance of being elected. No list that fails to meet these requirements shall be admitted. Political parties shall establish internal procedures to give effect to this provision, call for the participation of their members, and accept and facilitate candidacies in compliance with the provisions of this article. In cases in which women’s participation, as verified by the party’s secretariat for women, is lower than the percentage established in this article, the party may make up the difference with other candidates for the posts in question.

43. This ensures that at least 50 per cent of nominated candidates are women. Exceptions are made only when a party’s secretariat for women indicates that women’s participation is lower than the established percentage. In such cases, the party is allowed to complete its list of nominations with other candidates.

44. In the interests of ensuring compliance with gender parity rules in the elections of 5 May 2019, Decree No. 12 of 21 March 2018 stipulates that:

The procedure for ensuring gender parity in political party nominations is as follows:

If the party decides to nominate only main candidates in its primary elections, each person elected as a candidate shall choose, in agreement with his or her party, an alternate of the other sex, bearing in mind that it is the party that puts forward nominations. This rule applies in both single-member and multi-member constituencies.

If the party decides to nominate both main candidates and alternates in its primary elections, the members of each pairing must be of different sexes. In other words, if a man stands for election as a main candidate, his alternate must be a woman, and vice versa.

The Electoral Tribunal, as the body responsible for approving each party's regulations on nominations, whether for primaries or for other party organs that must elect candidates for other positions, shall take measures to ensure compliance with this parity rule.

Candidate lists, whether submitted by political parties or by independent candidates, that do not meet gender parity requirements shall be rejected outright, as prescribed in article 303 of the Electoral Code.

*Provisions relating to women's representation in leadership and decision-making positions*

45. Act No. 56 of 2017 provides that women must account for at least 30 per cent of board members of State companies, including in the banking, securities and insurance sectors. The purpose of the Act is to transform corporate culture in the country so as to create opportunities for more women to occupy decision-making positions.

46. With the support of the National Institute for Women, the Council of Ministers for Women's Affairs of the Economic Commission for Latin America and the Caribbean created the Regional Fund in Support of Women's and Feminist Organizations and Movements, which contributes to the efforts made with national machineries for women to support women's social organizations. Between 2015 and 2018, assistance was provided to more than 20 local and national women's civil society organizations.

**(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 18)**

*Provisions relating to violence and non-discrimination*

(a) Act No. 82 of 24 October 2013

47. The State seeks to prevent gender-based, domestic and extreme violence and to ensure the effective investigation, prosecution and punishment of perpetrators of femicide. Act No. 82 of 24 October 2013 was adopted to amend the Criminal Code by defining the offence of femicide and punishing acts of violence against women. The State updated its legal framework in line with international standards, establishing the offences of femicide and gender-based, domestic and extreme violence, thereby ensuring the effective investigation, prosecution and punishment of perpetrators of such offences.

48. It should be noted that the victim has every right to be accompanied by a person during proceedings, whenever she so requests, and is guaranteed expert defence services free of charge, regardless of her economic situation.

49. Article 52 of Act No. 82 of 24 October 2013 stipulates that if an act of violence against a woman is reported, or if several acts that may constitute an offence are reported, the competent authority may order such protection measures as may be warranted by the case. This means that it does not have to be the victim who requests protection measures.

50. The establishment of the offence of breach of protection measures and sanctions ensures that assailants are held accountable for failing to comply with any measures imposed to protect victims (see Act No. 82 of 24 October 2013).

51. The Act establishes an inter-agency mechanism for the coordination of public policies on violence against women, known as the National Committee on Violence against Women, under the authority of the National Institute for Women. Pursuant to Act No. 82 of 2013, a police service specializing in gender-based violence was created; it became operational in January 2017.

52. In 2015, the National Institute for Women and the Ministry of Public Security jointly established a line of action to improve primary care in cases of domestic violence. For a copy of the law in question, see annex 6.

## (b) National Protocol on Intimate Partner Violence

53. Within the National Committee on Violence against Women, the National Protocol on Intimate Partner Violence was considered and subsequently signed (on 10 December 2015) with the aim of improving the response and procedures of agencies involved in cases of violence against women (chain of custody).

54. The Protocol provides for better investigation and better protection and care for victims of this type of violence. In a similar vein, the National Police and the Public Prosecution Service are drawing up a cooperation protocol for handling cases of gender-based violence.

## (c) Inter-agency agreement of 2015

55. Panama is taking ongoing measures to redouble efforts to eliminate domestic violence and violence against women. Since 2015, the issue of the prevention of violence against women has been dealt with at the highest level of government under an inter-agency agreement that unites political will and prioritizes the issue in the agendas of entities linked to the chain of custody during the judicial process. The agreement identifies 11 areas for improvement in the provision of services and access to justice to women who seek support in dealing with violence.

## (d) Act No. 4 of 1999 on the establishment of commercial courts and rules of procedure

56. Act No. 4 of 1999 develops the concept of workplace violence, defining it as violence perpetrated by persons who have an employment relationship with the victim, regardless of the hierarchical relationship. This type of violence includes conduct such as sexual harassment, gender-based harassment of women, exploitation, unequal pay for comparable work and all types of discrimination based on sex.

*Provisions relating to institution-building to combat violence and discrimination*

57. With regard to institution-building, the mandate of the Unit for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings was renewed under Act No. 82 of 24 October 2013 (see art. 32). A registry of offenders was created as a tool for checking, with greater accuracy, the possible risk to victims (see art. 32 (10)).

58. The National Institute for Women has been taking steps to promote women's economic empowerment and guarantee them a life free of violence. Of relevance in this regard is the implementation of two programmes: "Mujer Emprende" ("Women in business") and "Tú Puedes Mujer" ("Women can"), both of which are aimed at enabling women in situations of gender-based violence to break free from their economic dependence on their aggressors. The programmes are also targeted at women survivors of this form of violence who are living in poverty.

59. The "Women can" programme is an initiative of the National Institute for Women to promote economic empowerment and strengthen food security among rural women and their communities, in strategic partnership with the Water Resources Authority of Panama, the National Vocational Training Institute for Human Development and the Ministry of Agricultural Development.

60. A call for participants was launched through the 14 centres of the National Institute for Women established throughout the country, two of which are in indigenous regions. The purpose of the centres is to provide guidance, information and services to women victims of any form of violence. Their main objective is to strengthen women's skills and empowerment.

61. The women who took part in the programme were trained by the National Vocational Training Institute for Human Development in the areas of vegetable farming, starting a business and fish and shellfish processing. All these measures are aimed at empowering women and serving as a means of preventing violence against them. They benefited 700 rural women nationwide who work in agriculture, fishing and fish farming.

62. The “Women in business” programme, with its slogan “Creating opportunities for women”, is an inter-agency programme developed by the Micro-, Small and Medium-sized Enterprise Authority, the National Vocational Training Institute for Human Development and the National Institute for Women with the aim of promoting and strengthening women’s economic empowerment. The 14 centres of the National Institute for Women trained 715 women nationwide in business planning.

63. At the time of writing, 570 business plans have been approved at an approximate cost of one thousand balboas (B 1,000). In addition, the evaluation committee for the Province of Darién and the region of Emberá-Wounaan will be meeting to evaluate another 104 business plans. Within the framework of the International Day of Rural Women, a workshop on the economic empowerment of rural women was held in three centres of the National Institute for Women in Coclé, La Chorrera and Los Santos, drawing the participation of 180 rural women leaders and multipliers of knowledge and experience in agricultural, farming, fishing and crafts activities.

*Statistics on domestic violence and femicide*

64. For a breakdown of recorded cases of femicide from 2014 to 30 April 2018 by province, see annex 7.

**(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 16)**

*Equality in the workplace*

(a) National provisions relating to equality in the workplace

65. Article 67 of the Constitution of the Republic of Panama provides that “an equal wage or salary shall always be paid for equal work under identical conditions, regardless of who performs it, without distinction as to sex, nationality, race, social class or political or religious views”.

66. In accordance with the Constitution and international conventions, article 10 of the Labour Code lays down the principle of equal pay.

67. Through the Ministry of Labour and Workforce Development, the Gender and Equal Opportunities Office was created, and has, in the performance of its functions, launched a campaign to raise awareness of gender equality, equal opportunities and equal pay at the various levels of employment, based on the provisions of Act No. 4 of 1999, which instituted equal opportunities for women.

68. On 23 May 2017, Panama adopted Act No. 27, which promotes work-life balance and shared responsibility through the creation of paternity leave for workers in private companies and the public sector.

(b) International provisions relating to workplace equality that have been ratified by the Republic of Panama

69. On 3 June 1958, Panama ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), article 1 (b) of which reads as follows:

(b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

70. On 16 May 1966, Panama ratified the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), article 1 (a) of which reads as follows:

(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

71. On 27 July 1976, Panama ratified the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations through

resolution 2200A (XXI) of 16 December 1966, which enshrines the principle of equal remuneration, with article 7 providing that:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

It follows that, since the International Covenant on Economic, Social and Cultural Rights is part of the International Bill of Human Rights, equal pay is an intrinsic human right and must therefore be respected.

72. There should thus be no pay discrimination on the basis of sex, and everyone should receive equal pay for the same type of work of equal value.

(c) Initiatives relating to workplace equality

73. Since 2018, in order to accelerate results and reduce the wage gap between women and men in accordance with the 2030 Agenda and Sustainable Development Goal 8, the country has placed the issues of gender equality in the workplace and women's economic empowerment at the heart of its national agenda, establishing the National Council on Gender Parity as a public-private partnership tasked with implementing the Panamanian Gender Parity Initiative, which includes a strategic and operational plan.

74. The main activities undertaken are detailed below.

*National Council on Gender Parity*

75. On 11 July 2018, Panama launched the National Council on Gender Parity, which is responsible for coordinating activities and creating synergies among all actors in the Government, the private sector and non-governmental organizations with the aim of achieving gender equity.

76. The Council's role is key to the success of the Gender Parity Initiative, and was complemented by the signing of the implementing regulations of Act No. 56 of 2017, on the participation of women in State boards of directors, which seeks to promote the participation of women on the basis not only of their gender but also of their abilities.

*Equal Pay International Coalition*

77. Panama is part of the Equal Pay International Coalition promoted by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), ILO and the Organization for Economic Cooperation and Development. The Coalition is a strategic partnership designed to support member States' efforts to achieve the Sustainable Development Goals, including Goal 5 on gender equality and target 8.5, which is to achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value. Achieving the goals of equal pay and women's empowerment also contributes to the reduction of poverty and inequalities and to peace and justice, in accordance with Sustainable Development Goals 1, 10, 16, and 17.

78. In working to accomplish these objectives, the Coalition's key partners include Governments, businesses, workers' organizations, academia and civil society, with the aims being to promote public-private partnerships and have a greater impact and significance.

79. Efforts are under way to develop materials to raise awareness of the issue of equal pay and of the Coalition's work by launching a regional equal pay website. In addition, two training sessions will be organized on equal pay issues, the dissemination of information about the Coalition and the regional agenda to promote equal pay at the institutional level.

80. Steps are also being taken to develop the prototype of a regional tool that would enable labour organizations (public organizations, non-governmental organizations (NGOs)

and private companies) to measure wage gaps in their own organizations in an objective and standardized manner. The tool can be configured according to each organization's characteristics and adapted to a particular country in the region. Lastly, there are plans to make Equal Pay Day official in Latin America and the Caribbean so as to raise awareness of it.

*Gender Parity Initiative, Panama*

81. The Gender Parity Initiative is an initiative of the Inter-American Development Bank and the World Economic Forum whose main objective is to address the causes of gender disparity in the workplace and to find solutions and good practices in both the public and private sectors.

82. Some of the activities carried out by the companies that participate in the Gender Parity Initiative Leadership Group are:

- The application of recruitment and selection mechanisms without gender discrimination by Banco General, Banistmo, Empresas Bern and TECNASA.
- The implementation, by Banistmo (Leadership Institute) and Stratego, among others, of company-wide continuous training programmes from which women and men benefit equally.
- Initiatives to promote staff well-being, including occupational health measures, the improvement of the work environment and the provision of breastfeeding rooms, in organizations such as Banco General, the City of Knowledge Foundation and Banistmo.
- Remuneration policies without gender discrimination, such as the one implemented by Stratego, and analyses of gender wage gaps, such as those carried out by TECNASA and Empresas Bern.
- The adoption, by organizations such as Banco General and Stratego, of codes of ethics, with the definition and dissemination of rules and protocols on sexual harassment.

*Gender Equality Seal for Private Enterprises*

83. The "Gender Equality Seal" project for private enterprises is implemented by the Ministry of Labour and Workforce Development in conjunction with the National Institute for Women and the Ministry of Trade and Industry.

84. Its aim is to serve as a first step for public and private companies in reducing wage gaps and ensuring decent working conditions for both women and men.

85. The project has begun to be implemented, and it is estimated that the first certifications of companies will be awarded in the first quarter of 2019.

*National action plan to promote equal pay in all sectors*

86. The national action plan to promote equal pay is part of the Gender Parity Initiative and aims to draw attention to and reduce wage gaps.

87. The plan is divided into four phases:

- Awareness-raising and undertaking of commitments, to put equal pay on the social, labour, public and private agendas and to secure commitments from the relevant actors.
- Knowledge-building, to serve as a basis for precise and effective action and for a better understanding of the causes of wage gaps.
- Implementation, to have an impact on equal pay by addressing gaps and implementing transparent wage policies.
- Monitoring and evaluation, to ensure implementation, measure progress and check compliance.

88. These four phases will be carried out under a legislative framework that guarantees rights and establishes obligations. It should be noted that the plan deals with cross-cutting elements such as work-life balance and shared responsibility, vertical and horizontal segregation, job quality and the position of women within organizations.

*Forums and conferences*

89. In January 2018, a regional conference entitled “Equal Pay for Men and Women for More Prosperous and Inclusive Economies” was held to enable national and international actors to discuss ways to combat the gender pay gap.

90. Panama also hosted a national forum entitled “Young Women: Beneficiaries and Architects of the Jobs of the Future” for representatives of the public, private, academic and civil society sectors, multilateral organizations and diplomatic missions, and launched the Women’s Empowerment Principles, which are a call to action in the private sector.

91. The Principles are informed by real-life business practices and input from around the world. They are intended to guide the way towards best practices in highlighting the gender dimension in the corporate sphere, the United Nations Global Compact and the role of business in sustainable development.

*Dissemination and awareness-raising online*

92. Panama has a microsite containing information on the steps being taken to promote equal pay in Panama and at the regional level: <https://mire.gob.pa/epic/>.

*Prohibition on requests for pregnancy tests*

93. Requesting women to undergo pregnancy tests is prohibited under Act No. 4 of 1999 and its implementing regulations in Executive Decree No. 53 of 2002. The Ministry of Labour and Workforce Development is in the process of establishing a comprehensive national mechanism to receive and process complaints by women workers of violations involving discrimination in occupation and employment on the basis of sex, race, ethnicity, age, social class or other factors, with a view to ensuring respect for the dignity of women workers.

#### **4. Article 4: Protection of human rights during states of emergency**

94. For information on the suspension of fundamental safeguards during states of emergency, see paragraph 251 of the common core document (HRI/CORE/PAN/2017).

#### **5. Article 5: Safeguarding the rights recognized in the Covenant**

95. For information on the safeguards in place to protect the rights recognized in the Covenant, see the section of the common core document relating to the submission of procedural remedies (HRI/CORE/PAN/2017, paras. 258–265).

#### **6. Article 6: Right to life**

**(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 7)**

96. The Truth Commission was established pursuant to Executive Decree No. 2 of 18 January 2001 to “help bring to light the truth about violations of the fundamental right to life, including disappearances committed during the military regime that governed Panama beginning in 1968”. It issued its final report on 18 April 2002, in which it documented 110 cases of killing and enforced disappearance. Having fulfilled its purpose, the Commission is no longer active.

97. With a view to processing petitions lodged by the relatives of victims of human rights violations, in 2011, a Special National Commission was established to participate in conciliatory discussions with the Committee of Relatives of Murdered and Disappeared

Persons in Panama. It is composed of representatives of various State institutions and members of committees of relatives of disappeared persons. The Commission receives support from the International Committee of the Red Cross, in accordance with Executive Decree No. 449 of 30 December 2011. For more information, see the aforementioned decree, which is contained in annex 8.

98. The Public Prosecution Service is processing 72 cases, which are currently the subject of judicial proceedings, pursuant to which various procedural measures have been taken. Cases may be reopened depending on the matter in question, the measures adopted and any new evidence that comes to light.

99. With a view to making headway in these cases, the Public Prosecution Service, acting through the first senior prosecutor for the First Judicial District, advised the Committee of Relatives of Murdered and Disappeared Persons in Panama that a legal team representing the victims' relatives should examine each case in every judicial district so as to be able to proceed in a manner appropriate to the current legal status of each case.

100. The cases of Rita Wald and Heliodoro Portugal were brought before and considered by the Inter-American Court of Human Rights. For a discussion of these cases, see paragraphs 203–208 of the fourth periodic report of Panama under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/PAN/4).

*Imprescriptibility of the offence of enforced disappearance*

101. Through Act No. 55 of 30 November 2016, article 152 of the Criminal Code was amended and now provides that no statute of limitations is to be applied to the offence of enforced disappearance. This characterization complies with the obligations undertaken by the Panamanian State pursuant to the friendly settlement negotiated through the inter-American human rights system with the relatives of Rita Wald, who was the victim of enforced disappearance. For further information regarding the obligations undertaken, see paragraphs 203 and 204 of the fourth periodic report of Panama under the Convention against Torture (CAT/C/PAN/4).

**(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 9)**

(a) Amendment of criminal legislation on abortion

102. In 2007, amendments were made to the Criminal Code and the conditions that must be met to obtain an abortion. These conditions are specified in book two, title I, chapter I, section 3<sup>a</sup>, "Induced abortion".

103. Article 144 of the Criminal Code provides that abortion is not punishable if it is performed to terminate a pregnancy that is the result of rape, as evidenced by the findings of an investigation. In addition, abortion is not punishable if it is performed because of serious health complications that endanger the life of the mother or fetus. In all such cases, the woman concerned must give her consent.

104. The law continues to require that cases of rape be proved by means of an investigation, which can only be authorized by a multidisciplinary committee. For a breakdown of the number of abortions reported nationwide in the last four years, see annex 9.

(b) Measures to prevent unwanted pregnancies

105. The Ministry of Health ensures that women of childbearing age have access to contraceptive and family planning methods. In 2017, the Ministry expanded the availability of contraceptive and family planning methods in health centres throughout the country, including contraceptive implants, which are 95 per cent effective. Access to counselling and contraceptive and family planning methods is provided free of charge through the public health service.

**7. Article 7: Prohibition of torture and cruel, inhuman or degrading treatment or punishment; prohibition of medical or scientific experimentation without consent**

**(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 10)**

*Measures to monitor, investigate and end abuses by law enforcement officers and to prosecute and punish perpetrators*

106. The offence of torture is defined in articles 156 and 156-A of the Criminal Code.

107. For information regarding investigations into acts of torture or ill-treatment, see paragraph 16 of the fourth periodic report of Panama under the Convention against Torture (CAT/C/PAN/4).

108. Complaints can be lodged through a prison mailbox or a telephone helpline. The Ombudsman's Office receives complaints and makes regular visits to the country's various penitentiary facilities. (Insert latest information regarding the Subcommittee on Prevention of Torture.)

109. Acts committed by members of the National Police that prejudice the rights of a third party are punishable under the police internal disciplinary code. Once the unit responsible for the violation is identified, punishment is imposed in accordance with the seriousness of the violation. This punishment may go as far as dismissal.

110. The offence of torture is defined in article 156 of the Criminal Code. For further information, see paragraphs 17 and 18 of the fourth periodic report of Panama under the Convention against Torture (CAT/C/PAN/4).

*Investigation*

111. See paragraph 16 of the fourth periodic report of Panama under the Convention against Torture (CAT/C/PAN/4) for information on investigations into acts of torture or ill-treatment.

112. Through Act No. 55 of 2003 on the reorganization of the Panamanian prison system, the State ensures that persons deprived of liberty enjoy equal treatment and the same judicial safeguards as other inhabitants, with the exception of rights that are suspended or limited by virtue of such persons' detention.

113. The following concrete measures have been taken to address the issue of corruption as part of a zero-tolerance policy:

- Strengthening the inspectorate of the Directorate of the Prison System
- Defining and establishing protocols
- Setting up a complaints helpline
- Rotating prison staff
- Developing a prison system database to correlate information on cases of corruption and generate statistics to help optimize preventive and reactive measures

*Measures to provide human rights training to law enforcement agencies*

114. The Prison Training Academy, which operates under the auspices of the Ministry of the Interior, has introduced a module on torture prevention into its basic curriculum to ensure that prison officers have the basic knowledge necessary to avoid such acts. All new prison officials receive training on torture prevention during their induction.

115. The General José Domingo Espinar Police Training and Specialization Centre runs a course for police officers selected to work in penitentiary facilities. They receive two weeks of training on procedures in relation to persons deprived of liberty. The subjects covered include rights and responsibilities within the prison system.

116. This training is reinforced by the Ombudsman's Office, which periodically conducts human rights training sessions for officers of the National Police and the prison system.

*Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establishment of a national mechanism for the prevention of torture*

117. One of the main advances that Panama has made in the area of torture prevention is the ratification in 2011 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, through Act No. 26 of 30 March 2011.

118. In view of the need to take steps to fulfil the commitments set forth in the Optional Protocol, in 2014, work began on the establishment of a national preventive mechanism, which was ultimately set up pursuant to Act No. 6 of 22 February 2017 on the establishment of the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This entity is attached to the Ombudsman's Office and has administrative and operational independence and its own budget.

119. By June 2018, regulations for the Act had been adopted and an inter-agency agreement had been concluded to provide a budget for the first year. For the first 12 months of its operation, the mechanism has benefited from extra support through a cooperation project designed to ensure its uninterrupted functioning and to strengthen training activities on its purpose and responsibilities.

120. The national preventive mechanism has been operational since September 2018.

## **8. Article 8: Prohibition of slavery, servitude and forced labour and protection against such practices**

**(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 20)**

121. Since 2010, the Government of Panama has been following a road map for the eradication of child labour in Panama by 2019. It has been conducting a child labour survey every two years since 2008 in order to piece together a comprehensive picture of the national child labour situation. It also set up the National Directorate for Combating Child Labour and Protecting Adolescent Workers under the Ministry of Labour and Workforce Development.

122. The Directorate's Department of Supervision and Monitoring monitors the employment situation of adolescent workers and ensures that children are not recruited to work in production sectors. The Department works in coordination with the Directorate of Labour Inspection to ensure compliance with labour regulations and international conventions.

123. The Committee for the Eradication of Child Labour and the Protection of Adolescent Workers was established through Executive Decree No. 107 of 11 June 2013. The Committee is composed of representatives of multiple institutions involved in addressing the issue of child labour.

124. The findings of the 2016 census conducted by the National Statistics and Census Institute indicated that 23,855 children and adolescents were engaged in child labour. This figure shows that 2,855 fewer children and adolescents were working than in 2014. Of those 23,855 minors, 24.8 per cent were between the ages of 5 and 9 years, 50.7 per cent were between the ages of 10 and 14 years and 24.4 per cent were between the ages of 15 and 17 years.

125. For a breakdown of the results of the project to introduce policies against child labour, see paragraphs 90–98 of the replies submitted by Panama to the list of issues in relation to the combined fifth and sixth periodic reports of Panama to the Committee on the Rights of the Child (CRC/C/PAN/Q/5-6/Add.1).

**Number of children and adolescents engaged in child labour**  
**Data from the child labour survey**  
**Office of the Comptroller General**  
**By survey year**

<i>Year</i>	<i>No. of children and adolescents</i>
2000	47 967
2008	89 767
2010	60 702
2012	50 410
2014	26 710
2016	23 855

*Source:* National Statistics and Census Institute-Office of the Comptroller General.

126. For a breakdown of the results of the latest child labour survey, see annex 10.

*Prohibition of the worst forms of child labour, including domestic work*

127. Through Executive Decree No. 1 of 5 January 2016, the Government of Panama established a list of dangerous jobs, including domestic work, that may not be performed by persons under the age of 18.

128. In accordance with the Decree, the list of dangerous jobs was updated in 2016, this time with an emphasis on the prohibition of specific tasks carried out at work. Six areas of work that present risks for children were identified: transportation, street vending, loading and unloading, banana farming, fruit picking and coffee bean harvesting.

*Labour inspections*

129. The Directorate of Labour Inspection of the Ministry of Labour and Workforce Development currently employs 276 inspectors and safety officers nationwide. They are responsible for ensuring compliance with labour laws and protecting the rights of workers, particularly the most vulnerable in society, throughout the country. This includes the conduct of child labour inspections.

130. An in-service training module on child labour for labour inspectors throughout the country has been developed with the aim of standardizing the criteria applicable to the conduct of child labour inspections.

131. Inspectors' responsibilities include defining the inspection strategy, roles and approaches with regard to cases of child labour; coordinating inspections with other departments involved in an official capacity; and ensuring that the training module is used as a formal continuous training tool.

*Institution-building and coordination*

132. The Directorate for Combating Child Labour and Protecting Adolescent Workers was established under the Ministry of the Interior to promote public policies intended to prevent and eradicate child labour, in accordance with the national and international legal standards adopted by Panama. The Directorate was established pursuant to Ministerial Decree No. DM-57 of 23 February 2010.

133. The Directorate has three main tools with which to conduct its monitoring work: the monitoring system explained above, a procedure for addressing cases of child labour and a municipal strategy for eradicating child labour.

134. Other advances in this area include the establishment of the Committee for the Eradication of Child Labour and the Protection of Adolescent Workers pursuant to Decree No. 25 of April 1997, which was amended by Executive Decree No. 37 of 21 June 2005 and Decree No. 107 of 11 June 2013. Additionally, Executive Decree No. 1 of 5 January 2016 was adopted, amending and supplementing Executive Decree No. 19 of 12 June 2006,

which establishes a list of dangerous jobs that may not be performed by children in the framework of efforts to combat the worst forms of child labour. Executive Decree No. 1 is contained in annex 11.

#### *Country programmes*

135. In 2011, the Directorate for Combating Child Labour and Protecting Adolescent Workers implemented the Governmental Programme of Direct Action for the Prevention and Eradication of Child Labour in those geographical areas with the highest incidence of child and adolescent labour. These areas included Bocas del Toro, Darién, Herrera, Los Santos, Veraguas and the indigenous regions of Ngobe Buglé, Emberá-Wounaan and Guna Yala.

136. The Programme of Direct Action assists child and adolescent workers in situations of vulnerability. It has led to the establishment of a database on child and adolescent workers, which facilitates the work of the Directorate for Combating Child Labour and Protecting Adolescent Workers, the National Secretariat for Children, Adolescents and the Family, the Juvenile Police and the Institute for the Training and Use of Human Resources. A total of 8,989 child and adolescent workers at social risk have benefited from the Programme.

#### *Protection of adolescent workers*

137. Since 2015, the Ministry of Labour has been implementing the “Sowing Values for the Future” project, whose aim is to ensure that the recruitment of young people of legal working age is accompanied by strategies to provide them with the tools they need in order to develop a positive attitude towards employment and assume their responsibilities.

138. It was decided that the National Vocational Training Institute for Human Development should offer vocational training programmes to provide a solution for adolescents who, for whatever reason, have had to drop out of regular school or do not wish to pursue a formal education.

#### *Surveys*

139. The National Statistics and Census Institute conducts a biennial child labour survey to identify the areas in which child labour is most prevalent and the types of work being performed by child and adolescent workers.

#### *Country free of child labour in sugar cane production*

140. On 20 September 2018, the United States Department of Labor declared Panama a country free of child labour in the production of sugar cane. The Department of State indicated that this achievement was due to the strengthening of penalties for child labour under the Labour Code.

## **9. Articles 9 and 10: Right to liberty and security of person and safeguards against arbitrary detention; rights of persons deprived of liberty**

### **(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 12)**

#### *Adversarial criminal justice system*

141. One of the measures taken by the Panamanian State was to institute, on 2 September 2016, an adversarial criminal justice system designed to respond swiftly to alleged offences through a system of rights and guarantees in which the prosecution, the defence and the victim have equal opportunities to be heard and in which decisions are taken by an independent and impartial tribunal.

142. The introduction of the adversarial criminal justice system has reduced the length of time between the initiation of proceedings and the issuance of a decision on the merits,

thereby reducing the time detainees spend awaiting trial. Waiting times have decreased by 73 per cent on average compared to those recorded when the inquisitorial system was in place, before the current system was introduced.

*Efforts to reduce case backlog*

143. With regard to judicial measures, the judicial body of the Panamanian State responsible for the administration of justice under the mixed inquisitorial system has for several years been taking steps to reduce the backlog of criminal cases by tasking alternate judges and magistrates solely with this endeavour. These judges and magistrates serve various courts of all levels, taking on the cases that have been delayed the longest, in order to expedite the conduct of hearings or the processing of cases with a view to alleviating judicial delays.

*Pretrial detention*

144. The amendments introduced into the Code of Criminal Procedure in 2008 reinforced the principle that pretrial detention should be an exceptional measure. Pretrial detention may be ordered only by a supervisory judge and only in cases involving offences that carry a minimum sentence of 4 years' imprisonment, where there exists evidence establishing the offence and the suspect's involvement in it, and where there is a risk of flight, a risk of destruction of evidence or a risk that releasing the suspect could endanger the life or health of another person or of the suspect himself or herself.

145. There are also certain categories of persons for whom pretrial detention may not be ordered, namely pregnant women, seriously ill persons, persons with disabilities who are in a situation of vulnerability, persons aged 70 years or over and drug- or alcohol-dependent persons who are participating in a rehabilitation programme and whose detoxification could be jeopardized by interruption of the programme.

*Arrest and detention review hearings*

146. As from 2 September 2016, in all judicial districts where the criminal justice system is adversarial, arrest review hearings are held in cases of arrest in flagrante delicto or arrest pursuant to an order of apprehension and detention for questioning issued by the Public Prosecution Service.

147. During detention review hearings, also known as preventive measure hearings, pretrial detention may be requested by the Public Prosecution Service. It falls to the supervisory judge to determine whether such a measure is appropriate, in accordance with his or her duty to ensure that the parties to the proceedings are afforded fundamental safeguards.

*Alternatives to pretrial detention*

148. The judicial branch, acting through its supervisory judges and trial courts, has a duty, depending on the stage of the criminal proceedings, to manage and oversee the implementation of preventive measures other than pretrial detention.

149. Another legislative change brought about by the implementation of the adversarial criminal justice system is the introduction of bail. An application for bail may be submitted regardless of the nature of the wrongful act committed, and the supervisory judge or the trial court is responsible for determining whether to grant bail according to the circumstances and the facts in each case.

## 10. Article 10: Rights of persons deprived of liberty

### (Reply to the issues raised in CCPR/C/PAN/CO/3, para. 11)

#### *Prison system reform*

150. Since 2015, Panama has been engaged in a process of completely reforming its prison system, which is one of the objectives of the Governance Plan 2014–2019. The reform is intended to transform the prison service in a way that complements the prevention and public safety strategies. The process is based on the application of technical and scientific principles relating to the care, protection and custody of persons deprived of liberty, in observance of the fundamental principles of respect for and recognition of their human rights.

151. The prison system reform programme is built on three fundamental pillars: respect for the rights and dignity of persons deprived of liberty and prison staff; the protection of their safety and the safety of the general public; and the social reintegration of persons deprived of liberty once they have served their sentence.

152. The key results are:

- The adoption and implementation of the Prison Service Act
- The refurbishment of penitentiary facilities
- The construction of new facilities
- The strengthening of the rehabilitation programme

#### *Adoption of procedural measures to reduce overcrowding*

153. In 2017, Act No. 4 of 17 February 2017 amending the Judicial Code, the Criminal Code and the Code of Criminal Procedure was adopted. The Act includes measures to prevent prison overcrowding, such as an alternative judicial dispute settlement mechanism (art. 24), which allows for plea bargaining and agreements to provide effective cooperation in proceedings relating to offences committed before 2 September 2016.

154. Annex 12 contains statistical information on the number of plea bargaining agreements concluded by the Public Prosecution Service under the mixed inquisitorial system at the national level, disaggregated by judicial district and province, in 2017 and in the period from 1 January to 30 April 2018.

#### *Improvement and building of infrastructure*

155. With regard to the improvement and building of infrastructure, a plan is under way involving, inter alia, the construction of new facilities, the renovation of existing infrastructure and the establishment of sustainable mechanisms to ensure that basic services are provided and facilities are maintained. The following is a list of infrastructure improvement projects:

(a) El Renacer prison

156. At present, the unsanitary and dilapidated conditions in this prison have hampered the effective implementation of the rehabilitation activities scheduled to take place there. Considerable efforts have therefore been made to rehabilitate and expand the facility.

(b) La Joya prison

157. Work is under way to rehabilitate block 6 at La Joya prison.

(c) La Joyita prison

158. A new block has been designed and construction work will soon begin. As part of the reform process, two new prisons are currently being populated: La Nueva Joya prison and the new prison in Chiriquí. In addition, further new penitentiary facilities are being

built. They will meet basic standards and will serve as a point of reference in terms of penitentiary infrastructure and the construction of new facilities at the national level.

(d) New prison complex in Colón

159. There are plans to replace the existing Nueva Esperanza prison complex, which comprises Colón public prison, the Nueva Esperanza rehabilitation centre and Colón women's prison. The current facilities were converted from repurposed infrastructure in the canal zone and therefore do not meet the basic conditions of accommodation for persons deprived of liberty. Moreover, as a result of urban growth, the complex is now within the city of Colón. For these reasons, a project was launched to plan, design, construct and furnish a new prison complex. So far, the call for tenders has concluded and an assessment has been completed by the Evaluation Committee.

(e) New women's rehabilitation centre

160. A new women's prison is being constructed in light of the fact that the situation of women deprived of liberty, their living conditions and their particular needs have historically been overlooked in the context of the wider penitentiary system.

(f) Prison complex for the central provinces

161. A special technical, economic, social and financial feasibility study on the construction of a prison complex for the central provinces has been conducted.

(g) New prison in Darién

162. The Province of Darién has no prison in which to house and rehabilitate persons deprived of liberty. The local facilities of the National Police are currently used to that end. This project is currently in the planning phase.

*Resocialization programmes*

163. As part of the prison reform process, treatment and rehabilitation programmes involving activities both inside and outside prisons have been rolled out for persons deprived of liberty. The purpose of these programmes is to provide persons deprived of liberty with tools that will allow them to support their own rehabilitation, develop their existing skills and acquire new skills, in order to become more effectively integrated into society.

164. The projects currently being implemented within the prison system include existing projects that are being continued and developed further and new projects introduced as part of the reform process.

165. The following is a list of projects that have been continued owing to their success in the past:

(a) The "Behind the Wall" project

166. The "Behind the Wall" project is a resocialization programme currently under way in the Cecilia Orillac de Chiari women's rehabilitation centre. The project is centred around a musical performance through which women deprived of liberty can channel their emotions and experiences artistically, in a way that contributes to their personal healing processes. The piece has been performed for students in various schools as a way of encouraging reflection. The programme has been successful in raising awareness of the work of the prison system among government institutions involved in the Directorate General of the Prison System and among civil society.

(b) The "My Chair First" project

167. This project is part of the "My School First" project, which is being implemented jointly by the Ministry of Education and the Ministry of the Interior. It involves the repairing of chairs (sanding, painting and assembling) by persons deprived of liberty. Through this project, persons deprived of their liberty can learn a trade and find

employment. It offers persons deprived of liberty a chance to do socially useful work for students and schools. By April 2018, 6,427 chairs had been repaired and delivered by the Ministry of Education to schools throughout the country, including in the Ngobe Buglé region.

(c) The University of Panama in penitentiary facilities

168. In 2013, the University of Panama launched a pilot project in the women's rehabilitation centre. In 2016, 36 women deprived of liberty obtained a university diploma and in 2017 the programme was extended to El Renacer prison. In the women's rehabilitation centre, bachelor's degrees in clothing design and tailoring, community development and cultural and historical tourism are offered, while in El Renacer, degree programmes in educational computer science and law and political science are offered.

(d) The "My Voice for Your Eyes" project

169. This project is being implemented in the Cecilia Orillac de Chiari women's rehabilitation centre in conjunction with the National Secretariat for Disabilities. It involves the recording of audiobooks for persons with visual impairments. Another activity carried out by women deprived of liberty as part of this rehabilitation project was the filming of two documentaries, entitled *Viral* and *Reciclaje*, which were presented on 1 September 2017 in the auditorium of the Electoral Tribunal.

170. The following are new projects introduced as part of the prison reform process:

(a) The "Ecosólidos" project

171. "Ecosólidos" is a social reintegration project intended to ameliorate the unsanitary conditions in which persons deprived of liberty in La Joyita prison were living owing to the large amount of waste generated there, by more than 5,000 people in 2014. Persons deprived of liberty organized and assigned themselves various cleaning and maintenance duties. On 14 September 2014, more than 225 persons deprived of liberty began the clean-up, which was coordinated with the support of police officers and prison guards.

(b) The "IntegrArte" project

172. The "IntegrArte" project began life as an initiative under the Security Cooperation Programme implemented by the United Nations Office on Drugs and Crime (UNODC) Regional Office for Central America and the Caribbean in Panama. Its purpose is to offer new prospects for social and labour-market reintegration to persons deprived of their liberty through the production and marketing of high-quality handcrafted products that are both artistic and functional.

*Professionalization*

173. Following the adoption of the Prison Service Act, between 2017 and 2018, trained professional staff were recruited to 121 prison guard units to work as prison personnel. This has helped to reduce the amount of internal corruption in the prison system.

174. The prison service seeks to provide the best possible training to prison staff, taking regional best practices into account, with a view to fostering and developing a professional, hierarchical, disciplined, honest, merit-based service that is respectful of human rights and human dignity.

175. As a further means of reducing internal corruption, the Department of Prison Inspections – the body responsible for investigations of this type – has been strengthened.

176. For further information, see paragraphs 68 and 69 of the report submitted to the Subcommittee on Prevention of Torture.

## **11. Article 11: Prohibition of imprisonment on the ground of contractual obligations**

177. Article 21 of the Constitution of Panama establishes that no one may be imprisoned, detained or arrested on account of debts or strictly civil obligations, as long as the breach of the contractual obligation is not the result of an offence or infraction and does not lead to the commission of a criminal offence.

## **12. Article 12: Free movement of persons**

178. Article 27 of the Constitution provides that everyone may travel freely throughout the national territory and change domicile or residence without any restrictions other than those imposed by traffic, tax, health and migration laws and regulations.

## **13. Article 13: Protection of aliens from arbitrary expulsion**

179. The National Migration Service is the institution in charge of enforcing migration laws in Panama. The functioning of the National Migration Service is established under Decree-Law No. 3 of 22 February. The Decree establishes the grounds on which an alien may be deported from or denied admission to the national territory. These are as follows:

- Entering the country irregularly, except in the circumstances established in special laws.
- Remaining in the national territory with undocumented or irregular status.
- Engaging in immoral or indecent conduct.
- Endangering public safety, national defence or public health.
- Having served a term of imprisonment.
- Engaging in any other conduct constituting grounds for expulsion as determined by law.

180. Under the established procedure, the National Migration Service must take a number of actions before it can order a deportation:

- Verify the existence of grounds for deportation.
- Listen to the defence presented by the alien or by his or her counsel.
- Respect the alien's human rights and the fundamental safeguards to which he or she is entitled.
- Order the arrest.
- Ensure that notice of the decision ordering the arrest is served in person.
- Endeavour to ensure the best interests of minors and of the family unit.

181. The scope of the right of refugees to non-refoulement was broadened by the Executive Decree issued on 16 January 2018, and is now provided for in article 7:

“Non-refoulement is the right of asylum seekers and refugees not to be returned to a country where their life, safety or personal freedom are in danger. The principle of non-refoulement also includes the prohibition of denial of entry at the border.”

182. Article 5 of the Decree provides that the criteria for granting refugee status include “... well-founded fear of being persecuted for reasons of race, gender, religion, nationality, membership of a particular social group or political opinion ...”.

183. This Decree takes into account a gender perspective, under which the rights of asylum seekers will be guaranteed.

## 14. Article 14: Equality before the law, guarantees of due process and principles governing the administration of justice

(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 13)

### *Speed of processing applications for review*

184. One of the principles of the adversarial criminal justice system is promptness in the administration of justice. The implementation of the adversarial criminal justice system has afforded wider scope for the application of different types of preventive measures, with the result that, of the preventive measures imposed, only 25 per cent have consisted of pretrial detention. The programme to reduce the case backlog, under which temporary courts are created for this purpose, has helped to expedite judicial proceedings.

185. At the same time, a project on virtual hearings in criminal proceedings, which speeds up proceedings by obviating the need to transfer detainees to court, is being carried out. This procedure saves time for the accused, the victim and the courts, and also saves State resources.

### *Measures to guarantee access to justice*

186. By decision No. 245 of 2011, the full bench of the Supreme Court approved the 100 Brasilia Regulations regarding Access to Justice for Vulnerable People. Paragraph 28 of the Regulations refers to the relevance of technical legal advice for the effectiveness of the rights of vulnerable people, including legal assistance, defence and legal aid for persons under arrest. See annex 13 for a copy of the decision in question.

187. In order to guarantee effective access to justice, steps are being taken to implement the provisions contained in the Charter of Rights of Individuals in the Justice System, which was adopted by Supreme Court decision No. 244 of 2011. This instrument sets out the rights of users and is aimed primarily at those who have no specialized knowledge of the justice system.

### *Increase the number of public defenders*

188. With the implementation of the aforementioned adversarial criminal justice system, on 2 September 2016 in the First Judicial District of Panama (which includes the areas of Colón, Panamá Oeste, Darién, San Miguelito and Panamá), 110 public defenders took up their duties, out of 279 newly-appointed judicial officials. These new additions bring the total number of public defenders at the national level to 244.

189. Below is a breakdown of the geographical distribution of public defenders:

- Panamá Centro: 219 officials, 88 of whom are public defenders.
- Colón: 60 officials, 21 of whom are public defenders.
- San Miguelito: 78 officials, of whom 33 are public defenders.
- Panamá Oeste: 61 officials, 18 of whom are public defenders.
- Los Santos: 29 officials, 10 of whom are public defenders.
- Herrera: 28 officials, 7 of whom are public defenders.
- Darién: 19 officials, 7 of whom are public defenders.
- Coclé: 36 officials, 14 of whom are public defenders.
- Veraguas: 35 officials, 10 of whom are public defenders.
- Chiriquí: 57 officials, 26 of whom are public defenders.
- Bocas del Toro: 25 officials, 10 of whom are public defenders.

## 15. Article 15: Principles of legality, non-retroactivity and favourability of criminal law

190. The Criminal Code and Code of Criminal Procedure of Panama provide for the principles of legality, non-retroactivity and favourability of criminal law.

191. These principles are provided for in chapter I, on basic tenets, and chapter II, on safeguards, of the Criminal Code (arts. 1–16). These articles state that the Criminal Code and its application are based on the principles of human dignity and include the principles of legality, non-retroactivity and favourability of criminal law.

192. Similarly, chapter I of the Code of Criminal Procedure establishes safeguards, principles and rules that cover the same principles in articles 1–28.

193. For a breakdown of the maximum and average length of pretrial detention, see paragraphs 229 and 230 of the common core document (HRI/CORE/PAN/2017).

## 16. Article 16: Right of everyone to recognition as a person before the law

(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 19)

### *Law on the registration of vital statistics*

194. Through Act No. 31 of 25 July 2006, the Panamanian State regulates the registration of persons' vital statistics and other legal acts related to their civil status. The Act addresses the registration of births, marriages, deaths, naturalizations and other legal acts relating to civil status. The Act also sets out the functions of the National Directorate of the Civil Registry, which is under the authority of the Electoral Tribunal.

195. Article 19 of the Act specifies that entries recording births, marriages, naturalizations, deaths and annotations must include the following data: the nature of the entry; the office, place, date and time at which it is recorded; the first name and surname, nationality, domicile and identity card or passport number of the person or persons concerned; and the signature and fingerprint of the person or persons concerned, the witnesses and the civil registry officer. In addition, it must include the seal, or any other technological means of verification, of the corresponding office.

### *Underregistration*

196. In Panama, 90 per cent of births take place in hospitals, and all such births are registered within the first six months of the child's life. The remaining 10 per cent of births take place not in hospitals but at home, in remote or border areas.

197. According to the latest estimates made by the National Statistics and Census Institute and the Civil Registry, underregistration of births in Panama stands at approximately 1.9 per cent. Most cases of underregistration are concentrated in indigenous regions and in remote areas of the country. Under the Constitution, the National Directorate of the Civil Registry is the body that oversees matters relating to identity in Panama. It registers and certifies individuals' vital statistics and legal acts, including the registration of births, deaths, marriages, divorces, naturalizations and other legal acts related to civil status. The activities of the Civil Registry are intended to guarantee and safeguard Panamanian nationality, as well as human rights related to civil status.

### *Project to address underregistration in the Ngobe Buglé region*

198. With the support of the United Nations Children's Fund (UNICEF), a project was carried out in the Ngobe Buglé region in 2011 and 2012 in order to reduce underregistration. Subsequently, with funds from the State and from other international organizations (the Organization of American States (OAS), the Inter-American Development Bank (IDB) and the Office of the United Nations High Commissioner for Human Rights (OHCHR)), the coverage of the project was extended to the Emberá-Wounaan region, the Guna Yala region and the Provinces of Darién, Coclé and Colón. This project has now become an ongoing

programme serving populations in remote areas. The direct beneficiaries are the 3,885 children who were registered and the 79,447 children who were issued identity documents between 2012 and 2015. Other formalities have also been carried out, such as acknowledgement of paternity, corrections to birth certificates and name changes.

*Special measures for indigenous communities*

199. The following measures have been taken to address the ongoing problem of underregistration in indigenous regions:

- Exemption from civil registration and from issuance of identity documents for residents of all indigenous regions in the Republic of Panama, in accordance with Electoral Tribunal Decree No. 6 of 3 April 2003.
- Since 2015, Panamanian indigenous communities living on the border with Costa Rica have been exempted from authentication requirements relating to birth and marriage certificates issued by the Civil Registry of Costa Rica.
- In order to hold registration events targeting the indigenous population, radio announcements calling for participation and providing information on procedural requirements are broadcast in the languages of the populations concerned.
- All activities are coordinated with regional and local authorities.
- The services are provided with assistance from interpreters (Electoral Tribunal officials) who are members and residents of the same community.
- Regional coordinators have been appointed to handle, directly and permanently, all procedures regarding civil registration and issuance of identity cards in the three subregions (Ñokribö, Nidrini and Ködri) of the Ngobe Buglé region.
- Details on the schedule of registration activities are broadcast in indigenous languages through radio messages indicating the documentation that must be presented.
- Services are provided to all of the regions, with differentiated approaches in accordance with the law on the regions and in the languages of the communities concerned.

*Inter-agency protocol for timely birth registration and identification*

200. The inter-agency protocol for timely birth registration and identification was drawn up on the basis of a UNICEF study that identified the most significant obstacles to birth registration in Panama.

201. The protocol established the need for interaction between institutions and programmes dealing with young children, including health and education institutions, social programmes and services for migrants and persons at social risk. The most significant achievements under the protocol between 2014 and 2015 were as follows:

- Fourteen coordination meetings for the implementation of the protocol were held with ministers and directors of the following institutions: Ministry of Health; Ministry of Social Development; Ministry of Education; Ministry of the Interior; Ministry of Public Security; Social Security Fund; Institute for the Training and Use of Human Resources; National Secretariat for Persons with Disabilities; Panamanian Institute for Special Training; National Secretariat for Children, Adolescents and the Family; Superior Court for Children and Adolescents; Superior Family Court; National Migration Service; Juvenile Police; National Office of Refugee Affairs; and National Border Service. Liaison officers have been appointed to accelerate and follow up cases involving persons who are not registered with all of them.
- A total of 1,500 officials of the aforementioned institutions received training on the topic of identity, including 800 health-care workers who attend births, who were given additional training on how to fill out birth records correctly.
- The authorities recognized that birth registration underpins all other public services and that all institutions have a responsibility to inform the Civil Registry if they discover cases of unregistered persons.

- A form for the identification of unregistered persons was created for use by institutions that conduct field visits, to enable them to inform the Civil Registry directly when they discover cases of unregistered persons so that the Registry is notified of persons in need of its services.
- In the National Council for Early Childhood, four specialized working groups (on health, education, upbringing and identity) were created in order to coordinate inter-institutional services for children between the ages of 0 and 5. The Civil Registry leads the working group on identity, which has 28 regular and alternate members, who also act as administrative focal points for the protocol.
- A chapter on the procedure for registering births and obtaining identity cards for children was included in the new children's health booklet created by the Ministry of Health in coordination with IDB. These booklets will be used in hospitals to record immunization and other health information, starting from prenatal check-ups.

*Binational strategies and agreements covering border areas*

202. Taking into account the registration problems faced by people living in border areas, the Panamanian State, through the Electoral Tribunal, signed two intergovernmental inter-agency cooperation agreements with the Supreme Electoral Tribunal of Costa Rica and the National Civil Registry of Colombia at the end of 2014. The objective of these agreements is to create joint mechanisms for establishing the nationality of these people by registering births and issuing identity cards. Liaison officers in these bordering countries were appointed under these agreements and have facilitated the exchange of documentation and the harmonization of the birth records required for registration, the processing of which is free of charge. Coordination meetings have been held and registration drives have been conducted in border areas.

*Measures to safeguard children's identity*

Biometric verification system in maternity wards

203. A system is being set up to verify, online and through the use of fingerprints, the identities of mothers who give birth in health-care facilities, in order to ensure that their names are properly recorded in birth records, thereby ensuring that the identity information of newborn children is accurate.

204. The system is currently being implemented in Ministry of Health and Social Security Fund hospitals in urban areas and high-demand hospitals located in remote provinces.

Recognition of the name and nationality of stateless persons

205. By Executive Decree No. 10 of 16 January 2019, regulations were issued for Act No. 29 of 2011 on the 1954 Convention relating to the Status of Stateless Persons, including the procedure to be followed in respect of stateless persons.

## **17. Article 17: Right to privacy, protection of private correspondence, inviolability of the home and protection of honour**

206. Article 29 of the Constitution provides that correspondence and other private documents are inviolable and may not be examined or withheld except by order of a competent authority and for specific purposes. It also stipulates that such documents may be searched only in the presence of the person concerned or a member of his or her family. Private communications may not be intercepted or recorded except by order of a judicial authority. Information obtained in breach of these provisions is not admissible as evidence.

207. Articles 190, 191 and 192 of the Criminal Code cover the offences of defamation and false accusation. For the full text of these provisions, see annex 14.

## **18. Article 18: Freedom of thought, conscience and religion**

### **(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 15)**

208. Religion in Panama is protected by the Constitution, which establishes freedom of worship in article 35. Given the country's cultural diversity, a wide range of religions are practised in Panama. It is estimated that Roman Catholics are the predominant religious group, followed by Evangelicals, Adventists, Jehovah's Witnesses and Mormons. Eastern religions such as Judaism, Buddhism, Hinduism, Islam and the Baha'i faith, among others, are also practised in Panama.

209. In addition, various legal provisions prohibit discrimination on the basis of religion and allow religious organizations to register as NGOs, which entitles them to receive tax benefits.

210. As a result of the constitutional prohibition of discrimination on the basis of religious practice, the official school uniform for girls and adolescents who practise Islam can be adjusted or adapted to allow them to wear the hijab or veil, a long-sleeved shirt and an ankle-length skirt, in the colours of the school's uniform.

211. This measure is intended to guarantee the right to education, on the basis of equal opportunity, by encouraging regular school attendance and thereby reducing the dropout rate.

212. For a full breakdown of the religions practised in Panama, including a percentage breakdown, see paragraph 46 of the common core document (HRI/CORE/PAN/2017).

## **19. Article 19: Freedom of opinion and expression and responsible exercise of those freedoms**

213. Article 37 of the Constitution provides that all persons may freely express their thoughts in speech, in writing or by any other means, without being subject to prior censorship. However, legal responsibility is incurred in cases where such expression harms the reputation or honour of another person or where it poses a threat to public safety or public order.

## **20. Article 20: Prohibition of propaganda for war and of advocacy of national, racial or religious hatred**

214. Article 398 of the Criminal Code criminalizes the advocacy of an offence and establishes that anyone who publicly incites the commission of an offence is liable to a penalty of 1 to 3 years' imprisonment or a fine calculated on the basis of an equivalent number of days, or weekend detention.

## **21. Article 21: Right of peaceful assembly**

215. Article 38 of the Constitution provides for the right to assemble peacefully and without arms for lawful purposes. It also provides that public demonstrations or outdoor gatherings do not require authorization, stipulating only that the local administrative authorities must be notified 24 hours in advance.

## **22. Article 22: Freedom of association, including the right to form and join trade unions**

216. Freedom of association is guaranteed under article 39 of the Constitution. For more information, see paragraph 330 of the common core document (HRI/CORE/PAN/2017).

### **23. Article 23: Protection of the family and marriage**

217. Chapter 2 of the Constitution of Panama is devoted to the family, its legal basis and the State protection to which it is entitled. It also establishes that marriage is the legal foundation of the family. For the full text of these provisions, see annex 15.

218. The Family Code of Panama was adopted by Act No. 3 of 17 May 1994. Title I of the Code defines marriage as the voluntary union of one man and one woman, both of whom must have legal capacity, for the purpose of making and sharing a life together. In Panama, religious marriage does not replace civil marriage, which is the sole form of marriage governed by law. For more information, see the Family Code, which is contained in annex 16.

219. Act No. 30 of 5 May 2015 amended the Family Code to increase the minimum age for marriage to 18 years. Previously, the minimum age for marriage was 16 years for boys and 14 years for girls.

220. In order to have an institution devoted to issues concerning the family, Act No. 14 of 23 January 2009 established the National Secretariat for Children, Adolescents and the Family. This body coordinates and implements policies for the full protection of the rights of children, adolescents and the family. It operates under the Ministry of Social Development.

### **24. Article 24: Rights of the child and protection of such rights**

#### *Right to registration and nationality*

221. The right to a nationality is provided for under title II, “Nationality and Aliens”, articles 8–16, of the Constitution of Panama.

222. As noted above in relation to article 16 of the Covenant, Act No. 31 of 25 July 2006 regulates the registration of vital statistics, including births.

#### *Protection of the rights of the child*

223. Panama ratified the Convention on the Rights of the Child in 1990 and has ratified all three Optional Protocols. Since then, the Panamanian State has developed a legal framework and implemented policies based on these instruments. For further information, see paragraphs 1–6 and paragraphs 298–300 of the combined fifth and sixth periodic reports of Panama to the Committee on the Rights of the Child. For further information on the policies relating to children in Panama, see paragraphs 427–432 of the common core document (HRI/CORE/PAN/2017); for information on non-discrimination measures, see paragraphs 57–65 of the combined fifth and sixth periodic reports of Panama to the Committee on the Rights of the Child.

### **25. Article 25: Political rights and the right to take part in the conduct of public affairs**

224. Under article 132 of the Constitution, political rights and the performance of public functions involving the exercise of authority and jurisdiction are reserved for Panamanian citizens. Article 133 provides that the exercise of citizens’ rights may be suspended only in respect of persons who have renounced Panamanian nationality or pursuant to a lawfully imposed penalty.

225. Act No. 6 of 22 January 2002, which sets standards for transparency in public administration and provides for the remedy of habeas data, among other things, stipulates in its article 24 that State institutions at the national and local levels have a duty to enable citizens to participate in all public administration processes that may affect the interests and rights of particular population groups, through the various forms of public participation.

226. For further details on the role of civil society in Panama, including non-governmental organizations, see paragraphs 330–348 of the common core document (HRI/CORE/PAN/2017).

## **26. Article 26: Equality before the law and protection against discrimination**

### **(Reply to the issues raised in CCPR/C/PAN/CO/3, para. 21)**

227. Since 2018, through the Ministry of the Interior, the Panamanian State has been carrying out the Plan for the Comprehensive Development of the Indigenous Peoples of Panama, which is aimed at improving infrastructure and quality in the areas of health, education and basic services in the country's 12 indigenous regions.

228. The Plan is based on a national consensus among the 12 indigenous governing bodies on an autonomous vision of development. In addition, it outlines goals, measures and indicators for the next 15 years, organized around three pillars: political and legal, economic, and social. Work has been carried out with the National Committee of Indigenous Peoples on the implementation of the plan.

229. The Ministry of the Interior, which governs indigenous policy through the Office of the Deputy Minister for Indigenous Affairs, works with the Social Cabinet to align the policies and public investments of the sectoral ministries with the Plan for the Comprehensive Development of the Indigenous Peoples of Panama. Public investment in the indigenous regions has been increased by more than 474 million balboas, with a focus on projects that improve access to public services.

230. The Plan for the Comprehensive Development of the Indigenous Peoples of Panama is an initiative aimed at efficiently coordinating the resources allocated to improving the living conditions of this segment of the population. The Plan was designed with broad participation and direct involvement by representatives of indigenous peoples, who presented their needs and possible ways of meeting them.

231. In 2017 and the first four months of 2018, arrangements were made for the approval of a loan from the World Bank in the amount of US\$ 80 million in order to finance the Plan for the benefit of the country's 12 indigenous peoples, accounting for an estimated total of 418,000 people, the majority of whom are poor.

232. The proposed project will be financed in three areas: (i) institution- and capacity-building to strengthen governance by the Government of Panama and indigenous authorities; (ii) improving the quality and cultural appropriateness of selected public services in the 12 indigenous territories; and (iii) management, monitoring and evaluation of the project.

233. The blueprint of the project to support the implementation of the Plan up to 2023 includes the following activities:

- Strengthening of the Government's organization and implementation capacity in indigenous regions.
- Institutionalization and operation of a national standing committee for dialogue and consultation between the authorities of indigenous peoples and the Government.
- Institutionalization, operation and strengthening of coordination between institutions and with cooperation agencies.
- Institutional coordination for the implementation of Act No. 37 of August 2016, which establishes free, prior and informed consultation and consent of indigenous peoples.
- Strengthening of the organization and governance capacity of indigenous authorities.
- Development, strengthening, institutionalization and conduct of participatory processes for culturally appropriate land-use planning.

- Empowerment and development of political, social and economic leadership capacities among priority groups (adolescents and women) in indigenous regions.
- Coordination for the conduct of censuses in indigenous regions.
- Coordination with the Ministry of Education for the implementation of Act No. 88 of November 2010, which recognizes the languages and alphabets of indigenous peoples and sets standards for intercultural bilingual education, as well as other education-related initiatives.
- Coordination with the National Secretariat for Decentralization in order to implement Act No. 66 of 2015, which decentralizes public administration.
- Capacity-building to improve the operation and maintenance of water and sanitation systems.

234. See annex 17 for more information on the Plan for the Comprehensive Development of the Indigenous Peoples of Panama.

*Intercultural bilingual education*

235. Panama implements the intercultural bilingual education programme under Act No. 88 of 22 November 2010, which recognizes the languages and alphabets of the indigenous peoples of Panama and sets standards for intercultural bilingual education. Under the Act, indigenous languages are taught alongside the Spanish language, and intercultural bilingual education is mandatory in public and private schools in all indigenous regions, surrounding areas and collective lands. In addition, the law permits the wearing of traditional clothing, in all its diversity, as a sign of respect for indigenous peoples' identity, human dignity and right to express an important part of their culture.

*Advisory Committee on Indigenous Traditional Medicine*

236. The Advisory Committee on Indigenous Traditional Medicine was established under Act No. 17 of 27 June 2016 on the protection of the knowledge of indigenous traditional medicine. The Committee is responsible for coordinating, organizing and developing proposed policies and strategies for the application of traditional medicine, in coordination with public and private entities and with indigenous congresses and indigenous authorities.

237. The Committee is composed of the following persons: the Director of Indigenous Health Affairs of the Ministry of Health (who chairs the Committee), a representative of the Agricultural Research Institute of Panama, a representative of the Ministry of the Environment, a representative of the Ministry of Agricultural Development, a representative of each of the indigenous general congresses or traditional councils, the general chiefs of the indigenous regions or their representatives, a representative of the Faculty of Pharmacy of the University of Panama, a representative of the Faculty of Medicine of the University of Panama, a representative of the Indigenous Affairs Committee of the National Assembly, a representative of the Health Directorate of the Ministry of Health and a representative of the Directorate of Pharmacy and Medicine of the Ministry of Health.

238. One of the functions of the Committee is to encourage, preserve and promote the development of national indigenous health policy, with traditional medicine as the heritage of the indigenous peoples from whom this knowledge has been passed down. For further information on the Committee's functions, see article 7 of annex 18 (art. 7 of Act No. 17 of 2016).

*Prior and informed consultation*

239. See paragraphs 447 and 448 of the common core document (HRI/CORE/PAN/2017) for information on the Consultation and Prior Consent Act and on the compensation paid by Panama to indigenous peoples in accordance with the ruling of the Inter-American Court of Human Rights.

*Collective land rights*

240. On the basis of article 127 of the Constitution, the Panamanian State has reserved collective lands and property for the economic and social well-being of indigenous peoples. Land rights were recognized in the Supreme Court ruling of 23 March 2001, which affirmed that the political and administrative organization of the indigenous regions is distinct from and independent of that of the districts and municipalities.

241. In Panama, of the five indigenous regions that have been recognized, three are classified as provinces and two are classified as municipalities. In total, the indigenous regions account for 20 per cent of the national territory.

242. The special procedure for awarding collective ownership of land to indigenous peoples outside the five indigenous regions has been in place since December 2008. For more information, see annexes 19 and 20.

243. Within this framework, under decisions of the National Authority for Land Administration, the National Authority for the Administration of Lands and Municipal Property, through the National Directorate for Indigenous Lands and Municipal Property, has assigned collective lands to the communities of Puerto Lara, Caña Blanca, Piriati, Ipeti and Arimae. See annex 21 for the text of these decisions.

244. Act No. 656 of 18 July 2018 created the Naso Tjér Ni region and recognized the self-determination of the Naso people, its governmental and judicial system, its culture and its territory. For more information, see annex 22.

## **27. Article 27: Rights of ethnic, religious and linguistic minorities**

245. Among its so-called “colonies”, which are populations made up of descendants of migrants and of indigenous groups, Panama has a great deal of ethnic, religious and linguistic diversity. See paragraphs 15–46 of the common core document (HRI/CORE/PAN/2017) for more detailed information about these populations.

246. In 2013, the Office of the Deputy Minister for Indigenous Affairs was established within the Ministry of the Interior with the aim of coordinating and implementing plans, programmes and projects under the public policy of respect for and comprehensive development of indigenous peoples. For more information, see article 1 of Act No. 54 of 2013, in annex 23 (art. 1 of Act No. 64 of 2013).

247. Act No. 64 of 2016 created the National Secretariat for the Development of Panamanians of African Descent, the institution responsible for ensuring that the human rights and fundamental freedoms of persons of African descent are respected and protected and for guaranteeing the full enjoyment of such rights and freedoms in conditions of equality, equity, social justice, equal opportunity and participation by all members of this population. It also seeks to raise awareness of the contributions and participation of Afro-Panamanian groups and to recognize their historical contributions to Panama. See annex 24 for a copy of the Act.