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### **Draft report of the Working Group on the Universal Periodic Review\***

#### **Panama**

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\* The annex to the present report is circulated as received

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-second session from 4 to 15 May 2015. The review of [Panama](#) was held at the 5<sup>th</sup> meeting on 6 May 2015. The delegation of [Panama](#) was headed by Mr. Luis Ernesto Carles, Minister of Labour and Labour Market Development. At its 10<sup>th</sup> meeting held on 8 May 2015, the Working Group adopted the report on [Panama](#).
2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of [Panama](#): [Germany](#), [Ghana](#) and the [Russian Federation](#).
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of [Panama](#):
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/22/PAN/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/22/PAN/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/22/PAN/3).
4. A list of questions prepared in advance by [Belgium](#), [Germany](#), [Liechtenstein](#), [Mexico](#), [Spain](#), [Slovenia](#), [Sweden](#) and [United Kingdom of Great Britain and Northern Ireland](#) was transmitted to [Panama](#) through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation began its presentation indicating that the UPR had been an opportunity to assess the human rights progress in [Panama](#) and listen to the recommendations of the international community.
6. In less than a year in office, the Government had taken steps towards the full implementation of the human rights obligations of [Panama](#) in the areas of freedom of expression, the relationship with unions and indigenous peoples, the procedure for determining refugee status and matters related to transparency and accountability.
7. The Government had focused its efforts on the institutional building through a strategy of ratification of human rights instruments, the harmonization of national legislation with international obligations, the establishment and renewal of institutions and the implementation of public policies facilitating that goal.
8. One of the commitments undertaken by [Panama](#) during its first review was to transform the Inter-institutional Commission set up to prepare the UPR national report into a standing body. An executive Decree in July 2012, established the National Standing Committee for Monitoring and Ensuring Compliance with the human rights commitments undertaken by [Panama](#) at the national and international level. The Commission held

consultations with key civil society organizations working on human rights for the drafting of the national report for the second UPR review.

9. Also, a Sub-Commission has been created for setting up the National Mechanism for the Prevention of Torture, also with civil society participation. This body had agreed that the National Mechanism would be a new independent institution created by law.

10. The delegation added that, in compliance with UPR commitments, [Panama](#) had ratified the Conventions on Statelessness, the Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol the Convention against Torture and ILO Convention 189. Likewise, [Panama](#) had accepted the competence of the Committee on the Elimination of Racial Discrimination to receive individual petitions. The debate regarding the ratification of ILO Convention 169 was ongoing within a recently established working group comprising representatives of the Government and of the indigenous peoples.

11. Moreover, under the standing invitation to UN special procedures, [Panama](#) had received the visits of the Rapporteur on the Rights of Indigenous Peoples and the Working Group of Experts on People of African Descent.

12. The delegation acknowledged that some reports before the UN Treaty Bodies remained pending. The standing human rights commission mentioned before would draft a work plan on this in the near future.

13. The delegation considered that the fight against discrimination should begin by acknowledging its existence. The Government had recognized the persistence of cultural and social attitudes that tended to discriminate against certain groups. In this context, to address the absence of statistical data relating persons of African Descent and the indigenous population, the 2010 census included this variable, based on self-identification. Additionally, the Government had adopted extensive legislation on affirmative action for the protection of lands, culture and institutions of indigenous peoples. Also, electoral districts had been designed to facilitate the election of indigenous representatives to the National Assembly. The delegation acknowledged, though, that the enactment of comprehensive legislation prohibiting discrimination on any grounds including racial and ethnic discrimination was still pending.

14. Regarding the rights of indigenous peoples, the delegation recalled the restoration of the repealed articles of the General Environmental Law granting rights over natural resources for them on the lands they inhabit, the adoption of legislation on the protection of traditional medicines and the right to consultation and the recent legislative restoration of the free and informed consent of indigenous peoples in relation to measures affecting them. The delegation recognized that, however, this population continued to have the highest rates of poverty and extreme poverty. Therefore, the Government was preparing a comprehensive development plan with the participation of indigenous peoples.

15. The delegation indicated that the Government had requested the United Nations High Commissioner for Human Rights the provision of technical assistance for training the police in the proper use of force and for the revision of the curriculum of the Police Institute to incorporate in it a human rights approach.

16. The delegation acknowledged that serious human rights violations were committed during the events of 6-10 July 2010 in Changuinola. Thus, Law 144/ 2015, adopted with the consent of the concerned persons, established a series of measures of redress for the victims. Furthermore, during the public enactment of the law, President Varela apologized on behalf of the State to the victims and people affected by the events.

17. On violence against women, [Panama](#) adopted in 2013 a law that criminalized femicide. The State has also taken steps for the implementation of this law, as the creation

of a Special Prosecutor for these cases and the creation and regulation of the National Committee Fighting Violence against Women. However, the delegation noted that the regulation of the law, still pending, would need to be drafted in the near future.

18. On the issue of trafficking, measures had been taken to ensure the adequate care for victims in the context of judicial proceedings. Also, the number of specialized trainings had increased for staff in the police, prosecutors' offices, the judiciary, migration office as well as health and education ministries. The delegation committed to the prompt regulation of Law 79/2011, to provide budget to the National Commission against Trafficking and to build a shelter for victims of human trafficking, according to international standards.

19. Also, as part of a comprehensive public safety policy, the Government was implementing the Safe Neighbourhoods Program aimed at addressing criminal activity involving gang groups through processes and spaces of social integration for young people who belonged to or maintained proximity with them.

20. Regarding refugees', the National Assembly passed Law 74/2013 permitting refugees to apply for residence after three years of living in Panamanian soil. The government has also improved the process for determining the status of refugee that should be applied in accordance with international standards. In addition, the delegation committed to a prompt adoption of a decree regulating the mechanism to determine statelessness.

21. On immigration, the Government had continued its policy of openness by regularizing the situation of 57.652 foreigners between 2010 and 2014. The delegation recognized that the current migration shelters did not meet adequate conditions. Consequently, the Government was committed to build a new women's shelter which would have the necessary infrastructure to ensure appropriate treatment. Similarly, the conditions of the current men's shelter were being improved.

22. The delegation acknowledged the need for measures to ensure the independence and impartiality of judges. The National Assembly was debating a bill to establish a judicial career and, with the support of civil society, the Executive submitted to Congress a bill to create the Community Justice.

23. With regard to the rights of children, the delegation reported that the Government had recently adopted legislation to raise to 18 the legal minimum age for marriage and had set up an inter-institutional Commission to prepare a draft Law on the Protection of the Rights of Children and Adolescents.

24. Before concluding, the delegation added that a Ministry for the environment was recently established to face the challenge of guaranteeing the right to a healthy environment.

25. The delegation closed its introduction by reiterating [Panama's](#) commitment to continue to promote the compliance of its human rights obligations and take positive measures to ensure the necessary conditions for the full enjoyment of rights human for every person living in the country.

## **B. Interactive dialogue and responses by the State under review**

26. During the interactive dialogue, 49 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

27. [Ecuador](#) acknowledged efforts made since the first UPR, particularly the ratification of the OP-CAT, the Convention on the Status of Stateless Persons and the International Convention on the Protection of all Persons against enforced disappearances. It highlighted the adoption of Laws on benefits for persons with disabilities and the "El Solca" software

which permits them to work independently in diverse environments: educational, working and social. [Ecuador](#) made recommendations.

28. [El Salvador](#) recognized [Panama](#)'s commitment with UPR and the wide civil society participation in the preparation process. It welcomed the importance given by [Panama](#) to the implementation of public policies on Administration of Justice, Citizen Security, Trafficking in Persons, and equal opportunities for women, among others. It also underscored that the report contained the main advances made on subjects such as persons deprived of liberty, children, indigenous peoples, refugees, migrants, persons with disabilities and Afro-descendants.

29. The [Bolivarian Republic of Venezuela](#) valued [Panama](#)'s efforts to implement previously accepted UPR recommendations. It highlighted the ratification of ICPPED and CAT, as well as the decrease of the unemployment rate and of extreme poverty, and measures adopted to ensure adequate housing for poor families. It made a recommendation.

30. [France](#) welcomed the implementation of many of the recommendations [Panama](#) received during the first review. It noted the establishment of a commission responsible for monitoring the implementation of UPR recommendations, the creation of the Office of the Ombudsman and of the National secretariat for Childhood, adolescence and family. [France](#) made recommendations.

31. [Georgia](#) welcomed the ratification of OP-CAT and the Convention Relating to the Status of Stateless Persons, commended it for extending a standing invitation to the special procedures mandate holders and welcomed the establishment of the national standing commission to ensure compliance with and follow-up to human rights obligations. It also commended [Panama](#) for its efforts regarding domestic violence. [Georgia](#) made a recommendation.

32. [Germany](#) noted with appreciation positive developments, in particular in the fields of rule of law, fight against corruption, media freedom, privacy, and torture prevention. [Germany](#) remained concerned about persistent human rights violations in other areas and encouraged [Panama](#) on further efforts particularly with regard to the situation in detention facilities, domestic violence and the rights of marginalized groups. [Germany](#) made recommendations.

33. [Ghana](#) commended [Panama](#) for the creation of the Anti-Discrimination Unit, which deals with cases of racial discrimination against indigenous and Afro-descendant populations, and considered the provision of legal assistance by the Office of Free Legal Aid to Crime Victims, particularly women, as a step in the right direction. It noted various innovative steps to render effective judicial services to handle expeditiously a backlog of cases that were pending. [Ghana](#) made recommendations.

34. [Guatemala](#) welcomed advances such as the creation of the National Human Rights Standing Commission which looks to ensure compliance and follow-up on the commitments adopted on the national and international arenas in human rights. It highlighted advances on gender equality such as the adoption of laws to criminalise femicide and laws on trafficking in persons, female sterilization, and the adoption of a Public Policy on Equal Opportunities for Women. [Guatemala](#) made a recommendation.

35. [Honduras](#) welcomed legislative changes and measures taken to strengthen the justice system, the inclusion of persons from vulnerable groups and the reduction of poverty and inequality. It praised the transparency showed by [Panama](#) as it recognized the existence of racial discrimination in the country, as well as the vulnerable condition of persons with disabilities and the actions taken to face these situations. [Honduras](#) made recommendations.

36. [Indonesia](#) welcomed the fact that the report was a result of an inclusive dialogue involving a wide range of ministries, agencies, parliamentarians, academics, human rights

experts and civil society organizations. It appreciated the establishment of the Ombudsman Office and National Human Rights Standing Commission and commended efforts in improving migration policy and combating trafficking in persons. [Indonesia](#) made recommendations.

37. [Ireland](#) welcomed the ratification of several international human rights instruments, the introduction of legislation on indigenous peoples and steps to improve the judiciary. [Ireland](#) was concerned by reports of prevalence of discrimination against indigenous, ethnic and sexual minorities, who face denial of their rights to political participation and access to employment and basic services. It noted with great concern reports of restrictions on freedom of assembly and association, in particular with regard to trade unions. [Ireland](#) made recommendations.

38. [Italy](#) noted with appreciation the measures mentioned in the national report meant to address the situation of discrimination against LGBTI and encouraged the Authorities to further tackle this issue. [Italy](#) welcomed the development of human rights education programs as a cross-cutting issue in schools. [Italy](#) made recommendations.

39. [Mexico](#) underscored the open invitation to special procedures and noted with satisfaction the initiation of a process of inter institutional consultations and with participation of civil society to elaborate the report. It acknowledged advances met since the last review, particularly the Creation of the National Human Rights Standing Commission for the follow-up to the international human rights commitments. [Mexico](#) made recommendations.

40. [Montenegro](#) welcomed the establishment of the National Human Rights Standing Commission and asked [Panama](#) to elaborate on progress achieved in fulfilling its international commitments since the establishment of the new body. It noted progress towards achieving gender equality and asked [Panama](#) to elaborate on results achieved in the implementation of measures aimed at eliminating all forms of violence against women. [Montenegro](#) made recommendations.

41. [Namibia](#) welcomed [Panama](#)'s efforts undertaken in respect of the Ombudsman's Office, Prison Training Academy, National Coalition for Development, National Human Rights Commission, State Policy on Equal Opportunities for Women, and implementation action plan for 2015-2019. It made recommendations.

42. The [Netherlands](#) welcomed the government, private sector and CONEP's effort to reduce child labor. It noted [Panama](#)'s ratification of OPCAT and welcomed the draft bill in parliament for a more detailed elaboration of the principle of equality in the constitution. It noted concern with [Panama](#)'s prison system and anti-discrimination legislation. They made recommendations.

43. [Nicaragua](#) highlighted advances within the judicial system through the adoption of the Law on Judicial Career and the human rights training programs for the national police. It also underscored the advances regarding gender, such as the criminalisation of femicide and trafficking of persons and the adoption of a Public Policy on Equal Opportunities for Women. [Nicaragua](#) made recommendations.

44. [Paraguay](#) appreciated the achievement of universal enrolment in primary education and legislation enacted in 2010 establishing the right of indigenous peoples to bilingual and intercultural education. It welcomed the work of the National Human Rights Standing Commission. It also welcomed the ratification of the OP-CAT and encouraged [Panama](#) to continue its efforts to strengthen the national prevention mechanism against torture. [Paraguay](#) made recommendations.

45. [Peru](#) highlighted advances such as the establishment of the National Human Rights Standing commission, the creation of the Vice ministry for Indigenous Affairs, the

ratification of the OP-CAT and the of the International Convention for the Protection of all Persons from Enforced Disappearances, and the open invitation made to all special procedures of the Human Rights Council. [Peru](#) made recommendations.

46. The [Philippines](#) welcomed [Panama's](#) establishment of the National Human Rights Institution; its recognizing of the existence of racial discrimination against Afro descendants; increased labor participation of women; improvement in legislation relating to human trafficking and ratification of several core international human conventions. The [Philippines](#) made recommendations.

47. [Portugal](#) welcomed steps taken to protect human rights since [Panama's](#) first review, such as the ratification of OP-CAT and ICPPED and the accession to the two Conventions on Statelessness. It was however concerned about high levels of violence against women and children. [Portugal](#) made recommendations.

48. [Romania](#) congratulated [Panama](#) for progress made concerning the fulfilment of MDGs, in particular on extreme poverty, and for the establishment of a national human rights institution. It made recommendations.

49. [Rwanda](#) welcomed [Panama's](#) establishment of a national standing commission to ensure compliance and follow-up to human rights obligations, its policy on equal opportunities for women, and reduction of poverty. [Rwanda](#) made recommendations.

50. [Sierra Leone](#) welcomed [Panama's](#) conditional cash transfer and welfare programmes. It noted concern regarding the disparities between indigenous and non-indigenous communities regarding political participation. It urged [Panama](#) to enforce indigenous rights regarding political participation, establish a national policy which protects and promotes rights of children, and improve access to healthcare and education in rural areas and within indigenous communities. [Sierra Leone](#) made recommendations.

51. The Panamanian delegation indicated that, in the near future, the Government would approve the amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression and on Article 8. Also, the Government was preparing the necessary declarations to accept the competence of the Committee against Torture and the Human Rights Committee to receive individual communications regarding [Panama](#).

52. The delegation outlined a series of social programs developed by the Government to fulfil its commitment to work for social inclusion for all citizens. The Government was persuaded that the incorporation of a human rights approach in the strategies of poverty reduction and development in general would strengthen them.

53. [Panama](#) has committed to generate statistics on the situation of persons with disabilities that would guide the drafting of public policies. The delegation also detailed a number of additional measures to ensure the observance of the rights of persons with disabilities.

54. [Singapore](#) welcomed [Panama's](#) laws criminalizing femicide, State Policy on Equal Opportunities for Women, halving the population living on 1 dollar a day, and increasing health standards. It noted concern regarding the wage gap between men and women. [Singapore](#) made recommendations.

55. [Slovenia](#) welcomed [Panama's](#) criminalization of femicide, and its commitment to prevent torture. It noted concern regarding the lack of efforts to eliminate the practice of making women take pregnancy tests to gain employment. It encouraged [Panama](#) to establish an effective national preventive mechanism that complies with criteria in the OPCAT, and to take measures to abolish the practice of employment pregnancy tests. [Slovenia](#) made recommendations.



56. [Spain](#) congratulated [Panama](#) for ratifying OP-CAT, the Convention relating to the Status of Stateless Persons and the Convention on Enforced Disappearances and for extending a standing invitation to the special procedures of the universal and regional systems. [Spain](#) expressed concern for the unsafe and unsanitary conditions of persons deprived of liberty. [Spain](#) made recommendations.
57. [Sweden](#) noted that the Family Code and the Civil Code provided the “right to correct” children by using corporal punishment. It stated that child labour was common in [Panama](#), mostly within agriculture and informal sector, and that indigenous children were overrepresented. Many children ended school in advance to contribute to the breadwinning of their families. [Sweden](#) made recommendations.
58. [Thailand](#) welcomed [Panama](#)’s ratification of the OP-CAT, the International Convention for the Protection of All Persons from Enforced Disappearance and the establishment of both the Ombudsman’s Office and National Human Rights Commission. It congratulated the government on criminalizing femicide, laws on trafficking in persons, female sterilization and State Policy on Equal Opportunities for Women. It made recommendations.
59. [Timor-Leste](#) commended [Panama](#)’s efforts in promoting women’s rights by amending the Criminal Code that criminalizes femicide and punishes violence against women. It noted however that the numbers of such crimes remained high. Timor-Leste also commended the special unit within the National Police to investigate sexual offences. It made recommendations.
60. [Trinidad and Tobago](#) commended several programs aimed at promoting and protecting human rights, programs that will build public awareness on the matter. It also commended [Panama](#)’s efforts to protect women, children and adolescents. [Trinidad and Tobago](#) noted existing discrimination against indigenous and African-descent peoples, and acknowledged the establishment of the Anti-Discrimination Unit. It made a recommendation.
61. [Ukraine](#) noted the establishment in 2012 of the standing committee to ensure compliance with and follow-up to the national and international human rights commitments of [Panama](#) and encouraged the Government to take measures to further strengthen this mechanism. [Ukraine](#) made recommendations.
62. The [United Kingdom of Great Britain and Northern Ireland](#) recognised progress regarding ill-treatment prevention, the criminal justice system and pre-trial detention. Pursuing the OP-CAT ratification, it urged to establish a national preventive mechanism. Concerns remained over the respect of legislation on indigenous peoples’ rights and about prison overcrowding. It encouraged applying the adversarial criminal justice system and that the Constitution covers discrimination on sexual and gender identity grounds. It made recommendations.
63. The [United States of America](#) welcomed [Panama](#)’s commitment to ratify human rights agreements and promote equal opportunities for women. Despite the justice system reforms, it noted the length of pre-trial detention and the prisons’ overcrowding. It commended steps to combat sex trafficking and forced labor, and encouraged identifying and protecting victims. It noted the limited rights of asylum-seekers, urging for their rapid access to education and basic services. It made recommendations.
64. [Uruguay](#) highlighted the ratification of OP-CAT and ICPED, and urged to ratify OP-ICESCR and ICRMW. It welcomed the open-standing invitation issued to the universal and regional Special Procedures mandate-holders, as a sign of [Panama](#)’s commitment towards human rights. It congratulated the establishment of the Standing National Human Rights Commission. It made recommendations.

65. [Algeria](#) welcomed the harmonization of the national legal framework with [Panama](#)'s human rights commitments. It mentioned, in particular, the adoption of a law on human trafficking and legislation protecting and strengthening the status of women. [Algeria](#) made recommendations.
66. [Angola](#) welcomed [Panama](#)'s engagement with human rights through the implementation of measures to protect refugees and victims of sexual exploitation, particularly women and children. It acknowledged progress made to combat poverty, trafficking in persons and unemployment, and to protect juveniles' rights. [Angola](#) was concerned by the inhuman detention conditions and by the integration of minorities, namely African-descent. It made recommendations.
67. [Argentina](#) welcomed the ratification of OP-CAT, ICPPED and the Convention Relating to the Status of Stateless Persons. It urged to ratify ICRMW and OP-ICESCR. [Argentina](#) congratulated [Panama](#) for the provision of economic assistance for the events occurred in Bocas del Toro in 2010. It made recommendations.
68. [Australia](#) welcomed recent legal reforms to improve the judiciary, including the move from an inquisitorial to an accusatory system. It remained concerned about the prisons conditions, particularly overcrowding, lack of adequate medical services and prolonged pre-trial detention. Also, [Australia](#) remained concerned that indigenous people continue to be disadvantaged in their access to basic services, education and health. [Australia](#) made recommendations.
69. [Barbados](#) welcomed the establishment of the Ombudsman's Office and believed there could have complementarities between it and the National Human Rights Commission which follows up on the human rights obligations of [Panama](#). It added that a coordinated approach to the conceptualization of human rights policies would strengthen the human rights architecture. It noted that the national report recognized the need to enact comprehensive anti-discrimination legislation and called [Panama](#) to place emphasis on bringing all racial and ethnic groups into the mainstream for a more inclusive society.
70. [Belgium](#) acknowledged the progress achieved since the previous UPR, particularly in the fight against impunity, the fight against all forms of discrimination, freedom of expression, children's rights and women's rights. However, [Belgium](#) expressed concern regarding the situation of women and girls and emphasized that, according to official sources, 200 femicides were committed between 2009 and 2013. [Belgium](#) made recommendations.
71. [Brazil](#) acknowledged progress on poverty and inequality mitigation, universal education, gender equality and prevention of violence against women. Discrimination against African-descent and indigenous communities remained a challenge, and no provision defined racial discrimination acts. [Brazil](#) stressed its previous recommendation to ratify ILO Convention 169. It asked about strategies on birth registration of indigenous, migrant and refugee children. [Brazil](#) urged to adopt legislation on children's and adolescent's rights, and to protect LGBTI persons. It made recommendations.
72. [Canada](#) applauded the passing of law 82/2013 defining the murder of women by their spouses as an offence and penalizes violence against women. It also welcomed the implementation of the new adversarial criminal justice system and encouraged [Panama](#) to implement it in the whole country. [Canada](#) made recommendations.
73. [Chile](#) acknowledged progress made by [Panama](#), particularly towards eradication of violence against women, such as the criminalization of femicide. It noted the development of a Criminal Accusatory System, and the adoption of legislation on indigenous' rights. The integration of children and juveniles in conflict with the law should be a priority. [Chile](#) made recommendations.

74. [China](#) commended [Panama](#) for strengthening human rights mechanisms; training prison staff on the issue of torture; improving access to justice through the judicial facilitators program providing legal support; increasing resources for education; promoting gender equality; increasing women employment and protecting their right to education; and protecting the rights of children and people of disabilities. [China](#) made recommendations.

75. [Colombia](#) highlighted [Panama](#)'s commitment to human rights and its efforts to implement first cycle recommendations, in particular with regards protection of vulnerable groups and access to health care. It took note of the Action Plan on African-descent people. [Colombia](#) made recommendations.

76. [Costa Rica](#) highlighted the progress achieved by [Panama](#) in the period between reviews and noted the ratification of OP-CAT and the Convention on Enforced Disappearances. It acknowledged that some measures were taken to harmonize domestic legislation with international commitments and requested additional information on the Commission that would monitor compliance with the human rights commitments. It made recommendations.

77. [Cuba](#) highlighted the preparation of the national report with participation of the Government, academia, experts and civil society. It acknowledged progress in implementing the National Plan for the Prevention of Sexual Exploitation, gender equality, the reform of the prison system and meeting the target of reducing by half the proportion of the total population living on less than a dollar a day. [Cuba](#) made recommendations.

78. [Morocco](#) welcomed the institutional and legislative measures taken by the Government for the implementation of the framework for the promotion and protection of human rights, including the harmonization of the minimum age of marriage, the creation of a national mechanism for the prevention of torture, the adoption of a law establishing a comprehensive system of child protection and the creation of a shelter for victims of trafficking.

79. The delegation of [Panama](#), responding to questions sent in advance, noted that the Government was implementing a prison reform since 2010 to reduce overcrowding, train personnel and enhance the respect for the human rights of detainees. To this end, in 2011 the Prison Training Academy was reopened and the working conditions of the prison staff were being improved. The Government was also committed to adopt a law to professionalize the prison service.

80. Likewise, 45% of convicted persons deprived of their liberty were classified and the separation of pre-trial from convicted detainees was an ongoing process. Although the Government was aware that the construction of prisons did not solve by itself the problems of the system, it considered necessary to improve the prisons' infrastructure to ensure the respect for the human rights of detainees. In this regard, the "Nueva Joya" penitentiary, with a capacity for more than 5000 persons in detention, was about to start its occupation.

81. With regard to women deprived of their liberty, the Government had made a diagnosis from a gender and rights perspective and had designed a special program of assistance for women in situation of confinement. In the case of juvenile detainees, the Government had given priority to providing them with comprehensive care and improving the concerned infrastructure.

82. With regard to questions on the rights of indigenous peoples, the Government was working on a Comprehensive Development Plan, in consultation with indigenous authorities. The Plan had three components: political, economic and social. The political one was aimed at strengthening the traditional indigenous structures and authorities. The economic component sought to reduce poverty levels and improve the economic conditions of indigenous peoples by strengthening their production and traditional economic

structures. The social axis sought to implement specific programs to improve the levels of education, culture, health, housing and infrastructure in the indigenous territories.

83. With regard to advanced questions on the implementation of the adversarial criminal justice system, its application will be extended to a third judicial district, out of four, in September 2015, and, by September 2016, the system should be in place throughout the country. According to official statistics, the duration of court proceedings applying the new justice system had decreased by 63%. And the use of preventive detention had fallen by 60-70%.

84. Regarding the questions and recommendations on actions taken to reduce violence against women, [Panama](#) had developed regulations, plans, policies and programs that provided assistance to women facing various forms of violence.

85. The Comprehensive Centres for Guidance and Care of the Ministry of Social Development provided free, comprehensive and specialized care, psychosocial counselling and legal advice. The National Institute for Women also provided psychosocial and legal support to women victims of domestic violence and of other forms violence through an interdisciplinary team. Local networks to fight violence against women had also been created, many of them with the support from the UN system. Staff working in the Judiciary had also been trained, especially officers in contact with women victims and alleged perpetrators.

86. The delegation emphasized that [Panama](#) was implementing a Public Policy on Equal Opportunities for Women. An inter-institutional plan was being elaborated to implement this policy, with wide participation of civil society.

87. Also, the statistics system had been strengthened and updated with a gender perspective, and projects for rural women were being carried out to ensure their access to advice, training and credit, with the aim of promoting their economic empowerment.

88. [Panama](#) thanked the delegations that had intervened during the interactive dialogue in an open and constructive manner on issues that were of interest of the international community and that affected the human rights of the Panamanian people.

89. In closing, the delegation manifested that, since 2010, the Government had worked on the implementation of the recommendations it received during its first review, and it recognized that such work was not over. In this context, the delegation reiterated the Government's commitment to protecting human rights. The recommendations received during the second UPR would constitute a guide and support to improve the culture of coexistence and understanding, the cornerstones of the promotion of human rights and a contribution to strengthening the Panamanian democracy.

## II. Conclusions and/or recommendations\*\*

90. The recommendations formulated during the interactive dialogue listed below have been examined by [Panama](#) and enjoy the support of [Panama](#):

90.1. Consider ratifying or acceding to ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries. [Peru](#) is ready to share its experience on this issue with [Panama \(Peru\)](#);

90.2. Ratify the ILO Convention 169 ([Chile](#));

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\*\*Conclusions and recommendations will not be edited

- 90.3. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural rights ([Portugal](#));
- 90.4. Ratify OP-ICESCR ([Spain](#));
- 90.5. Continue its efforts for the full implementation of the UN Convention against Torture ([Indonesia](#));
- 90.6. Fully align its national legislation with the Rome Statute of the ICC ([Montenegro](#));
- 90.7. Fully align its national legislation with the Rome Statute of the ICC ([Slovenia](#));
- 90.8. Implement the Rome Statute of the International Criminal Court into national law ([Portugal](#));
- 90.9. Bring in line its national legislation with the Rome Statute of the International Criminal Court and, in particular, incorporate the necessary provisions to fully cooperate with the Court when it comes to investigate and prosecute genocide, crimes against humanity and war crimes in their national courts ([Spain](#));
- 90.10. Take all necessary measures to ensure that its national legislation and policies are brought in line with the obligations as set out in the CEDAW, and to adequately fund the institutions responsible for implementation of this framework ([Namibia](#));
- 90.11. Enhance efforts to ensure the protection of children's rights, as outlined in the CRC and its Optional Protocols ([Italy](#));
- 90.12. Adopt legislation on comprehensive protection of children's and adolescent's rights ([Montenegro](#));
- 90.13. Continue efforts to enact a law on the comprehensive protection of the rights of the child ([Peru](#));
- 90.14. Consider amending its legal provisions to further ensure the protections of child's rights, especially by rising minor working age in agricultural and domestic service ([Thailand](#));
- 90.15. Repeal the constitutional provision allowing the possible refusal of naturalization on the grounds of physical and/or mental disability ([Mexico](#));
- 90.16. Step up actions to strengthen the national mechanism for the prevention of torture ([Paraguay](#));
- 90.17. Conclude the drafting of and adopt the National Preventive Mechanism against torture and other ill-treatment in accordance with the Optional Protocol to the Convention Against Torture ([United Kingdom of Great Britain and Northern Ireland](#));
- 90.18. Establish a national mechanism for the prevention of torture, in line with OP-CAT ([Brazil](#));
- 90.19. Strengthen the system for monitoring international recommendations, by giving the Permanent National Commission sufficient resources to carry out its mission ([Paraguay](#));
- 90.20. Establish a mechanism to create an effective system for the protection of children ([Angola](#));

- 90.21. Consider developing Human Rights Indicators as an instrument that allows for a more precise and coherent evaluation of national human rights policies ([Portugal](#));
- 90.22. Continue efforts aimed at promoting the rights of children, in particular children belonging to indigenous groups and children with disabilities and HIV/AIDS ([Ukraine](#));
- 90.23. Submit its overdue reports to the treaty bodies ([Ghana](#));
- 90.24. Submit its overdue reports to the relevant UN treaty bodies ([Sierra Leone](#));
- 90.25. Strengthen the on-going efforts in promoting women's rights ([Timor-Leste](#));
- 90.26. Strengthen the institutions in the field of women's rights and organize training, sensitization and awareness- raising activities on the matter ([Uruguay](#));
- 90.27. Continue working on its National Policy on Equal Opportunities for Women in order to enhance their participation and empowerment in public processes ([Nicaragua](#));
- 90.28. Consider reviewing its labour laws with the view to address the wage gap between women and men and the elusive opportunities for working women to occupy leadership and decision-making positions ([Philippines](#));
- 90.29. Take further steps to achieve gender equality through ensuring equal opportunity in the workplace ([Singapore](#));
- 90.30. Continue efforts to increase women's representation in decision-making positions on equal footing with men ([Rwanda](#));
- 90.31. Adopt public policies to achieve the full political and economic participation of women in Panamanian society ([Chile](#));
- 90.32. Take steps to increase the participation of women in politics, including through the implementation of measures of affirmative action or quotas ([Costa Rica](#));
- 90.33. Continue initiatives aimed at promoting the participation of women, and continue literacy efforts, particularly for indigenous women ([Ecuador](#));
- 90.34. Ensure the equal treatment and non-discrimination of all children, irrespective of their ethnicity, including equal opportunity to access education at the same level ([Namibia](#));
- 90.35. Continue efforts in the fight against discrimination in all areas, paying special attention to vulnerable groups ([Nicaragua](#));
- 90.36. Adopt a legislative framework to fight against racism and discrimination, and develop the implementation of educational, social and economic public policies to prevent discrimination ([France](#));
- 90.37. Adopt legislation prohibiting discrimination on all grounds including racial and ethnic ([Ghana](#));
- 90.38. Enact comprehensive anti-discrimination legislation prohibiting discrimination on all grounds ([Brazil](#));

- 90.39. Bring its legislation into conformity with its commitment to equality and non-discrimination including by prohibiting discrimination based on sexual orientation ([Canada](#));
- 90.40. Adopt and implement comprehensive anti-discrimination legislation which prohibits discrimination on all grounds including on the basis of race, ethnicity, sexual orientation and gender identity ([Ireland](#));
- 90.41. Adopt comprehensive anti-discrimination legislation, including on the basis of sexual orientation and gender identity ([Netherlands](#));
- 90.42. Adopt legislation prohibiting acts of discrimination on the grounds of sexual orientation and gender identity, and adopt measures to promote the rights of LGBTI people and prevent their discrimination ([Chile](#));
- 90.43. Adopt the necessary judicial and administrative measures to ensure effectively the investigation and punishment of cases of discriminatory treatment by law enforcement officers, in particular against LGBTI people ([Argentina](#));
- 90.44. Include sexual orientation, and gender identity and expression among the grounds of discrimination ([Uruguay](#));
- 90.45. Increase efforts to protect rights of indigenous people and persons of African descent, including by adopting and strengthening tailored programs to reduce poverty and discrimination of these groups ([Germany](#));
- 90.46. Intensify its efforts to treat with discrimination to ensure that indigenous peoples and people of African-descent fully enjoy economic, social and cultural rights, as enshrined in the Universal Declaration on Human Rights ([Trinidad and Tobago](#));
- 90.47. Ensure equal access to the enjoyment of rights such as education, health, political participation, access to justice and integration into the labour market for indigenous and Afro-descendant population ([Uruguay](#));
- 90.48. Take all necessary measures, including awareness raising and education as well as legislative measures to eliminate discrimination against Afro-Panamanian people ([Namibia](#));
- 90.49. Intensify efforts in ensuring the realization of the human rights of Afro descendant population ([Rwanda](#));
- 90.50. Enforce laws which further ensure the integration and socio-economic participation of Afro-Panamanians and people of African descent ([Sierra Leone](#));
- 90.51. Continue to adopt legislative and policy measures to fight racial discrimination against persons of African descent ([Algeria](#));
- 90.52. Adopt public policies aimed at the full integration of persons of African-descent, which incorporate measures to prevent stigmatization, racial discrimination and xenophobia ([Chile](#));
- 90.53. Take appropriate legislative and public policy measures with a view of continuing the promotion of the rights of Afro-Panamanians and the fight against racism and xenophobia ([Colombia](#));
- 90.54. Enact anti-discrimination laws which would better protect the rights of indigenous communities ([Sierra Leone](#));

- 90.55. Increase efforts and resources to reduce the gap between indigenous people and other Panamanians in terms of access to health, education and economic development ([Timor-Leste](#));
- 90.56. Adopt measures to curb ill-treatment meted out by Police officers to persons deprived of their civil liberties ([Ghana](#));
- 90.57. Take steps to put an end to overcrowding in detention facilities, including by ensuring compliance with the requirements established in article 10 of the ICCPR and application of the UN Standard Minimum Rules for the Treatment of Prisoners ([Germany](#));
- 90.58. Step up its efforts to ease overcrowding of the prison system and especially look for alternative non-custodial measures for adolescents ([Netherlands](#));
- 90.59. Continue to take steps to improve overall living conditions for prisoners ([Australia](#));
- 90.60. Continue adopting measures to respect and protect the rights and human dignity of detainees ([China](#));
- 90.61. Continue to implement the process of penitentiary reform based on the three pillars established by the Government ([Cuba](#));
- 90.62. Continue the implementation of laws enacted to combat violence against women and fight against discrimination against women ([France](#));
- 90.63. Take additional measures in order to protect victims of domestic violence through effective implementation of its legislation ([Georgia](#));
- 90.64. Increase protection for women victims of domestic violence by implementing the existing legislation, investigating and punishing the perpetrators, creating a sufficient number of shelters and providing police protection ([Germany](#));
- 90.65. Strictly apply without delay Act No. 82 of 2013 which criminalises violence against women ([Ghana](#));
- 90.66. Take all necessary measures to ensure that Law No. 82, punishing acts of violence against women, is quickly followed by an implementing regulation, and that protocols are developed to guarantee its proper enforcement ([Belgium](#));
- 90.67. Ensure prompt and effective implementation of the legislation to eliminate violence against women ([Slovenia](#));
- 90.68. Continue with the efforts to combat violence against women through increased institutional coordination permitting the effective punishment of crimes of violence against women and the comprehensive assistance to women victims ([Spain](#));
- 90.69. Take measures to ensure the effective implementation of legislation to eliminate violence against women, including by thorough investigation and prosecution ([Canada](#));
- 90.70. Take further measures to prevent the murder of women by their partners, prosecute perpetrators, and improve awareness of the issue ([Canada](#));



- 90.71. Effectively implement existing legislation and provide enough resources for the investigation and punishment of crimes of violence against women ([Chile](#));
- 90.72. Take all adequate measures to promptly eliminate all forms of violence against women and children, including abuse and neglect of children ([Portugal](#));
- 90.73. Take further measures to combat gender-based violence, trafficking in women and girls and sexual exploitation ([Ukraine](#));
- 90.74. Eliminate all forms of violence against children by adopting proper legislation and ensure its implementation ([Slovenia](#));
- 90.75. Explicitly prohibit all corporal punishment of children in all settings, including in the home, and repeal the power to “correct” in the Family Code and the Civil Code ([Sweden](#));
- 90.76. Increase the availability of specialized services for the victims of forced labor and sex trafficking, in partnership with civil society, including by implementing the dedicated victim assistance fund as required by law ([United States of America](#));
- 90.77. Take appropriate measures to end illegal child labour, not least concerning indigenous children ([Sweden](#));
- 90.78. Strengthen the fight against trafficking of human beings and in particular of women, by implementing educational and awareness-raising campaigns and by enhancing support measures available to victims ([Italy](#));
- 90.79. Continue to provide adequate human and other resources to its anti-human trafficking programs ([Philippines](#));
- 90.80. Adopt measures to guarantee the independence of the judiciary ([Romania](#));
- 90.81. Continue its efforts to strengthen the independence of the judiciary at both the legal and implementing levels ([Belgium](#));
- 90.82. Continue the reforms aiming at limiting the use of preventive detention and to implement a uniform penal system ([France](#));
- 90.83. Take steps to end lengthy pre-trial detention and reduce prison overcrowding, such as by increasing the number of court hearings per week and fully implementing pending reforms to the justice system ([United States of America](#));
- 90.84. Implement the adversarial criminal justice system throughout [Panama](#) ([United Kingdom of Great Britain and Northern Ireland](#));
- 90.85. Continue to expand the new accusatory system to those provinces and districts where the system is not yet in place ([Australia](#));
- 90.86. Continue implementing throughout the country the Criminal Accusatory System, ensuring the same criminal procedure for the whole population ([Chile](#));
- 90.87. Continue the proceedings to expedite the trials of detainees with all the guarantees and to improve the living conditions of the prisons’ population ([Spain](#));

- 90.88. Bring in line the juvenile criminal justice with international standards ([Chile](#));
- 90.89. Strengthen the necessary measures to guarantee the fight against the impunity of the authors of the events occurred in Bocas del Toro in 2010 ([Argentina](#));
- 90.90. Adopt administrative, budgetary, legislative and awareness raising measures that ensure the right to birth registration of children of indigenous or Afro-descendant origin and from rural areas ([Mexico](#));
- 90.91. Adopt measures to guarantee birth registration of its citizens ([Romania](#));
- 90.92. Intensify its effort in ensuring birth registration for everyone especially children and adolescents in rural areas ([Thailand](#));
- 90.93. Fully respect its international obligations regarding the freedoms of assembly and association, in particular with regard to the activities of trade unions, and ensure that its national legislation complies with these obligations ([Ireland](#));
- 90.94. Take steps to ensure that law No. 14/2010 does not affect the rights of assembly and demonstration enshrined in international instruments ([Costa Rica](#));
- 90.95. Take appropriate measures to abolish the illegal practice of making women take pregnancy test to gain employment, as previously recommended ([Slovenia](#));
- 90.96. Strengthen the social policies aimed at integrating minorities into the labour market ([Angola](#));
- 90.97. Continue strengthening its policies and social programs in order to increase the standard of living of its people, in particular of the most excluded groups ([Venezuela \(Bolivarian Republic of\)](#));
- 90.98. Continue to implement sustainable policies to alleviate poverty and increase employment opportunities ([Singapore](#));
- 90.99. Continue the implementation of measures and strategies to directly, temporarily and comprehensively alleviate the immediate needs of households in extreme poverty ([Cuba](#));
- 90.100. Give priority to measures that may guarantee access to safe drinking water for all citizens ([Uruguay](#));
- 90.101. Continue its efforts to increase access to health services and strengthen the delivery of high-quality healthcare ([Singapore](#));
- 90.102. Continue the efforts in the field of promotion of the right to health, in particular by giving priority to primary health care and by strengthening the attention of mental health problems. Likewise, promote the right to health of persons with disabilities and LGBTI persons ([Colombia](#));
- 90.103. Extend education services to rural zones and guarantee access of all persons to a quality education without distinction, including persons pertaining to indigenous and Afro-descendant communities, in order to reduce inequality in the country ([Honduras](#));

- 90.104. Take the necessary measures to ensure access to education for all, in particular for populations in remote zones ([Algeria](#));
- 90.105. Continue increasing inputs in education to effectively protect the right to education for the people of [Panama](#), including the indigenous people ([China](#));
- 90.106. Continue promoting the right to education, in particular access to education for boys and girls from Afro-Panamanian, indigenous, rural and migrant communities ([Colombia](#));
- 90.107. Consider incorporating human rights programs in the Panamanian system of education ([Peru](#));
- 90.108. Continue taking all necessary measures to incorporate the rights of disabled persons in all aspects of public policies, including in strengthening the National Secretariat for persons with disabilities to standardize protocols and guidelines for the implementation of rehabilitation services at the national level ([Honduras](#));
- 90.109. Take appropriate measures to meet the needs of indigenous and rural populations that still have clear difficulties to access to safe drinking water and sanitation ([Spain](#));
- 90.110. Continue to work to reduce the levels of poverty in indigenous communities ([Australia](#));
- 90.111. Take all measures to ensure that indigenous children can fully exercise their rights and establish support programs for migrant children ([Honduras](#)).
91. The recommendations below did not enjoy the support of country [Panama](#) and would thus be noted:
- 91.1. Continue working on the adoption of those international instruments to which it is not State party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([Nicaragua](#));
- 91.2. Continue its efforts to ensure a comprehensive approach to migrant workers' rights by considering its accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([Indonesia](#));
- 91.3. Consider ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([Peru](#));
- 91.4. Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([Ecuador](#));
- 91.5. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([Ghana](#));
- 91.6. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention 169 ([Guatemala](#));
- 91.7. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([Honduras](#));

- 91.8. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([Paraguay](#));
- 91.9. Ratify the International Convention of Rights of Migrant Workers and their families and ILO Convention 189 ([Philippines](#));
- 91.10. Ratify the ICRMW and the ILO Indigenous and Tribal Peoples Convention, of 1989 (No.) ([Sierra Leone](#));
- 91.11. Adopt a legislative framework for the protection of children, in particular by raising the minimum age of marriage and the age of criminal responsibility ([France](#));
- 91.12. Implement a national policy on children's rights including the amendment of legislation on juvenile justice and immediately address the reduction of preventive detention for persons under 18 and the harmonization of the age of criminal liability in accordance with the Convention on the Rights of the Child ([Mexico](#));
- 91.13. Increase the minimum age of marriage and of criminal responsibility in line with international standards ([Italy](#));
- 91.14. Adopt legislation prohibiting all forms of discrimination, including on the grounds of sexual orientation and gender identity, as well as abolish all provisions of the Executive Decree 204/1997 determining homosexuality as a serious misconduct for members of the National Police ([Slovenia](#)).
92. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of [Panama](#) was headed by Mr. Luis Ernesto Carles, Minister of Labour and Labour Market Development and composed of the following members:

- Ms. María Luisa Navarro, Vice Minister of Multilateral Affairs and Cooperation, Ministry of Foreign Affairs;
  - Ms. María Luisa Romero, Vice Minister of Government;
  - Mr. Giancarlo Soler Torrijos, Ambassador, Permanent Representative;
  - Mr. Alejandro Mendoza Gantes, Counsellor of the Permanent Mission;
  - Mr. Jorge Félix Corrales H., Political Counsellor of the Permanent Mission;
  - Ms. Gisela de León, Advisor to the Vice Minister of Government;
  - Mr. Alfredo Castellero, Advisor to the Minister of Public Safety;
  - Ms. Diana de Coronado, Director of Government Affairs, Ministry of the Presidency;
  - Ms. Carmen Visuetti, Attorney of the General Secretariat, the Attorney General's Office;
  - Mr. [Portugal](#) Falcón Moreno, Chief of the Department of Social Development, General Directorate for International Organizations and Conferences, Ministry of Foreign Affairs;
  - Mr. Cosme Moreno, Director of Legal Affairs, Ministry of Social Development;
  - Ms. Cristina Quiel Canto, Attorney of the Supreme Court;
  - Ms. Linda Diaz, Attorney of the Supreme Court;
  - Mr. Rorix Núñez Morales, Director of the Office of International Technical Cooperation, Ministry of Labour and Labour Market Development;
  - Ms. Ana Arosemena Ramos, Attaché of the Permanent Mission.
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