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**Human Rights Committee**

**137th session**

27 February–24 March 2023

**Consideration of reports submitted by States parties  
under article 40 of the Covenant**

**Replies of Panama to the list of issues in relation to  
its fourth periodic report\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The Republic of Panama, which is committed to guaranteeing men and women equal enjoyment of all their fundamental rights and guarantees, as set out in the fourth periodic report on the implementation of the Covenant, submits the present document in response to the list of issues related to that report.

## **II. Constitutional and legal framework within which the Covenant is implemented (arts. 1–2)**

2. The Office for Education in Population and Human Development of the Ministry of Education has worked to raise awareness among different stakeholders in three main areas of activity:

- In order to promote the gender perspective and prevent violence, in-person and online awareness-raising activities were conducted for a number of educational communities, benefiting 2,138 men and 6,970 women.
- In order to promote human rights, the Ministry of Education, by Decision No. 1724 of 1 April 2021, established the Educational Commission for the Promotion of the International Decade for People of African Descent, the main purpose of which is to develop inclusive policies that promote equal opportunities and address violations of the rights of persons of African descent.
- In order to promote healthy lifestyles, emphasis was placed on defining and describing workplace and sexual harassment so that these problems can be identified and prevented.

3. Between 2020 and 2022, the Secretariat for Human Rights, Access to Justice and Gender of the Attorney General's Office conducted 41 awareness-raising activities on different subjects related to international human rights law. A total of 1,515 people participated in these activities.

4. The Academy of the Public Prosecution Service has organized training sessions on human rights and disability for all officials. A total of 772 women and 240 men participated in these sessions between 2015 and 2022.

5. In 2021, the National Secretariat for Persons with Disabilities held an online seminar on persons with disabilities and access to community justice to commemorate the fourteenth anniversary of the accession of Panama to the Convention on the Rights of Persons with Disabilities. The seminar was aimed at 80 justices of the peace.

6. The National Institute for Women, by Decision No. 030/DG/OAL of 2 August 2021, established offices for equal opportunities with a view to mainstreaming disability issues at the institutional level. These offices also compile statistical data on disability and conduct comprehensive disability awareness workshops.

7. The Directorate of Human and Economic Development of the National Institute for Women has developed programmes and projects for the economic empowerment of women at the national level, including all women who attend the Institute's centres, more than 90 per cent of whom are rural women. The "Changing Women's Lives" (Mujer Cambia Tu Vida) programme and a number of institutional projects are aimed at women with disabilities, among other groups.

8. The National Secretariat for Persons with Disabilities and the Panamanian Institute for Special Training take steps to comply with the standards established in each of the educational guidelines for the school year. In the event that migrant students with disabilities lack documentation proving their level of schooling, they are given a placement test and are moved up to the next grade if they pass.

9. In accordance with the Inclusive Government Plan, the Ministry of Education drew up a strategic plan for the period 2019–2024 that takes an inclusive education approach and sets out educational equity measures as an effective means of moving towards a school

participation and retention model, as a right, with access and equality being guaranteed from the primary to the higher education level. With regard to special education, specific educational services and support are provided through individual support processes in the various subject areas on the basis of Decision No. 924 on the Individual Education Plan and Decision No. 004-2018 on the Student-Centred Education Programme.

10. The Education Commission of the National Advisory Council on Disability is continuing to coordinate and implement policies on disability education with the involvement of civil society.

11. Every year, training courses are held on sign language, interpreting, educational resources to support communication, Panamanian fingerspelling for early years deaf students and the digitization of Panamanian Sign Language as an alternative means of communication. Also worth mentioning are the ENSENIA Platform and the First Meeting on Education for Deaf Persons and Panamanian Sign Language.

12. A guide for the parents of deaf babies has been issued to disseminate strategies for stimulating language acquisition in children up to the age of 2 years. Videos in sign language have been produced in conjunction with the disaster risk reduction project. An inter-agency agreement with nationwide coverage is also maintained with the Louis Braille Centre for Blind Persons. Every year, specialists are appointed to provide support in remote areas.

13. Act No. 148 of 21 April 2020 provides for the establishment of the Universal Educational Social Welfare Programme, which benefits all students and provides other financial opportunities to students with disabilities, promoting their retention and participation by developing their talents and other social and educational skills.

14. Measures have been implemented to ensure the sustainability of initiatives whose introduction marked a significant change in the approach taken to daily education, such as distance education, using adaptations, relevant resources and outcomes relating to lessons learned from the “Learning Also Takes Place at Home” (En Casa también se Aprende) initiative, which was developed with a prioritized curriculum and the support of the United Nations Children’s Fund (UNICEF).

15. The education system developed a road map to enhance the responsiveness of institutions and guarantee the right to education for students during the coronavirus disease (COVID-19) pandemic by focusing on seven priority areas. It is mandatory for all schools to ensure biosafety standards and establish a COVID-19 committee. The educational community participates in these initiatives and plays an active role during the school year. Parents or legal guardians are free to decide whether to vaccinate students against COVID-19 in accordance with their convictions.

### **III. Human rights violations during the dictatorship era (arts. 2 and 6–7)**

16. It is important to make clear that the case of Ricardo Baena, mentioned in paragraph 4, does not relate to disappearance during the military dictatorship but to the case of *Baena Ricardo et al v. Panama*, which concerned the unjustified dismissal of 270 workers in 1990 and concluded with the Inter-American Court of Human Rights finding against Panama in a judgment of 2 February 2001. In this connection, the Court issued its order on monitoring compliance with the judgment of 1 September 2021, in which it established that Panama had implemented the reparation measures ordered and that the case was closed.

17. With regard to the case of Heliodoro Portugal, State reports on compliance with the judgment of 12 August 2008, in which the Inter-American Court of Human Rights found against Panama and ordered it to make reparations to Graciela De León, Patria Portugal and Franklin Portugal, have been submitted to the Court. Memorandum No. AJ-MIRE-2020-015111 of 25 February 2022 was sent to Mr. Pablo Saavedra Alessandri, the Executive Secretary of the Inter-American Court of Human Rights, to inform him that after being exhumed, the skeletal remains of the late Mr. Heliodoro Portugal were delivered into the custody of the Institute of Forensic Medicine and Science so that the sample requested by the prosecutor in the case could be taken and the identity of the remains could be corroborated.

The Institute of Forensic Medicine and Science is the body responsible for the custody of Mr. Heliodoro Portugal's remains, which have been properly preserved and stored in a safe place in the mortuary in the district of Ancón in Panama City. It was opened only to take the samples ordered by the Second Chamber of the Criminal Division of the Supreme Court.

18. With regard to the case of Rita Wald, a memorandum dated 5 December 2018, sent from the Inter-American Commission on Human Rights to the Ministry of Foreign Affairs, stated that the Commission had closed the friendly settlement procedure and had decided to continue processing the case as no agreement had been reached with the relatives of the late Rita Wald. The proceedings are currently pending a decision on the merits by the Inter-American Commission on Human Rights (case No. 12.552).

#### **IV. Non-discrimination (arts. 2–3, 26 and 27)**

19. The National Commission for the Prevention and Control of HIV was established by Presidential Decree No. 7 of 22 January 2008. In 2009, the National Programme for Sexually Transmitted Infections and HIV/AIDS was initially formed of 29 public institutions that make up a network of workplaces. Together with international cooperation agencies, these institutions have produced multisectoral strategic plans for 2009–2014, 2015–2019 and 2020–2024.

20. Currently, 45 public institutions have signed a commitment to public policies that ratify and regulate measures to prevent sexually transmitted infections, HIV/AIDS and viral hepatitis in workplaces. They are also committed to maintaining an inter-agency network for the prevention of sexually transmitted infections and HIV/AIDS in government agencies.

21. Act No. 40 of 14 August 2018 establishes the legal framework governing the comprehensive approach to sexually transmitted infections and HIV. It provides for comprehensive education on preventing, treating and responding effectively to sexually transmitted infections and HIV/AIDS in Panama.

22. The Electoral Tribunal has been in direct contact with the Asociación Panameña de Personas Trans, the Asociación de Hombres Trans de Panamá and other groups since 2018. It has introduced specific measures to promote respect for human dignity and gender identity. In 2022, it participated in a working group on the human rights of transgender persons in Panama.

23. The Electoral Tribunal applies the same support protocol for all persons, without any discrimination. Between 1 March 2001 and 30 September 2021, 92 persons changed their names. Between 2018 and September 2021, 76 people changed their names. Of these, 54 were transgender women and 22 were transgender men. As at 30 September 2021, eight applications for sex correction by sex reassignment surgery had been approved for transsexual persons, while two such applications had been approved for intersex persons.

24. In 2017 and 2018, the National Institute for Women opened 10 case files relating to key communities (4 for sex workers and 6 for LGBTIQ+ persons). Several of the persons concerned were referred by activists and human rights organizations.

25. The Ombudsman's Office has collaborated with these organizations in various ways, including by providing them with institutional space in which to hold organizational or planning meetings, support groups and awareness-raising activities. Press releases have also been issued, most recently on 12 December 2018, when the Ombudsman's Office issued a warning about the proliferation of social media messages that incite hatred against LGBTIQ+ persons.

26. The Gender and Labour Office of the Ministry of Labour and Workforce Development, together with the Inspection Directorate, has taken steps to protect domestic workers as part of the so-called return to normality. In that connection, a census of 5,559 formal domestic work contracts, 14 per cent of which were for men and 86 per cent for women, was conducted for the first time in the history of the country.

27. Procedures for conducting labour inspections of private employment agencies have been strengthened to ensure that such agencies comply with the ethical recruitment and

labour standards established for the sector. The Employment Directorate has set up a web page that allows users to search for information on employment agencies in order to protect the rights of all job seekers, especially those seeking domestic employment.

28. The Code of Criminal Procedure establishes that pretrial detention is an exceptional measure and that in cases where this personal precautionary measure is applied to an accused person with a disability, special precautions must be taken to safeguard his or her personal integrity (art. 238).

29. The Department for the Socioeconomic Integration of Persons with Disabilities, in the Ministry of Labour and Workforce Development, is taking steps to promote social inclusion and access to employment for persons with disabilities. At present, private companies are being inspected to determine whether they comply with the requirement, established in the aforementioned law, that persons with disabilities must make up at least 2 per cent of the workforce. The Department of Workforce Integration is seeking to hire persons with disabilities, thereby reaffirming the State's commitment to ensuring that they enjoy the same rights and freedoms as persons without disabilities.

30. Act No. 54 of 2012 provided for the introduction of gender parity in elections for political parties and established the Secretariat for Women to monitor compliance with the 50 per cent gender quota. As part of the most recent electoral reforms in 2021, gender parity was adopted for lists of candidates aspiring to join the conferences of political parties in the process of being constituted, and it was established that gender parity should apply to the officers elected at their founding conferences. An entire section has been included to ensure that political participation is governed by the principles of gender equality and non-discrimination established in national law and international treaties.

31. Political parties must allocate at least 20 per cent of their training funds to developing activities exclusively for training women and 20 per cent to developing activities exclusively for training young people. A total of 10 per cent of such funds must be allocated to training in inclusive measures for the empowerment of persons with disabilities. Political parties are prohibited from preventing people from joining them on discriminatory grounds related to race, sex, religious beliefs, culture, social status or disability.

32. Panama implements the ATENEA mechanism for accelerating women's political participation and has therefore become the first country in the region to use the political parity index. The second ATENEA Panama publication in 2020 – "Mujeres panameñas en la ruta hacia la paridad política" (Panamanian women on the road to political parity) – contains an analysis of women's political participation by the Institute for Democratic Studies of the Electoral Tribunal.

33. The Electoral Tribunal has supported the organization of elections in the Ngobe Buglé Indigenous region (*comarca*). An important advance in the elections held in the Indigenous regions in February 2022 was the implementation of gender parity for lists of candidates. A mechanism whereby male and female candidates must appear in alternating positions on electoral lists was used and traditional authorities were elected, as were 384 delegates to the General Congress, 222 delegates to the Regional Congress, and 198 delegates to the Local Congress. Elena Cruz Guerra replaced the *cacica* (chief) Silvia Carrera after 10 years without an election.

34. Participation in the electoral authorities is a different matter, as more than 60 per cent of their members are women. Similarly, women account for more than 50 per cent of representatives of political parties and independent candidates in these authorities.

35. For the period between 2019 and 2022, the Ministry of Education is continuing to implement Act No. 88 of November 2010, which recognizes the languages and alphabets of Indigenous Peoples and establishes standards for intercultural bilingual education. Under the Act, Indigenous languages are taught alongside the Spanish language, and intercultural bilingual education is mandatory in public and private schools in all Indigenous regions and surrounding areas. The Act permits the Indigenous Peoples to wear their traditional dress and promotes respect for their identity.

36. Panama has agreed to classify as electoral offences acts that amount to gender-based political violence, such as offending, threatening, politically harassing, discriminating against

or hindering the spouse or relative of a man or woman who is participating in an election as a candidate or aspiring candidate, up to the fourth degree of relationship by blood or the second degree by marriage, with the purpose of restricting their right to vote, preventing voting from taking place under equal conditions, violating pregnant women's political rights or restricting men's or women's political rights arising from their traditional Indigenous customs or international treaties on the matter (arts. 523 and 528 of the Electoral Code).

## **V. Equality between men and women (arts. 2, 3, 25 and 26)**

37. The Ministry of Labour and Workforce Development issued Decision No. DM-043-2021, establishing the Gender Equality Committee. A distinction is awarded to government agencies and private companies that stand out in the development of policies that promote equal opportunities for men and women, fostering equitable working conditions and eliminating wage gaps, in compliance with Sustainable Development Goals 5 and 8 and the 2030 Agenda.

38. In the first half of 2020, with the support of the International Labour Organization (ILO), a random online survey on the sharing of family responsibilities during the COVID-19 pandemic was launched in order to compare and obtain data on the extent to which gender equality is being achieved in companies and in teleworking arrangements and to emphasize the importance of sharing family responsibilities in the process of establishing work-life balance.

39. The Changing Lives programme is being implemented to empower and improve the employability of women and men through cooperativism at the national level. The programme has been implemented in five communities in rural Panama, making it possible to conduct five socioeconomic analyses, establish five organized groups, deliver training in empowerment and entrepreneurship to 135 women, and support the formation of the Werara Imbizu R.L. cooperative, which brings together 18 women artisans who participate in implementing the Changing Lives programme in the village of Caimitillo.

40. Panama ratified ILO Equal Remuneration Convention, 1951 (No. 100), which establishes the principle of equal pay for work of equal value. A decree establishing minimum wages has been issued that, in principle, is implemented within the framework of the Constitution.

41. The National Institute for Women operates the "Women Can" (Tú Puedes Mujer) programme (2018–2019), which was established by Decision No. 20/DG/DDHE/2018 of 15 October 2018 in partnership with the National Vocational Training Institute for Human Development and in accordance with a cooperation and technical assistance agreement. The programme is designed to promote women's empowerment and economic independence at the national level through the Institute's centres, with training sessions being organized with other State institutions. The programme has benefited 718 women aged between 18 and 80 years, of whom 40 per cent are Indigenous, 15 per cent are of African descent and 45 per cent are of mixed race. Training has been provided to women living in isolated areas. In 2018, during the Institute's pro tempore presidency of the Council of Women Ministers of Central America and the Dominican Republic in the Central American Integration System, the Institute and the Ministry of Agricultural Development took steps to provide women with interest-free credit for their productive activities.

42. In accordance with Decree No. 242, the National Plan for Equal Pay 2022–2025 has been developed by a partnership between the Ministry of Social Development, the Ministry of Labour and Workforce Development, the Ministry of Foreign Affairs, the National Statistics and Census Institute and other institutions. The Plan is based on specific and cross-cutting measures to improve women's position in the labour market.

## **VI. Violence against women, including domestic violence (arts. 2–3, 6–7, 14, 24 and 26)**

43. In collaboration with the Attorney General’s Office, a protocol for the comprehensive support of women victims of intimate partner violence has been established and a police unit specializing in gender-based violence has been set up to promote mechanisms for the protection and comprehensive support of victims and to enhance the institutional response to these offences through improved investigation, support and inter-agency coordination.

44. In order to provide information to the Indigenous Peoples of the regions of Ngobe Buglé and Naso Tjër Di, the Office of the Prosecutor for Indigenous Affairs works with partners from the language centres of the Autonomous University of Chiriquí who have knowledge of the Ngobe language, thereby ensuring that victims and their families can benefit from protection measures, assistance and counselling services.

45. Between 1 January 2017 and 28 February 2022, Gesell chambers at the Unit for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings were used to provide assistance to 61,543 women and girls ranging in age from under 1 year to over 50 years who were victims of offences against life, personal integrity, sexual freedom or sexual integrity or of violations of the legislation on the family and marital status.

46. Between January 2019 and May 2021, 6,790 female users registered with the centres operated around the country by the National Institute for Women. A total of 179 of these women had a disability. Women victims of violence who face an imminent risk of death can receive protection at two shelters that have been made accessible for women with motor disabilities or reduced mobility. Women can stay in the shelters with their children for as long as they require protection.

47. The National Institute for Women periodically produces the Informe Nacional Clara González “Situación de la Mujer en Panamá” (Clara González National Report on the Situation of Women in Panama), which sheds light on the living conditions of women in different areas, providing a more accurate picture of the situation of different groups of women. A chapter of the report dedicated to special interest groups addresses the psychosocial characteristics of women with disabilities and sets out recommended measures for the implementation of public policies.

48. In 2021, the National Institute for Women, which chairs the National Committee on Violence against Women, presented this body’s first strategic plan, which covers the period 2021–2024 and establishes a framework for joint operational work with government agencies and women’s civil society organizations to prevent, address and eradicate violence against women.

49. The National Institute for Women takes direct action to protect women and girls in vulnerable situations arising from lockdown and social distancing measures, taking into account the risk of violence faced by women living with potential abusers. The helplines run by the National Institute for Women (182 and 323-3281), which are free of charge and staffed around the clock, have been strengthened by a team of 25 of the Institute’s experts (social workers, psychologists and lawyers), who have helped victims to report acts of violence.

50. Staff working at the Institute’s centres provided support throughout the country and followed up on cases by coordinating and working with the various local mechanisms in the different provinces and the areas that receive national coverage.

51. As part of a media outreach campaign conducted through a public-private partnership with the Mas Móvil telephony company, more than 1.5 million women users received text messages with the slogan “remember that you are not alone during lockdown”. The Ministry of Social Development, the National Secretariat for Children, Adolescents and the Family, the National Police and the Public Prosecution Service are signing an agreement with the international non-governmental organization Crime Stoppers International to receive anonymous reports of domestic violence from members of the public through the website [www.tupista.org](http://www.tupista.org).

52. Under the Solidarity Plan, the R.O.S.A. (automatic operational response for health) hotline (169) served as a referral mechanism to provide counselling to victims of domestic violence in conjunction with the Ministry of Health and the Institute of Mental Health.

53. In April 2020, during the COVID-19 pandemic, the National Institute for Women produced a video in sign language with thematic content on the prevention of violence against women that was aimed at women with hearing impairments.

54. In 2022, the Strategic Plan 2022–2024 was prepared. The plan prioritizes measures to promote a culture of non-violence and to foster capacity-building within the Ministry of Social Development so that its staff can detect, prevent and address domestic and sexual violence and abuse.

55. In 2009, the State Subsidies Office granted funding for the development of a grass-roots legal assistance project by the organization FUNDAMORGAN to provide legal assistance to victims of gender-based violence. The project has benefited more than 4,500 women, with a particular focus on prevention and public awareness-raising measures.

## **VII. Voluntary termination of pregnancy and reproductive rights (arts. 2–3, 6–7, 17, 24 and 26)**

56. Although the Ministry of Health is the lead institution in the area of sexual and reproductive health, the Ministry of Education recognizes its responsibility to provide comprehensive sex education to children and adolescents by developing preventive programmes that inform and guide students in this area. The Ministry has therefore produced five educational guides for personnel, including the staff of psychoeducational units, counsellors, members of the Education Support Service and teachers, who deliver the Sex and Relationships Education Programme. The guides are used with primary, middle and high school students as well as with parents and pregnant teenagers.

57. According to the data provided by the statistics centre of the Attorney General's Office, 256 reports of the offence of induced abortion were received between 1 January 2018 and 31 January 2021.

58. The Ministry of Health deals only with cases of therapeutic abortion, which are conducted in accordance with the relevant administrative procedures that the National Commission for Therapeutic Abortion has been requested to implement.

## **VIII. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7, 9, 14 and 24)**

59. Torture and other forms of cruel, inhuman or degrading treatment are established as offences in articles 156 and 156-A of the Criminal Code. Investigations of such offences may be initiated by a complaint or ex officio. Once the Public Prosecution Service has been informed, the corresponding prosecutor's office is responsible for initiating the relevant investigations and, if necessary, implementing the protective measures provided for in the Code of Criminal Procedure to safeguard the integrity of the victims, witnesses, experts and other parties involved in the criminal proceedings.

## **IX. Excessive use of force (arts. 2, 6, 7 and 14)**

60. If an agency of the Public Prosecution Service receives a complaint to the effect that law enforcement officers have assaulted a person in the performance of their duties, an investigation is initiated into the alleged commission of offences against life and personal integrity, whether they amount to homicide or bodily injury. The penalties to be applied in such cases range from 4 to 6 years' imprisonment for a non-aggravated offence and from 6 to 10 years' imprisonment for an aggravated offence.



61. With regard to the events that took place during the demonstrations in Colón and San Félix, the Public Prosecution Service has opened three investigations in Colón (two against men and one against a woman) in connection with the alleged offence of homicide. As for the events that occurred in San Félix, in the Province of Chiriquí, an investigation into the murder of a man has been initiated. The courts have been asked to provisionally suspend these cases, on the basis of objective and impersonal criteria, since it has not been possible to determine who was responsible for the acts concerned.

## **X. Persons deprived of their liberty and conditions of detention (arts. 6–7, 9, 10, 14 and 26)**

62. Pretrial detention is a personal precautionary measure that is to be applied exceptionally and is provided for in article 238 of the Code of Criminal Procedure. In accordance with article 12 of the Code, it may be applied for no longer than one year, except in cases deemed by a judge to be complex, where the term of pretrial detention may be extended up to a maximum of three years, in accordance with article 504 (1) of the Code.

63. It should be noted that Precautionary Measure No. MC-393-15 of 13 August 2015, which was ordered by the Inter-American Commission on Human Rights on behalf of persons deprived of their liberty at the temporary detention centre on Punta Coco island (José Cossio, Carlos Mosquera, Azael Ramos, Danyelo Ramírez, Jorge Rubén Camargo, Alfonso Patterson, Yaraby Del Carmen Choy, Catherine Adames Jiménez, Nimia Itzel Pérez, Félix Humberto Paz Moreno, Edilberto Vasque and Martin Caicedo), is in force. Panama has taken steps to improve conditions in the detention centre and has informed the Inter-American Commission on Human Rights of the progress made in this regard. It should also be noted that, through Memorandum No. A.J.D.J.-MIRE-2019-17253 of 19 August 2019, a State report on the changes made to the prison and conditions of access for visitors has been sent to the Inter-American Commission on Human Rights.

64. With regard to the case of *Vélez Loor v. Panama*, the Inter-American Court of Human Rights was sent reports dated 27 September and 22 November 2021 regarding the urgent measures taken in connection with the rights to life, health and personal integrity of migrants at the Lajas Blancas and San Vicente migrant reception centres in the Province of Darién. In March 2021, a joint site visit and private hearing, in which the parties to the proceedings participated, were conducted with the Inter-American Court of Human Rights.

## **XI. Elimination of forced labour and trafficking in persons (arts. 7–8, 14 and 24)**

65. On 29 September 2021, a tripartite forum on ethical recruitment for the prevention of human trafficking and labour exploitation was attended by 40 people from the trade unions, the private sector and the national Government. The speakers at the event were representatives of the International Organization for Migration, the International Labour Organization and the Director of the Institutional Office against Trafficking in Persons of the Ministry of Security.

66. With the support of the General Secretariat of the National Commission against Trafficking in Persons and the International Organization for Migration, two training sessions were held to improve the knowledge of 25 officials from the Employment Directorate and the National Inspection Directorate.

67. In order to prevent the revictimization of persons identified by the Victim Identification and Assistance Unit of the National Commission against Trafficking in Persons, the Ministry of Labour and Workforce Development issued Executive Decree No. 21 of 28 May 2019, authorizing the issuance of work permits through the Department of Labour Migration of the Employment Directorate.

68. In 2021, six work permits were issued: four renewals and two new permits.

## **XII. Independence of the judiciary and administration of justice (arts. 2 and 14)**

69. Under Decision No. 12 of 17 March 2021, the Code of Ethics for Civil Servants of the Attorney General's Office was adopted to guide its officials in decision-making in the performance of their duties.

70. The Public Prosecution Service contributed to the publication *Buenas Prácticas en la Lucha Contra la Corrupción* (Good Practices in the Fight Against Corruption), which was drafted with the support of the Regional Programme for social cohesion in Latin America (EUROsociAL) within the framework of the Ibero-American Network of Prosecutors. The publication sets out the progress made by Panama in the fight against large-scale corruption: <https://eurosociAL.eu/biblioteca/doc/buenas-practicas-en-la-lucha-contra-la-corrupcion/>.

71. As part of a project launched with the support of the Embassy of the United States of America in Panama, a significant number of steps will be taken in 2022 to strengthen the human and material resources of prosecutor's offices responsible for combating corruption.

72. With regard to acts of corruption committed by public officials, 11 proceedings were brought against prosecutors and 26 proceedings were brought against judges between 2019 and 2022. Of these, 26 cases were dismissed.

73. In accordance with the powers and competence established under Act No. 33 of 25 April 2013, the National Authority for Transparency and Access to Information has taken the following steps to prevent corruption:

- Establishing the Academy of Ethics and Transparency, which is designed to raise awareness of the importance of ethics and transparency among civil service managers: <https://academia.antai.gob.pa/>
- Improving access to data for civil servants and the general public through the national open data portal <https://www.datosabiertos.gob.pa/>, which helps to prevent corruption by opening up data and promoting a culture of transparency; the portal is managed with the support of the Andean Development Corporation and the international organization The Trust For The Americas as the implementing agency
- Establishing the Inter-Institutional Commission for Follow-up on Public Policies to Combat Corruption in order to ensure compliance with the commitments assumed in the fight against corruption under international treaties; the Commission was established by Decision No. ANTAI/DS/006–2021 of 31 August 2021, published in Official Gazette No. 29383 (<https://www.antai.gob.pa/wp-content/uploads/2021/09/87417.pdf>)

74. In 2021 and 2022, the National Authority for Transparency and Access to Information carried out 197 investigations relating to administrative irregularities and breaches of the Code of Ethics of Public Servants, handing down 32 penalties to a number of civil servants.

75. Chapter III of Act No. 1 of 6 January 2009 establishes the selection criteria, requirements and procedures for admission to the judicial profession, as well as the admission procedure and selection criteria developed by the institutional human resources offices of the Public Prosecution Service and approved by the Counsel General and the Board of Directors or the Director General of the Institute of Forensic Medicine and Science, subject to the prior approval of the relevant professional committees.

76. Chapter VII of Act No. 1 of 2009 establishes the disciplinary regime applicable to officials of the Public Prosecution Service, who will be punished under the Act if their conduct corresponds to any of the grounds established in it.

77. In 2020 and 2021, the Academy of the Public Prosecution Service conducted a significant number of in-person and online training sessions on corruption and offences committed against the public authorities (9 training sessions with 107 officials, 71 of whom were women and 36 men), money-laundering and beneficial owners (10 training activities with 125 officials, 80 of whom were women and 45 men), and the recovery of unlawful assets and forfeiture (11 training activities with 114 officials, 69 of whom were women and 45 men).

### **XIII. Freedom of expression and association and violence against human rights defenders and journalists (arts. 6–7, 9, 17, 19 and 22)**

78. In connection with the introduction of the adversarial system, the second paragraph of article 69 of the Code of Criminal Procedure establishes that the Public Prosecution Service must adopt the necessary measures to protect victims, witnesses, whistle-blowers and other participants in criminal proceedings. The protection measures are not specifically focused on the security of human rights defenders; rather, they provide a tool by which to protect the integrity of any person against whom an offence is committed.

79. The Public Prosecution Service has branches of the Unit for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings in the different provinces of the country. The offices are primarily responsible for providing support to victims, witnesses and other parties involved in criminal proceedings and carrying out the prosecutorial activities assigned to them in investigations.

80. With regard to investigations into offences committed against journalists carrying out their duties, in February 2021, senior prosecutors at the national level were instructed to use and disseminate to junior staff the Guidelines for Prosecutors on Cases of Crimes Against Journalists produced by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

81. The protection measures set out in articles 331 and ff. of the Code of Criminal Procedure are applicable to journalists who are at risk because they are victims or because they have participated in criminal proceedings as witnesses.

82. According to the statistical records, four investigations relating to proceedings brought against journalists suspected of libel and slander were initiated between 1 January 2020 and 30 September 2021.

83. The prosecutor's office has ordered the closure of several investigations into the alleged commission of offences against honour on the basis of the criteria set out by the Inter-American Court of Human Rights in the case of *Herrera Ulloa v. Costa Rica*.

84. There are no obstacles to the formation of trade unions in the banking sector, the Colón free trade zone or the domestic work sector. Only one union – not two – may be established per commercial company. However, there may be several occupational trade unions or workers' organizations of other kinds.

### **XIV. Migrants, asylum-seekers and refugees (arts. 2, 9, 10, 12–13, 26)**

85. In order to guarantee the right of access to justice for migrants, the first primary support agency, responsible for assisting migrants and victims of crime, was established in the community of Bajo Chiquito. However, as the route taken by migrants changed because of the measures put in place, the Public Prosecution Service has transferred the agency to the community of Canaán Membrillo.

86. With regard to the number of processed cases of offences against migrants in the Province of Darién, a total of 237 cases were registered in 2021, while 31 cases were registered up to 16 March 2022. A total of 35 people have been charged with various offences. Of these, 17 were placed in pretrial detention, 6 are subject to alternative measures to pretrial detention and 5 have been convicted.

87. The Darién prosecutor's office, as part of its investigation into the offences of rape and aggravated robbery, requested the National Migration Service to issue temporary permits on humanitarian grounds to one female and two male migrants who had been victims of crime. The permits were to last until the end of the oral hearing.

## XV. Rights of the child (arts. 16 and 23–24)

88. The Ministry of Education is continuing to implement the “Safe Schools – No to Bullying” programme as an appropriate preventive mechanism for promoting harmony in schools and raising awareness among everyone involved in the education system.

89. Panama has taken many measures to prevent and eradicate child labour at the national level. The following actions were carried out between 2015 and 2022:

- Strengthening the Committee for the Elimination of Child Labour and the Protection of Adolescent Workers, which is a tripartite body composed of 23 institutions
- Establishing the subcommittees of the Committee for the Elimination of Child Labour and the Protection of Adolescent Workers
- Establishing a national plan for the prevention and eradication of child labour – the “Hoja de Ruta para hacer de Panamá un país Libre de Trabajo Infantil” (Roadmap to Make Panama a Child-Labour-Free Country) – which was developed by the Committee for the Elimination of Child Labour and the Protection of Adolescent Workers
- Implementing the Direct Government Action Programme to Prevent and Eradicate Child Labour, which benefited 8,454 children and teenagers in all provinces and Indigenous regions between 2015 and 2022
- Implementing an awareness-raising programme, through which 34,249 people participated in a total of 1,685 workshops between 2015 and 2022
- Conducting inter-agency prevention and protection tours to monitor the situation of child labour and field visits at the national level to follow up on the actions carried out by the Ministry of Labour and Workforce Development to gradually eliminate child labour in conjunction with the Directorate of Labour Inspection, the Secretariat for Children, Teenagers and the Family and the National Police Unit for Children and Teenagers

### Field visits carried out between 2015 and 2022

<i>Year</i>	<i>No. of visits</i>	<i>No. of minors identified</i>
2015	48	113
2016	154	455
2017	153	192
2018	128	69
2019	154	134
2020	143	107
2021	231	106
2022 February	51	8
<b>Total</b>	<b>1 062</b>	<b>1 184</b>

90. With regard to sentences handed down, at the request of the Prosecutor’s Office No. 1 for Combating Organized Crime, Penonomé Trial Court in the Province of Coclé sentenced a Mr. Rojas to 80 months’ imprisonment at first instance as a main penalty and, as an accessory penalty, barred him from holding public office for three years for the offence of trafficking in persons for the purposes of labour exploitation, involving a teenage girl of the Ngobe Buglé ethnic group. Mr. Rojas was also ordered to pay compensation to the victim in the amount of 2,000 balboas (B), which sets a precedent for such offences.

91. Fact sheets detailing risks and guides to preventive measures issued by the National Statistics and Census Institute serve as practical tools that provide standardized and official information on dangerous tasks that are prohibited for children within a specific area of activity.

92. The Ministry of Labour and Workforce Development, in conjunction with the National Vocational Training Institute for Human Development, has developed a free course on the eradication of child labour for the staff of public and private institutions whose work involves identifying situations of child labour and taking steps to permanently remove children from such situations.

93. A website on child labour that brings together, in a single site, information on the work of public and private organizations that work to combat the problem has been developed. It is available to the general public free of charge and can be visited at [www.cetippat.gob.pa](http://www.cetippat.gob.pa).

94. The signing of cooperation agreements to prevent and eradicate child labour has made it possible to build partnerships with the associations Club Activo 20-30 and Fundación Casa Esperanza, enabling them to be strategic partners in the fight against child labour.

95. Complaints of domestic child labour may be submitted to a number of different agencies, including:

- The Directorate for Combating Child Labour and Protecting Adolescent Workers
- The 311 Support Centre
- The Directorate of Labour Inspection
- The National Police Unit for Children and Teenagers
- The Public Prosecution Service
- The National Secretariat for Children, Adolescents and the Family

96. A comprehensive community centre in the province of Herrera, in the district of Ocú, has been established in collaboration with the Fundación Benéfica Infantil and the Catholic Church. The centre covers five districts, making it possible for inter-institutional action to be taken to address child labour and for the financial capacity of children's families to be strengthened.

97. The State's commitment to preventing commercial sexual exploitation and providing support to underage victims is framed within its obligations under the Convention on the Rights of the Child and other treaties.

98. The purpose of the National Commission for the Prevention of the Sexual Exploitation of Children and Adolescents is to prevent and eradicate the sexual exploitation of children and adolescents in Panama through actions and strategies implemented by public agencies and non-governmental organizations. In 2018, the Commission focused its actions on working with its members to implement the various components of the national plan so that intersectoral activities could continue to be undertaken to strengthen the knowledge and skills of public servants who deal with underage victims of this offence on a daily basis.

99. Significant advances have been made in the area of prevention. In that connection, steps have been taken to raise awareness among socially vulnerable communities with the support of the Ministry of Social Development, the National Secretariat for Children, Adolescents and the Family, the Ministry of Education, church groups and non-profit organizations and associations. A total of 59 awareness-raising campaigns have been held throughout the country.

100. The Commission cooperates with the tourism sector through the Asociación Panameña de Hoteles and has put the Regional Action Group for the Americas, which works to prevent sex tourism in the region, in touch with the Panama Tourism Authority.

101. Contact has also been made with the working groups of the Central American Social Integration Secretariat so that relations can be established and good practices from other countries can be shared.

102. Panama has adopted the Organic Act on the Electoral Tribunal (No. 5 of 9 March 2016), which establishes that, in matters related to identity, the national directorates responsible for civil registration and the issuance of identity documents report to the Electoral Tribunal.

103. Articles 45 and 46 of the Civil Registration Act address the registration of the Indigenous Peoples. There are approximately 200 auxiliary registrars who live and work in the most isolated areas of the country. A total of 90 per cent of births, and the corresponding registrations, occur in hospitals and urban areas, while 10 per cent occur in homes or in isolated or remote areas of the country.

104. In 2011, under an agreement with UNICEF, the Electoral Tribunal began developing strategies for programmes of visits to areas in the Ngobe Buglé Indigenous region with low registration rates. These visits continued the following year and, in 2013, expanded to include the Emberá-Wounaan Indigenous region and the Province of Darién, where a large number of unregistered or undocumented people were identified. This project to address low registration rates has now become an ongoing programme that assists people living in isolated areas.

105. The Electoral Tribunal has offices in all provincial capitals, including 42 of its own offices. It has a total of 16 regional offices and 78 district offices in which services are provided by its three substantive directorates: the Directorate for Civil Registration, the Directorate for the Issuance of Identity Cards and Directorate for the Organization of Elections.

106. Bilateral cooperation agreements have been formalized to guarantee the right to an identity for nationals of Colombia and Costa Rica living along the borders with these countries. In this connection, support has been provided to more than 10,000 people since 2014.

107. On 5 December 2014, the Electoral Tribunal of Panama and the Supreme Court of Costa Rica signed an agreement to form joint registration teams to identify each other's nationals living in border areas and to exchange information on investigations into births and deaths.

108. The Civil Registry dealt with three cases of Panamanians born abroad who were stateless and one case of a migrant child found on the Panamanian border who was registered as a national by virtue of a court decision. The Civil Registry coordinates with the National Migration Service, which reports on births occurring in temporary migrant shelters. In 2020 and 2021, the births of 87 children of Haitian migrants were registered.

109. In order to ensure that identity documents are issued, the young person's identity card has been identified as the appropriate document for school enrolment at all levels of the education system. Such cards may be requested at any identity card office and have been issued to the vast majority of young people throughout the country, including those living in isolated communities and Indigenous regions and those attending public or private schools. A total of 90 per cent of young people have been issued with such a card. In Panama, the young person's identity card must be carried by all children aged 12 years or older.

110. All students with disabilities, of whom there are more than 23,000, hold a young person's identity card, which allows them to register with and obtain scholarship support from the Universal Educational Social Welfare Programme. Migrant students may present identity information in the form of a document issued on their arrival in the country or through the relevant government procedure.

## **XVI. Equality and non-discrimination and protection of the rights of persons belonging to ethnic minorities (arts. 2 and 25–27)**

111. With regard to the Barro Blanco hydroelectric project, since 21 February 2015, the United Nations Development Programme (UNDP) has chaired a dialogue between the Government of Panama and the traditional authorities of the Indigenous region of the Ngobe Buglé ethnic group, who were evicted in connection with the construction and execution of the project in the Province of Chiriquí. The Indigenous group pointed out that they had not been consulted about this project, which affects the delimited area of the Indigenous region. On 10 August 2015, the Government of Panama and the traditional authorities constituted by the Act on the Ngobe Buglé Indigenous Region agreed to establish a technical commission to jointly evaluate the project. The technical committee was made up of representatives of

the traditional Indigenous authorities and experts from EMPRESA CER, which has been contracted by the National Public Services Authority and represents the Panamanian State. The committee was chaired by UNDP. The technical team concluded that the dam is a safe project. In view of the progress made in the negotiations, the Public Services Authority authorized GENISA – the company that owns the project – to begin the trial filling of the reservoir between 24 May and 3 August 2016. The Barro Blanco hydroelectric project was launched in January 2017. Although it was opposed by some Indigenous groups of the Ngobe Buglé Indigenous region, it was authorized by their regional leaders. At present, the project remains in operation, and no reports have been received of any violent conflict associated with its operation.

112. Panama has seven constitutionally and legally recognized and identified Indigenous Peoples. In order to ensure that citizens in the Indigenous regions can effectively enjoy their rights, the Electoral Tribunal has organized and held elections for their respective authorities (7 deputies, 11 mayors, 79 district representatives and 5 councillors). These elections formed part of the national general elections of 2009, 2014 and 2019 and took place in an uninterrupted, free and democratic manner.

113. The Electoral Tribunal supported the organization, regulation and monitoring of the election of the traditional authorities of the Ngobe Buglé region held on 13 February for district delegates standing for the general congress, the regional congresses and the local congresses and the consultation for the election of the general, regional and local caciques. On 6 March 2022, it supported the organization, regulation and monitoring of the election of the governing boards of these congresses. For the second time, a woman, Elena Cruz Guerra, has been elected as the *Cacica General* (General Chief) of the Ngobe Buglé region, for the term running from 6 March 2022 to 5 March 2028.

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