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Panama

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I. Introduction

1. The Republic of Panama recognizes that all human rights are universal, indivisible and interdependent and should be protected and promoted on the basis of the principles of equality and non-discrimination.

2. This report, which is submitted in accordance with General Assembly resolution 60/251 establishing the Human Rights Council and is based on objective and reliable information, describes key aspects of the human rights situation in Panama. It details the country's efforts and achievements — as well as the limitations and challenges it faces — in its constant search for a culture of peace and a society in which rights and duties are balanced and the inherent fundamental rights of all human beings are recognized and respected.

II. Methodology and consultation process

3. The President of the Republic exercised his constitutional and legal powers to establish a national commission to draft this report. The commission was composed of representatives from the three branches of government and was chaired by the Ministry of Foreign Affairs. As part of its mandate, this national commission held consultations with representatives of non-governmental organizations and civil society to collect their contributions and comments.¹ The commission set a five-year time frame to prepare the report for submission.

4. The Regional Office for Latin America and the Caribbean of the Office of the United Nations High Commissioner for Human Rights and the Government of the Federative Republic of Brazil organized a training seminar for members of the national commission on, *inter alia*, fundamental issues for the Human Rights Council, its universal periodic review mechanism, Brazil's most relevant experiences, working with the troika and the adoption of some of the recommendations coming out of the universal periodic review process.

5. Two public consultations were held. The first took place in the Office of the President of the Republic on Wednesday, 12 May 2010. At that meeting, the President, accompanied by ministers and the Metropolitan Archbishop, received business and labour leaders and representatives of the education sector, who set out their views, freely and without intermediaries, on the country's needs in such areas as health, housing, education, security and so forth.

6. On Friday, 28 May 2010, the Office of the President and the National Commission held a full day of meetings with civil society representatives to analyse human rights issues.

III. Background information

A. Geographical and political description

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

8. Panama's territory covers an area of 75,517 km². This includes its land surface, territorial waters, continental shelf, subsoil and airspace.

9. Politically, the Republic is divided into 9 provinces, 75 municipalities, 631 administrative districts and 5 indigenous regions.

10. According to the preliminary findings of the May 2010 population and housing census, Panama has a population of 3,322,576 (50.3 per cent men and 49.7 per cent women). Some 57 per cent of the population live in the metropolitan region, primarily in Panama Province, where the capital is located; the remainder are unevenly distributed among the rest of the provinces.

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

B. Panamanian society

12. As a transit country, Panama sees itself as a melting pot of cultures, languages, ethnic groups and religions from around the world in which people are free to exercise their beliefs. The geography of the Panamanian isthmus lent itself to the construction of the Panama Canal, an enormous feat of engineering linking the Atlantic and Pacific Oceans. The Canal has had a massive impact on transport and communications by reducing distances and travel times, thereby contributing to economic and commercial progress for over a century now.

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

C. Economic overview

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

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

16. In terms of income redistribution, social development programmes represent a quarter of the value of goods and services produced in the economy in a year. The share is likely to be higher this year, with the introduction of such programmes as universal study grants aimed at reducing the dropout rate.

IV. Regulatory and institutional framework

A. Regulatory framework

17. The legal system is based on the 1972 Constitution of Panama. Article 4 states that Panama abides by the rules of international law. Article 17 establishes that the rights and guarantees enshrined in the Constitution shall be considered to be minimum standards that

do not preclude others that may be related to the fundamental rights and dignity of the individual.

18. Title III, chapter 1, of the Constitution sets forth fundamental rights; chapters 2, 3, 4, 5 and 6 establish social, economic and cultural rights; and chapter 7 guarantees the right to a healthy environment.

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

20. The Supreme Court, through its rulings, has indicated that the Constitution should systematically be interpreted in the light of articles 4 and 17 of the Constitution and of articles 1, 25 and 29 of the American Convention on Human Rights, as the latter instrument extends the range of human rights and freedoms laid down in the Constitution as minimum standards.

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

22. Legislation on the protection of victims of crime has existed since 1998.²

23. The new Criminal Code that came into force in 2008 covers a broader range of offences, especially with respect to money laundering and terrorism. Heavier penalties have also been introduced as part of efforts to control crime.³ In September 2011, the adversarial system will be introduced in criminal trials. As part of this system, special judges will be responsible for procedural safeguards and others will be responsible for ensuring compliance; hearings will also be streamlined through oral proceedings.⁴

24. Human rights agreements, covenants, optional protocols and conventions signed and ratified by Panama are enacted by the National Assembly, approved by the executive branch and promulgated through publication in the official gazette.

25. Panama has signed a large number of human rights treaties, conventions and optional protocols, including 13 United Nations instruments.

B. Institutional framework

26. The Office of the Ombudsman⁵ has been established to ensure protection of the fundamental rights and freedoms enshrined in the Constitution and in international human rights treaties and legislation through a non-judicial review of the deeds, acts or omissions of public servants and providers of public services and through action to ensure observance of those rights. The Public Defender’s Office operates within the judicial branch and is tasked with defending the constitutional and legal rights and guarantees of persons with insufficient economic resources.

27. The establishment of the National Secretariat for Children, Adolescents and the Family (SENNIAF) represents an important step forward. This is an independent State

body charged with coordinating, implementing and monitoring policies for the comprehensive protection of the rights of children and adolescents.

28. Special courts hear cases involving family matters, children and adolescents. Within the judicial branch, there are 12 municipal courts, 10 local courts and a superior family court, 8 criminal courts and an enforcement court for adolescents, and 12 courts and a superior court for children and adolescents, with the latter being competent to hear appeals in criminal cases involving adolescents.

29. The establishment of the National Institute for Women (INAMU)⁶ represents a significant advance in the State's efforts to promote the full recognition of women's rights. The Institute's 29 Gender Affairs Offices design and implement public policies aimed at ensuring equal opportunities for women and women's organizations.

30. The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS),⁷ which is tasked with managing and implementing social policies for persons with disabilities, acts in accordance with the following guiding principles: equal opportunity and respect for human rights, with a special emphasis on non-discrimination and citizen participation.

31. The National Advisory Council on Disability (CONADIS), which is made up of State institutions and civil society organizations, is the inter-agency advisory and support body responsible for promoting the implementation of social policies in this area. Equal Opportunity Offices have been set up in all State institutions to serve as mechanisms for inter-agency coordination and consultation and to support good working relationships with a view to disseminating and gaining support for policies that promote the full integration of persons with disabilities into society.

32. First introduced in 1952, the State's policy on indigenous affairs is today coordinated by the National Directorate for Indigenous Policy within the Ministry of the Interior.

33. The National Commission on Traditional Indigenous Medicine and its technical secretariat were created by Executive Decree No. 117 of 9 May 2003.

34. The value of traditional medicine is recognized, and there is an Indigenous Peoples and Traditional Medicine Section attached to the National Directorate for Health Promotion⁸ of the Ministry of Health. Panama has special intellectual property rules regarding the collective rights of indigenous peoples in order to protect and defend their cultural identity.

35. The General Environment Act⁹ modernizes Panama's legal and institutional framework and addresses environmental issues. It defines national environmental policy, which consists of measures, strategies and actions to guide, influence and regulate the behaviour of the public and private sectors in terms of the conservation, use, management and exploitation of natural resources. This law also established the National Environmental Authority.

36. A national forest development plan that provides a model for sustainable forestry has been implemented. There is also a national plan for the comprehensive management of water resources¹⁰ which facilitates coordination among private and public institutions and society in general for this purpose. In addition, the Panama Water Resources Authority has been set up to protect and encourage the efficient use of water and marine resources.

V. Promotion and protection of human rights

A. Civil and political rights

1. The right to life

37. As a State party to the American Convention on Human Rights and the International Covenant on Civil and Political Rights and its optional protocols aiming at the abolition of the death penalty, Panama is also bound to guarantee this right to every person. One direct consequence of this right is the requirement that the State provide effective health care, whose aim is to preserve human life and to prevent, if at all possible, death from being allowed to occur or to be authorized.

38. Article 30 of the Constitution establishes that there is no death penalty in Panama, and no such penalty has therefore ever been applied in the country.

39. Homicide is an offence under the Criminal Code punishable by prison terms of from 10 to 20 years; the sentence may be as long as 30 years if the victim is a close relative or person under the guardianship of the perpetrator, a child aged 12 or under, an adult aged 70 or above, or if the death results from an act of domestic violence, racism or discrimination.

40. Induced abortion is a criminal offence carrying penalties for both the mother and the person performing the abortion, with or without her consent. These penalties range from 1 to 10 years, depending on the circumstances, and are increased by one sixth if the person guilty of inducing the abortion is the woman's husband or partner.

41. With respect to euthanasia, the Criminal Code establishes that anyone who encourages or assists another person to commit suicide is liable to from 1 to 5 years' imprisonment if the suicide attempt is successful.

2. Equality and non-discrimination

42. The Constitution states that there shall be no privileges, exemptions or discrimination on grounds of race, birth, disability, social class, gender, religion or political views. Furthermore, Panama has signed the International Convention on the Elimination of All Forms of Racial Discrimination. Accordingly, all such forms of discrimination are prohibited in Panama.

43. Act No. 11 of 2005 prohibits employment discrimination on grounds of race, birth, disability, social class, gender, religion or political views. It also prohibits the publication, dissemination or transmission by any medium of offers of paid employment in which a person must be of a specific age in order to qualify. In addition, it establishes the penalties for violations of Act No. 11.

44. Panama has ratified the International Labour Organization (ILO) Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100) and the ILO Convention concerning Discrimination in Respect of Employment and Occupation (No. 111).

45. Panama's laws¹¹ reflect an awareness of the struggle of generations of the black ethnic community to achieve inclusion and equity and lay the foundations for forums for the discussion and analysis of the various problems facing this group.

46. A law regulates the right of admission to public places, sets out provisions to prevent discrimination and establishes penalties for establishments that break this law.

47. The Government is currently implementing public policies and programmes to further the social inclusion of Panamanians of African descent with a view to building the capacity of ethnic organizations and their networks.

48. In order to encourage citizens and organizations to participate in this effort, a project concerning the development of a policy and plan for the full inclusion of the black ethnic community in Panama was submitted in 2007 by civil society. This project proposal is currently being reviewed prior to its implementation.

3. Access to justice

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

50. Panama has been using alternative means of conflict resolution as preventive measures in both its local magistrates' and night courts and the ordinary justice system. One innovative example is the National System of Community Judicial Facilitators, which is run by the judicial branch in coordination with the Organization of American States (OAS). This system relies on community leaders to inform people in remote areas about their rights and duties with a view to promoting a culture of peace and the implementation of community mediation arrangements.

4. The right to information and privacy

51. The writ of *habeas data* is enshrined in the Constitution: "Any person may file a petition for a writ of *habeas data* with a view to guaranteeing the right of access to personal information contained in databases or official or private records if the latter are held by businesses providing a service to the public or information services. A petition may also be filed to assert the right of access to public or open-access information in accordance with the Constitution. A person may also request that personal information or data be corrected, updated, edited, deleted or kept confidential. The courts that are competent to hear *habeas data* petitions, which shall be considered through summary proceedings and without the need for legal counsel, shall be governed by legal provisions established for that purpose."

5. The right to public safety and prevention of violence

52. Many countries are facing unprecedented levels of crime, and Panama is no exception; since 2004, rising crime rates have disrupted the maintenance of law and order, peace and public safety. As part of comprehensive efforts to fight crime, Panama has put in place and is implementing significant legislative and structural measures to prevent, investigate and prosecute crime.

53. In order to ensure public safety, the Constitution states that it is the authorities' responsibility to protect the life, honour and property of nationals, wherever they may be, and of foreigners under their jurisdiction. The Constitution clearly states that the rights and freedoms enshrined therein should be considered to be minimum standards that do not preclude others that may be related to the fundamental rights and dignity of the individual. These rights are protected by Panama's law enforcement officers, since the country has had no military forces since 1990.

54. As part of the most recent measures to guarantee public safety, the Ministry of Governance and Justice was reorganized and converted into the Ministry of the Interior and was tasked with assisting the President in connection with issues relating to domestic political governance, internal security and the full implementation of constitutional rights and freedoms.¹² At the same time, the Ministry of Public Security was established and assigned responsibility for determining the country's safety and security policies and of planning, coordinating, monitoring and supporting the efforts of its security and intelligence services.¹³

55. The Criminal and Arrest Record Information Certificate, which may be used only for employment checks and only with the permission of the person concerned, has been reinstated.¹⁴

56. Operational measures to fight crime and safeguard public safety include the use of communications technology such as the *Pele-Police*, which is a device that can immediately access a database containing information on a person's involvement in pending legal cases, including arrest warrants, detention orders and summonses issued by judicial and administrative authorities, such as public prosecutors, judges and magistrates. Further examples include the following public security programmes: Safe Neighbourhood, the Exchange Weapons for Food Coupons Programme, Neighbourhood Watch, Shop Watch and Transport Watch, Community Police, the Comprehensive Security Programme and the Programme for the Comprehensive Development of Children and Adolescents.

57. Fighting crime goes hand in hand with respect for human rights; consequently, specialized training is provided in this area for members of the national police force starting in the police academy and continuing on thereafter. In anticipation of the entry into force of the adversarial system in the country's criminal courts, the judicial branch and the national police force have signed a bilateral cooperation and technical assistance agreement to strengthen the training provided on issues related to the fundamental freedoms of citizens under this new mode of criminal procedure.¹⁵

6. Deprivation of liberty and the prison system

58. As established in the Constitution, the prison system is based on the principles of security, rehabilitation and social defence; measures that harm the physical, mental or moral integrity of prisoners are prohibited, and vocational training is provided in order to help them reintegrate into society. There are work and study leave programmes, arrangements for the performance of community service, for studying within prison, and for release on parole or commutation of a prison sentence for the purpose of working or studying. Minors are subject to a special regime of custody, protection and education. The constitutional provisions in this respect are implemented by Act No. 55 of 2003 on the reorganization of the prison system, as regulated by Executive Decree No. 393 of 2005 and Act No. 40 of 1999 on the special regime governing juvenile criminal responsibility. The country's 22 prisons house a prison population of 11,532 persons, including 764 women. In order to tackle the problem of prison overcrowding, the Government is building a new large prison at a cost of 150,000,000 balboas. This facility is especially designed and equipped to promote prisoners' resocialization.

59. In order to improve health care for the prison population, a coordination agreement has been signed by the Ministry of Health and the Ministry of the Interior for the provision of comprehensive health care to this group. Health-care service standards have also been established,¹⁶ and a telemedicine programme is to be introduced in one of the country's prisons as a way of increasing access to health care for this population group, which faces particularly difficult conditions in this respect.

7. Transparency and fighting corruption

60. The Office of the Attorney General has a Senior Prosecutor's Office on Organized Crime, two specialized senior prosecutor's offices, three local prosecutor's offices specializing in drug-related offences, three circuit prosecutor's offices specializing in economic crimes and a recently established local prosecutor's office specializing in crimes against collective security.

61. The Financial Analysis Unit for the Prevention of Money Laundering and Terrorism Funding,¹⁷ which is attached to the Office of the President, is responsible for, inter alia, obtaining all financial information held by public institutions (regardless of whether government agencies or private organizations are the original source of the data) relating to commercial transactions that may be linked to the laundering of money from drug trafficking.

B. Economic, social and cultural rights

1. The right to health

62. Panama's Constitution and laws protect the right to life. Article 109 of the Constitution states: "It is an essential function of the State to safeguard the health of the people of the Republic. Individuals, as members of the community, are entitled to health promotion, protection, maintenance, restoration and rehabilitation measures and are under an obligation to preserve their health, with this being understood as complete physical, mental and social well-being."

63. The 2010–2014 strategic plan¹⁸ sets out State initiatives to address the problems of the most vulnerable population groups. Its two main priorities are training human capital for development and social inclusion. In the latter area, the strategic goals for the health sector focus on eradicating malnutrition, especially among young children and pregnant women; extending drinking water coverage to 90 per cent of the country's population and launching an urban and rural sanitation programme; increasing the coverage and quality of basic health services, with particular emphasis on primary care and the development of the hospital network; establishing a support network for the poorest families and older adults; and introducing social protection measures for vulnerable groups.

64. Outreach programmes based on the principles of equality and non-discrimination are being conducted in an effort to guarantee the two essential, interrelated components of the right to health — availability and accessibility — and thus ensure that everyone has the same degree of access to health care. The Ministry of Health has set up innovative primary care centres¹⁹ to reinforce primary health services.²⁰ These centres are expected to develop a new model of care, as well as human resources and information and communication technologies that will facilitate a comprehensive approach.

65. The Ministry of Health has established the right to universal, free access to health-care services in its facilities for the following vulnerable groups: children up to the age of 5 years,²¹ women during pregnancy and the post-natal period,²² persons with disabilities²³ and indigenous peoples in the most underprivileged sectors of society.²⁴

66. There are also a number of innovative plans, including a palliative care programme²⁵ and a companionship and spiritual support programme²⁶ for people with chronic illnesses, including cancer.

2. The right to food

67. Under the Constitution, the State takes responsibility for guaranteeing food and nutrition security. Two bodies are responsible for planning and decision-making in the fight

against malnutrition and extreme poverty: the Technical Secretariat of the Social Cabinet and the National Secretariat for the Food and Nutrition Plan (SENAPAN).²⁷ The latter prepared the 2009–2015 national food and nutrition security plan, which sets out strategic guidelines that are intended to ensure that the programmes now in effect will be pursued by future Administrations with as much or even more vigour than ever. The plan focuses on areas of poverty and extreme poverty and has been designed to make the best possible use of the available human, technical and financial resources. The multisectoral, coordinated measures provided for in the plan are aimed at reducing nutritional vulnerability and strengthening agricultural, commercial, social and environmental policy linkages.

68. Various programmes for the elimination of malnutrition are being implemented under the strategies set out in the National Plan to Combat Child Malnutrition (2008–2015) and the National Plan for the Prevention and Monitoring of Micronutrient Deficiencies. The latter plan includes a rice fortification programme aimed at eliminating deficiencies of micronutrient vitamins and minerals. A food vouchers programme under which conditional cash transfers of 50 balboas for the purchase of food are provided to 9,200 families living in extreme poverty boosts the economy in their communities; 8.5 million balboas have been earmarked for the project this year. Other initiatives include a family gardens programme, which provides tools and seeds to families so that they can grow their own food and the “100 at 70” plan for older adults.

69. Other government bodies are also working to combat malnutrition, such as the Ministry of Health, which runs programmes to ensure that children receive the essential nutrients they need for their proper development from the time that they are in the womb onward, to promote breastfeeding, to provide iron supplements and mega-doses of vitamin A and to distribute vitamin-rich puddings. The Ministry of Education²⁸ is operating nutrition programmes throughout the country to distribute milk, nutritional biscuits and enriched pudding dishes to children in all State-run preschools and primary schools.

3. The right to education

70. Panama is very close to achieving the Millennium Development Goal on education, since school coverage has increased significantly in recent times, especially in primary schools, where coverage is now universal. Preschool education coverage rose from 43.1 per cent in 2001 to 61 per cent in 2008. This is a highly important achievement, since successful completion of this stage of education is effective in reducing the primary-school repeat rate and increasing the school survival rate to grade five. Steps have been taken to expand the coverage of middle and secondary education and to improve the quality of education through innovations in the curricula and the establishment of elementary and secondary schools in communities that have none.

71. The Government has started reforming the education system in order to ensure that education in Panama is competitive. Policies are being implemented with a view to updating curriculum design, expanding coverage, building new school infrastructure and improving existing infrastructure, and providing families with study tools and with the resources they need to cover the costs of school attendance.

72. With the support of the private sector and volunteers, the Ministry of Education launched a project called “Back to the Classroom” in order to analyse how the system is working and to compile the data and information needed in order for Panamanians to determine just who we are, where we stand and where we are going.

73. The Government has now begun to provide families with educational resources and a school voucher for the purchase of uniforms. The programme serves a total of 800,000 students and, as from this year, a universal grant for State and private schools is being provided to help cover school costs.

4. The right to work

74. The National Vocational Training Institute for Human Development²⁹ is leading and implementing, in cooperation with civil society and production sectors, a system of vocational, occupational and human resource management training. The Ministry of Labour's "My First Job Programme" provides training for young people aged 18 to 29 to prepare them to join the labour market.

75. The National Vocational Training Institute for Human Development also offers courses in the following areas of economic activity: agriculture, industry, commerce and services. Since 2006, 21,953 courses have provided training for 330,746 people.

76. Significant advances have been made in setting standards to regulate and promote safety, health and hygiene in the construction industry. These standards have been used in implementing risk prevention measures and activities. The post of safety officer has been created for building projects, thereby reducing the risk of accidents. There is, however, reluctance on the part of some workers and employers to use safety equipment. Measures to reduce the level of accidents in the construction sector have been strengthened in response to an increase in the number of on-the-job accidents.

77. The Inter-agency Technical Committee, which was revived in 2010, is currently standardizing occupational health and safety guidelines. A project to train occupational safety, health and hygiene inspectors is being implemented with a view to improving the working environment in various economic activities.

78. The State guarantees a minimum wage to workers in the public and private sectors to cover the normal needs of their families. Since 2006, the minimum wage has been increased three times in the private sector (by decree in 2006, 2007 and 2009). Executive Decree No. 263 of 2009 set the national minimum wage rates, which vary according to occupation and firm size. The measure took effect in January 2010 and boosted the earnings of 250,000 Panamanians.

5. The right to social security and welfare

79. The Social Security Fund Organization Act³⁰ introduced significant reforms in Panama's social security system. Under this new law, the Fund is established as a public-law entity responsible for administering the maternity and sickness insurance funds, the disability, old age and death insurance funds, and the occupational hazards programme. This law also broadens coverage for self-employed workers, provides that pregnant minors are to receive comprehensive health care and makes widowers eligible for the survivor's pension.

80. As the number of persons entitled to benefits has risen significantly over the last five years, the Social Security Fund has implemented a series of measures to expand quality coverage in a financially sustainable way by making optimum use of institutional resources. A call centre is being used to modernize the system for booking medical appointments. The family physician health-care model has been revived in order to provide an efficient, human approach to preventive care as a way of reducing the demand for curative treatment and achieving a better quality of life for beneficiaries. Funds are being invested in infrastructure, equipment, human resources, inputs, and information and communication technology to meet the new level of demand.

81. A number of important innovations have been introduced with respect to financial benefits: the minimum and maximum disability and old age pension benefits have been increased; an annual bonus has been introduced for pensioners and retirees; and a trust fund has been set up that the Government will pay into until 2060. In addition, a hybrid system has been established for the disability, old age and death insurance funds by changing the

pay-as-you-go actuarial methodology and introducing a mixed subsystem that includes an individual savings component and new old-age pension schemes.

82. Occupational hazards insurance administered by the Social Security Fund covers accidents on the job and occupational illness. The contributions for this coverage are paid entirely by employers.³¹

6. The right to decent housing

83. The objective of the Ministry of Housing and Land Management is to reduce the housing shortage faced by people living in poverty and other vulnerable groups and to ensure the optimum use of land. Several projects are under way to provide fully serviced housing with recreation areas, storm-drain systems, drinking water and sewerage connections, water treatment facilities and so forth.

84. Programmes currently being implemented include: housing improvement loans of between 3,000 and 5,000 balboas for building materials; a housing assistance programme that provides shelters and building materials to families living in extreme poverty and households that have been victims of natural disasters; a housing solidarity fund that provides a non-transferable sum of 5,000 balboas per family for the acquisition of new homes costing no more than 30,000 balboas; and a neighbourhood improvement programme aimed at analysing and meeting needs identified by communities in conjunction with the State.

85. Act No. 61 of 2009 established the Office of the Deputy Minister for Land Management, which is tasked with reviewing and updating all the procedures and instruments used to check and process applications relating to condominiums and approving private and public development plans, land management plans, and land use and zoning proposals. It coordinates land management plans for settlements and in semi-urban and urban areas by developing special models for accessing basic infrastructure services in line with existing policies and strategies. It also regulates dealings between landlords and tenants and proposes standards and regulations concerning rental rates.

86. Large-scale housing improvement projects are being implemented in marginalized urban areas, such as Curundú and Colón. These projects entail the demolition of uninhabitable collective housing and the construction of individual social housing units in areas troubled by high levels of violence and other social problems. The ultimate aim is to improve residents' quality of life.

7. The right to live in a healthy environment

87. Clearly, the achievement of an optimum ecosystem calls for proactive rather than reactive measures. Such measures include the establishment and operation of environmental advisory committees³² to make recommendations to decision makers; the Environmental Volunteers Programme, which provides information, encourages participation, cares for, protects, restores and conserves the environment and raises public awareness through cultural and work-related activities and the use of environmental technologies; the non-formal Environmental Education Cooperation Network, which includes representatives from the public and private sectors; non-governmental environmental organizations, which have been leaders in the development of community environmental projects and in training activities; forums on environmental sustainability at which, in conjunction with the National Environmental Authority, environmental problems and their possible solutions can be discussed; the use of environmental teaching guides by especially trained teachers, which is an educational resource that has been evaluated and approved by the Ministry of Education; competitions focusing on cleaner production methods as a way of encouraging companies to share and apply environmentally friendly technologies; the organization of

community groups to set up experimental farms as part of a carbon capture project within the framework of efforts to address climate change; and the strengthening of gender-based organizations in the building, management and administration of seedling nurseries for reforestation and other environmentally sustainable forestry activities.

88. Proactive measures are coupled with a mechanism for applying penalties for failing to comply with environmental standards, causing damage to the environment and committing environmental offences. Judges, prosecutors, magistrates, officials from the Judicial Investigation Department and legal advisers from the Inter-Agency Environmental System have received training in identifying contraventions and offences. Under Executive Decree No. 57 of 2000, a total of 47 environmental advisory committees (40 at the district level, 6 at the provincial level and 1 at the level of the indigenous regions) have been established and provided with training. In addition, the judiciary has availed itself of its right to propose legislation and has submitted a bill to the National Assembly which calls for the creation of five circuit criminal courts to hear environmental cases. The bill also contains provisions aimed at giving the judicial system the necessary flexibility to adapt to the changing needs of Panamanian society with respect to environmental offences and to ensure the proper conduct of such proceedings, both before and after the entry into force of the adversarial system in the criminal courts.

8. Social inclusion and the fight against poverty and extreme poverty

89. Systematic institutional efforts to develop and implement a social protection system applying equally to everyone in Panamanian society are under way. Latent challenges that must be overcome in order to achieve this goal include providing institutional structures for young people, older adults and ethnic groups; implementing the Citizen Participation Act; and moving social programmes towards a system of social protection focused on rights and social cohesion.

90. The Ministry of Social Development runs national conditional cash transfer programmes that address the structural factors underlying extreme poverty at the household level. These programmes serve beneficiaries of all ages and incorporate the citizenship and gender perspectives as cross-cutting themes.

91. In remote areas with high levels of poverty, the fact that there are a considerable number of people whose identification cards have expired or who are not registered hampers implementation of the Opportunities Network and “100 at 70” programmes. The Government has therefore launched an initiative to issue identity cards and register unrecorded births. This effort is being pursued under a cooperation agreement between the Ministry of Social Development and the Electoral Tribunal aimed at promoting the issuance of identity cards as a means of guaranteeing the individual and social rights of the poorest members of the population.

92. These programmes have an impact on the health status of young children and pregnant women, the schooling of children and adolescents, the health of adults aged 70 and over, their quality of life and the homes they live in. They cover some 161,907 persons, or 19 per cent of the population living in extreme poverty, and are therefore helping the country to achieve Millennium Development Goal 1.

93. The Ministry of Social Development is also implementing programmes for the social inclusion of vulnerable groups; one of these programmes has provided literacy training to 55,385 of the country’s illiterate population, who numbered 168,140 according to the 2000 census. These programme beneficiaries have expressed interest in continuing their basic education. Thanks to this programme, Panama is a step away from being declared free of illiteracy. Thanks to the inclusion of adolescent and young adult gang members in resocialization programmes, community support networks have been

established. Two of these programmes are the “Hope” and the “It’s your life, you choose” initiatives, both of which are dedicated to providing individuals with an opportunity to turn their lives around and to become part of a group within the community.

C. Specific groups

1. Children and adolescents

94. A law was passed that regulates the use of re-educational and social rehabilitation measures for children under the age of 12 years who have committed an infraction but who, because of their age, bear no criminal responsibility. SENNIAF is conducting a re-education programme to this end.

95. SENNIAF is carrying out two programmes to prevent sexual violence and child abuse and ill-treatment and to assist victims. The Direct Assistance Programme for Victims of Sexual Violence and the Child Abuse and Ill-treatment Prevention Programme focus on organizing educational seminars at schools for children and their teachers and parents.

96. The General Adoption Act is a major step forward in the fight against trafficking in children and organs. The law establishing SENNIAF states that it is to act as the central authority for adoptions in order to streamline and improve procedures for both national and international adoptions. Systems have been set up for monitoring children and adolescents in their new homes, and voluntary adoption has been abolished.

97. The Shelter Supervision and Monitoring Unit of SENNIAF is responsible for ensuring that children and adolescents placed in shelters and other institutions are provided with full support for their welfare and development.

98. To this end, Executive Decree No. 26 of 2009 lays down rules governing the opening and operation of shelters for children and adolescents.

99. A number of steps have been taken to eliminate child labour. One such measure is the establishment of the Committee for the Eradication of Child Labour and the Protection of Young Workers (CETIPPAT), which is made up of 27 public, private and non-governmental institutions. The department within the Ministry of Labour that is responsible for combating child labour and protecting young workers has been raised to the status of a national directorate. Three national plans to eradicate child labour and protect young workers covering the period 2007–2011 are overseen by CETIPPAT: a local plan to eradicate child labour in indigenous areas; a plan to work with trade unions to eradicate child labour in coordination with the National Private Enterprise Council and a plan to band together with employers to eradicate child labour. CETIPPAT monitors child labour on an ongoing basis through CETIPPAT-INFO, which is administered by the National Statistics and Census Institute.

2. Women

100. The Government is implementing the following entrepreneurship programmes to support women living in poverty or extreme poverty: *Contigo Mujer Rural* (“standing by rural women”), *Capital Semilla* (“seed capital”) and *Autonomía Económica* (“economic autonomy”).

101. In order to tackle the issue of gender violence, discussions have begun with a view to amending Domestic Violence Act No. 38 of 2001 and making femicide a criminal offence. There are two centres that assist women and families who are victims of gender violence: the *Nueva Vida* (“a new life”) Shelter and the Integral Action Centre, which is currently being built in the province of Colón.

102. The Gender Violence Monitoring Centre, an inter-agency body attached to the Office of the Ombudsman, has been set up to collect and analyse statistics on gender violence. INAMU, working with the National Council on Women, disseminates information on the Convention on the Elimination of All Forms of Discrimination against Women and conducts activities to raise awareness within the mass media concerning the content of media messages.

103. In conjunction with the National Forum of Women Members of Political Parties, the Association of Women Parliamentarians and Former Parliamentarians, the women's movement and civil society, INAMU is also working to make the case for gender parity in political participation and decision-making before the Electoral Reform Commission.

3. Indigenous peoples

104. Indigenous peoples, as part of their culture and traditions, have developed their own legal systems for maintaining order within their regions. The traditional authorities administer the indigenous justice system, which is based on customary law, seeks to rehabilitate the convicted person and imposes penalties consisting of community service work. The Justice Department for Indigenous Peoples has been set up within the judicial branch to provide interpretation services in indigenous languages for legal proceedings when required and to develop alternative dispute settlement methods in the indigenous regions.

105. As a result of the struggles of indigenous peoples, Panama is one of the few countries in the world with territorially delimited areas for the exclusive use of indigenous population groups. There are currently five such indigenous regions: Emberá de Darién,³³ Ngöbe-Bugle,³⁴ Kuna Yala,³⁵ Kuna de Madungandi³⁶ and Kuna de Wargandi.³⁷ The Naso and Bribri peoples are also protected by legislation that establishes a special procedure for awarding collective title to their lands to indigenous peoples who are not within the regions. These regions represent 28.6 per cent of the total national territory.

106. The laws that established the indigenous regions cover aspects relating to their political and administrative structures, governance and internal administration.

107. Intercultural bilingual education programmes are offered in indigenous towns and communities; special emphasis is placed on mother-tongue literacy and indigenous peoples' spiritual beliefs.

4. Persons with disabilities

108. Since July 2009, in accordance with special legislation for the protection of the disabled, housing for persons with disabilities must be properly adapted to meet accessibility requirements.

109. In 2005, an inclusive education initiative was launched which involves the adaptation of infrastructure, training of teaching staff and provision of audio-visual equipment with a view to enabling pupils with some form of disability to participate in the regular school system.

110. Act No. 42 of 2001 establishes that all employers with 50 or more employees must employ a proportion of staff with disabilities representing no less than 2 per cent of their personnel. Pursuant to an executive decree, the Department for the Socio-economic Integration of Persons with Disabilities of the Ministry of Labour will oversee compliance with this provision.

111. Programmes to help persons with disabilities to enter the labour market include the Annual Project to Improve the Employability of Persons with Disabilities, an employment

assistance project and the AGORA PANAMÁ project (Occupational Management Offices in Latin America).

5. Migrants

112. Panama has quickly become an attractive destination for migrant workers, who meet the demand for labour in sectors of the economy that are growing. This trend has not as yet been affected by the global financial crisis.

113. Decree Law No. 3 of 2008 established the National Migration Service, which ensures respect for migrants' dignity and human rights and protects them from discrimination on grounds of nationality, social or economic status, disability, political beliefs, ethnic origin, sex, language or religion.

114. The migration policy pursued by Panama in 2010 includes a regularization campaign called "Panama: melting pot", the main purpose of which is to legalize foreigners who can prove they have been living in the country for two years. Once the formalities have been completed, they receive a two-year residence permit with an option to make their permanent residence in Panama when it expires. Almost 8,000 such permits were issued during the first regularization session. The foreigners who benefited most were Colombians (3,572), Nicaraguans (1,397) and Chinese (400).

6. Refugees

115. The Office for Refugee Affairs of the Ministry of the Interior is tasked with implementing the provisions of Executive Decree No. 23 of 10 February 1998. This decree builds upon Act No. 5 of 26 October 1977, by which Panama became party to the United Nations Convention relating to the Status of Refugees (1951) and its protocol (1967). The Office for Refugee Affairs processes applications submitted by people seeking asylum in Panama and so far has granted asylum status to a total of 1,075 individuals.

7. Persons living with HIV/AIDS

116. The main achievements regarding persons with HIV/AIDS are: the recognition that HIV/AIDS is a national problem, which paves the way for concerted efforts in the pursuit of non-discrimination; proper care and adequate treatment for persons living with HIV/AIDS;³⁸ reductions in the cost of antiretroviral treatment; and the start-up of the National Commission for the Prevention and Control of the Human Immunodeficiency Virus.³⁹

117. Any form of discrimination against a worker with HIV/AIDS is forbidden. Employers may not ask workers for reports or medical certificates regarding HIV/AIDS status when making appointments or extending contracts. Health status is not a cause for dismissal, and workers affected by HIV are not under any obligation to inform their employer or workmates of their condition.

VI. Achievements and best practices

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

119. In the field of work, the National Minimum Wage Commission, a tripartite body, has decided to meet in permanent session in order to speed up its progress in studying and analysing issues related to productivity, wages and job creation. A two-year timetable had

been established for this review and, thanks to this decision, the Commission is now ahead of schedule.

120. Between August 2006 and July 2009, 236 collective agreements were concluded and are now in effect; 189 of them were reached directly by the parties concerned, 41 by conciliation and 6 by arbitral award. Between June 2009 and July 2010, 70 collective agreements were concluded and have now entered into force; 51 of them were reached directly, 16 by conciliation and 3 by arbitral award. In total, 63,531 workers have benefited from these agreements, including 20,037 in the past 12 months.

121. In 2008, the PAIL work assistance programme was set up to help the people who find it the most difficult to secure employment in the formal labour market. Under this programme, grants equivalent to three months' worth of the legal minimum wage are provided to enable people to retrain in participating companies for that period of time. The State subsidizes 50 per cent of the grant and the participating company the remaining 50 per cent. The State covers 100 per cent of the grant in the case of persons with disabilities.

122. The 2009 household survey showed that 93.4 per cent (1,440,801) of the economically active population are effectively integrated into the labour market, with wage earners making up 64.7 per cent (931,567) of all employed people, business owners and the self-employed 30.2 per cent, and others 5.1 per cent.

123. Under Panamanian law, a pregnant woman may be dismissed from her employment only for justified reasons and with the prior authorization of a court. Act No. 59 of 2009 also provides job protection for persons with chronic, involuntal and degenerative diseases.

124. INAMU, in coordination with the Institute of Statistics and Censuses in the Office of the Comptroller-General, has developed a system of gender-based indicators and statistics.

125. Panama is actively pursuing efforts to cut greenhouse gas emissions by undertaking projects to boost energy efficiency, use clean energy, avoid deforestation, and employ cleaner production methods and technological innovations. These measures have been made possible by the introduction of a national climate change strategy and the establishment of the National Inter-Agency Committee on Climate Change.

126. An environmental investment strategy has been introduced by the National Environmental Authority to promote the development of microenterprises and cooperatives involved in the use and conservation of natural resources. In 2007 and 2008, 4.5 million balboas were allocated to environmental businesses in 215 communities whose members are living in poverty and extreme poverty.

VII. Challenges and constraints

127. Unemployment, which had once appeared to be an insurmountable problem (the jobless rate averaged nearly 14 per cent in 2000), fell gradually to stand at 6.6 per cent of the workforce in 2009, thanks to the creation of approximately 52,732 jobs annually. The expansion of the Canal is creating jobs in the formal sector. The third set of locks will bring great benefits to Panama's economy by promoting development and growth.

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

average pay levels, such as ports, the construction industry and call centres, have contributed to these changes.

129. A report of the Economic Commission for Latin America and the Caribbean (ECLAC) on poverty and income distribution in Panama in 2007–2008 concluded that, between 2001 and 2007, the indigence rate in the country fell from 19.2 per cent to 11.7 per cent and the poverty rate dropped from 36.7 per cent to 28.6 per cent. According to the report, indigenous areas benefited least from the reduction of poverty; addressing this situation is therefore one of the main social and economic policy challenges in Panama.

130. ECLAC concluded that, thanks to progress in poverty reduction, Panama was on track to meet Millennium Development Goal 1, i.e. to halve, between 1990 and 2015, the proportion of people living in extreme poverty.

131. Work on updating curriculum design was started in 2009. This aim is to bring study plans and programmes into line with advances in science, technology and the needs of a constantly changing world. Curricular innovations to improve the quality of secondary education are being introduced, with the first such innovation being the experimental introduction of 15 new skills-based school certificate courses. These courses are being piloted in 64 secondary schools.

132. There are plans to build educational centres of excellence that will deliver the training required to prepare citizens for entry into the labour market. An ongoing preventive maintenance plan has also been launched to keep school infrastructure in top condition and to ensure that the classrooms that the country needs are built.

133. It is very important to ensure the availability of formal education in indigenous areas of Panama and to properly preserve the customs and traditions of these ethnic groups, of which we are very proud. To this end, bilingual, intercultural education programmes are being implemented. The National Plan for Inclusive Education and the Education Support Service promotes the acceptance and inclusion of students with disabilities in educational centres attended by students who do not have such conditions.

134. The results of the first national survey on disabilities, which was carried out in 2006, indicate that the disability prevalence rate in Panama is 11.3 per cent. This finding has made it possible to target public policies for persons with disabilities in line with the commitment undertaken by Panama when it signed and ratified the Convention on the Rights of Persons with Disabilities.⁴⁰ It must be acknowledged, however, that constraints still exist that hinder the country's efforts to fully comply with some of the legal standards in this respect.

135. In view of the lack of any scientific tool for establishing a baseline for the design, development and implementation of policies, programmes, plans and measures for Afro-descendent groups, coupled with the fact that the last census in which questions were asked about African descent was in 1940, questions on the self-identification of persons of African descent were included in the 2010 population and housing census.

136. More than 200 companies apply cleaner production methods and promote sustainable consumption through the sorting, reuse and recycling of waste.

VIII. Priorities, initiatives and commitments

137. In 1983, 20 per cent of the population was living in extreme poverty; in 1997, the figure was 18.8 per cent; in 2003, 16.6 per cent; and in 2008, 14.4 per cent. This indicates that the country can halve the rate by 2015.

138. To this end, 49.4 per cent of the general government budget was allocated to social expenditure in 2010. The country's social programmes are aimed at improving living conditions for Panamanians and focus on social, economic, institutional and environmental issues.

139. In 2006, Panama faced a serious crisis when, as a result of the ingestion and use of medicines produced by the Social Security Laboratory that were contaminated with the toxin diethylene glycol, a large number of users of public health services presented with acute and chronic renal failure and dysfunction of the gastrointestinal and nervous systems, with several dying and others suffering chronic illnesses as a result.

140. An agency was established by law⁴¹ to monitor the rights of the victims of this mass poisoning. This agency's work includes overseeing the following measures. Medical and psychological monitoring and treatment is being provided to persons who survived the ingestion of the toxin. Psychological support is also being provided for relatives of the victims. Safety controls on ingredients are being assessed to ensure that pharmaceuticals, food products and personal care items meet the required quality standards in order to avoid future incidents.

141. A bill is being prepared to amend Act No. 1 of 10 January 2001, which deals with medicines and other human health products, in order to strengthen the regulatory role of the Ministry of Health in areas where it has been unable to perform its assigned role, as well as to reduce the time required to obtain health records, reinforce the University of Panama testing laboratory, prosecute drug counterfeiters who endanger public health and increase the penalties for this offence.

142. Currently, 1,413 complaints regarding counterfeit medicines are before the courts; 126 of these cases relate to fatalities and the rest to ambulatory patients.

143. The results of civil society consultations indicate that the State should have a comprehensive policy on nutrition programmes to ensure the equitable management and use of land for food production. Proposals included implementing environmentally friendly practices, improving food processing methods and reducing the impact of food price increases caused by climate change and the global financial and economic crisis. This will entail promoting sustainable farming and improved access to markets and food distribution networks with the primary aim of reducing the cost of the basic shopping basket.

144. The State's environmental land management plan, which is in its initial phase, will make it possible to promote comprehensive community development by ensuring the proper distribution of land for food production and preserving the environment. The 2010–2014 strategic plan covers initiatives to tackle malnutrition more effectively by strengthening the institutional framework and enhancing the delivery of nutritional support (especially in districts where people are living in extreme poverty), increasing access to and the availability and production of food through the distribution of seeds, fertilizers and agricultural inputs, providing farm tools and implementing kitchen garden programmes, promoting self-sufficient farms and carrying out nutrition education activities. The State also subsidizes liquid petroleum gas supplies as a strategy to reduce the impact of the rising cost of the basic shopping basket.

IX. Conclusion

145. With the submission of this report, Panama hopes to provide an appropriate framework for initiating a process of dialogue and cooperation with the Human Rights Council. The subject of human rights is a vast area that is difficult to address comprehensively in a document of this kind; nevertheless, much has been learned during

the preparation of this first universal periodic review report. Panama is firmly committed to protecting and promoting human rights. It considers its participation in the universal periodic review process to be very important and recognizes the significance of this mechanism for multilateral oversight of human rights observance. Panama looks forward to receiving the recommendations of the member States with a view to strengthening national human rights policies and the rule of law.

Notes

- ¹ Ver Decreto Ejecutivo 120 de 2010.
- ² Ver la Ley 31 de 1998.
- ³ Ver la Ley 14 de 2007.
- ⁴ Ver la Ley 63 de 2008.
- ⁵ Ver la Ley 7 de 1997.
- ⁶ Ver la Ley 71 de 2008.
- ⁷ Ver la Ley 23 de 2007.
- ⁸ Ver la Resolución Ministerial 4376 de 1999.
- ⁹ Ver la Ley 41 de 1998.
- ¹⁰ Ver el Decreto Ejecutivo 123 de 2009.
- ¹¹ Ver la Ley 9 de 2000 y el Decreto Ejecutivo 124 de mayo de 2005.
- ¹² Ver la Ley 19 de 2010.
- ¹³ Ver la Ley 15 de 2010.
- ¹⁴ Ver la Ley 14 de 2010.
- ¹⁵ Ver el Convenio Bilateral de Cooperación y Asistencia Técnica, suscrito entre el Órgano Judicial y la Policía Nacional.
- ¹⁶ Ver la Resolución 828 de 2009.
- ¹⁷ Ver el Decreto Ejecutivo 136 de 1995.
- ¹⁸ Ver el Decreto Ejecutivo 197 de 2009.
- ¹⁹ Ver el Decreto Ejecutivo 331 de 2009.
- ²⁰ Ver el Decreto Ejecutivo 329 de 2009.
- ²¹ Ver el Decreto Ejecutivo 546 de 2005.
- ²² Ver el Decreto Ejecutivo 5 de 2006.
- ²³ Ver la Resolución 321 de 2006.
- ²⁴ Ver la Resolución 322 de 2005.
- ²⁵ Ver la Resolución 499 de 2010.
- ²⁶ Ver el Decreto Ejecutivo 41 de 2010.
- ²⁷ Ver el Decreto Ejecutivo 171 de 2004.
- ²⁸ Ver la Ley 34 y 35 de 1995.
- ²⁹ Ver Ley No. 8 de 2006.
- ³⁰ Ver la Ley 51 de 2005.
- ³¹ Ver el Decreto de Gabinete 68 de 2005.
- ³² Ver el Decreto Ejecutivo 57 de 2000.
- ³³ Ver la Ley 22 de 1887.
- ³⁴ Ver la Ley 10 de 1997.
- ³⁵ Ver la Ley 16 de 1953.
- ³⁶ Ver la Ley 24 de 1996.
- ³⁷ Ver la Ley 34 de 2000.
- ³⁸ Ver la Ley 3 de 5 de enero de 2000.
- ³⁹ Ver el Decreto Ejecutivo 7 de 2008.
- ⁴⁰ Ver la Ley 25 de 2007.
- ⁴¹ Ver la Ley 13 de 2010.