



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Fourth periodic reports of States parties due in 2000

Panama*, **, ***

[Date received: 27 September 2016]

* The third periodic report of Panama is contained in document CAT/C/34/Add.9; it was considered by the Committee in its 332nd and 333rd meetings, held on 13 May 1998 (CAT/C/SR.332 and 333). For its consideration, see the Committee's concluding observations (A/53/44, paras. 206-219).

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

*** The annexes to this document may be consulted in the records of the Secretariat.



Introduction

1. The present document constitutes the fourth periodic report to the Committee against Torture regarding the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and has been drafted in line with the optional reporting procedure adopted by the Committee at its thirty-eighth session in May 2007 (A/62/44, paras. 23 and 24). The Government of Panama informed the Committee of its wish to avail itself of this reporting method in note verbale No. MPPG/517-2016.
2. The list of issues prior to reporting (CAT/C/PAN/Q/4), sent to the Government of Panama by the Committee on 15 June 2010, therefore forms the basis of this report.
3. The report was produced by means of a participatory process that was open to consultation with civil society and organized by the National Standing Committee, the body responsible for ensuring compliance with and follow-up to the national and international human rights commitments of Panama¹ whose functions include coordinating the preparation of the State party reports that Panama must submit to the United Nations treaty bodies.
4. To draft the report, the National Standing Committee established a sub-working group made up by representatives of the following agencies: the Ministry of Foreign Affairs, which heads up the Commission and serves as its technical secretariat; the Ministry of the Interior, the coordinator of the report; Ministry of Education; Ministry of the Office of the President; Ministry of Health; Ministry of Labour and Labour Development; Ministry of Social Development; Ministry of Public Security; the National Assembly; Supreme Court of Justice; Ombudsman's Office; National Statistics and Census Institute of the Office of the Comptroller General; National Secretariat for Children, Adolescents and the Family; Institute of Legal Medicine and Forensic Sciences; and the National Commission for the Prevention of Sexual Exploitation. The preliminary report was subject to consultation with civil society and the resulting recommendations were taken into account when producing the final document.

General context of the country

(a) Demographic context

5. According to the 2010 census, Panama has 3,504,483 inhabitants. Estimates for 2016 suggest that the country's population has grown to 4,037,043.
6. The Panamanian population is relatively young: 34.5 per cent of inhabitants are under 18 years of age, while 6.6 per cent are over 64 years old. In 2010, the total number of inhabitants under the age of 18 years was 1,208,529 (616,980 boys and 591,549 girls).
7. The country's main indigenous groups are Ngobe (63.2 per cent), Kuna (19.6 per cent), Emberá (7.6 per cent), Bugle (6.1 per cent), Wounaan (1.8 per cent), Teribe/Naso (1.0 per cent), Bokota (0.5 per cent) and Bri-Bri (0.3 per cent) (National Statistics and Census Institute, 2010).

(b) Economic context

8. In recent decades, Panama has been one of the few countries in the region to maintain sustained economic growth. Gross domestic product in 2014 was \$46.2 billion, resulting in growth of 6.1 per cent. The total unemployment rate in August 2015 was 5.1 per cent. The expansion of the Panama Canal will have a positive impact on the service-

¹ Executive Decree No. 7 of 17 January 2012 establishing the National Standing Committee for compliance with and follow-up to the national and international human rights commitments of Panama. *Gaceta Oficial*, the country's official gazette, No. 26953-A.

based economy. Public investment has fuelled the development of major productive infrastructures and public services.²

9. Indigenous areas face the most precarious conditions in the country and are characterized by high rates of poverty and extreme poverty, deficient public services, and political, cultural and social exclusion.

10. In recent years, significant progress in the economic, labour and social spheres has enabled the Government to meet the target of halving, between 1990 and 2015, the proportion of the population living on income of less than one Panamanian balboa (B1.00) a day, as indicated in the country's fourth progress report on the Millennium Development Goals.

Specific information on the implementation of articles 1 to 16 of the Convention

Reply to the issues raised in paragraph 1 of the list of issues (CAT/C/PAN/Q/4)

11. Act No. 1 of 2011 amended the Criminal Code to insert article 156-A, which reads: "Whomsoever inflicts physical or mental suffering on a person, for the purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty or for any other purpose, shall be punished with 10 to 15 years' imprisonment. The same penalty shall be applied to persons who use methods intended to obliterate the personality of the victim or to diminish his or her physical or mental capacities, even if they do not cause physical pain or mental anguish."

12. The aforementioned Act also amended article 156 of the Criminal Code, which relates to undue punishments that affect the health or dignity of persons deprived of their liberty, so as to increase the penalty in line with the seriousness of the offence.

13. The Government considers that the definition cited above complies with article 1 of the Convention, since, as can be seen, it contains all constituent elements of the offence of torture established in international norms, namely, that the acts must be committed with intent, for a particular purpose and must cause severe physical or mental suffering.

14. Moreover, article 4 of the Constitution states that the Government of Panama shall abide by the rules of international law. The Supreme Court has ruled that this provision obliges justice officials to uphold human rights treaties and conventions and the decisions of the Inter-American Court of Human Rights in this subject area. As a consequence, justice officials may make reference to the Convention and other international legal instruments in their decisions.

15. For example, the 20 February 2008 judgment handed down in the case brought against Yolanda Austin, James Bernard and Diomedes Kaa, who were convicted of offences against the administration of justice prejudicial to David Viteri, describes the concept of torture as follows: "Torture shall be understood to mean the commission of any intentional act inflicting physical or mental pain or suffering on a person for the purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty or for any other purpose. Torture shall also be understood to mean the use of methods intended to obliterate the personality of the victim or to diminish his or her physical or mental capacities, even if they do not cause physical pain or mental anguish."

16. In the period covered by this report, the offences of torture and ill-treatment have been the subject of at least six investigations, all of which resulted in a temporary stay of proceedings. Convictions have been handed down for these types of offences in at least four cases, the most recent being the 11 January 2016 decision of the second high court of the first judicial district of Panama. In that particular case, three persons were found guilty of degrading punishment, harassment and arbitrary measures (Criminal Code, art. 156), sentenced to 6 years' imprisonment and disqualified from holding public office for a period of 5 years. The decision is currently being appealed.

² National Statistics and Census Institute, 2015.

Reply to the issues raised in paragraph 2 of the list of issues

17. The State of Panama has aligned its definition of the offence of torture with the relevant international standards, such that all acts of torture constitute criminal offences. Furthermore, article 156 of the Criminal Code establishes that: “Any public official who subjects a person deprived of liberty to undue punishment that affects the person’s health or dignity shall be punished with 2 to 3 years’ imprisonment. If the act consists of degrading punishment, harassment or arbitrary measures, or if it is committed against a minor, the sentence shall be 5 to 8 years in prison.”

18. Articles 17, 48 and 82 of the Criminal Code are also applicable to these offences, meaning that attempts to commit such offences would also be punished. Participation and complicity are likewise punishable, in this case under articles 44, 45, 46, 82 and 81 of the Criminal Code.

Reply to the issues raised in paragraph 3 of the list of issues

19. The adversarial system of justice came into effect throughout the country as of 2 September 2016, following a gradual implementation process that lasted several years.

20. Act No. 63 of 2008, adopting the Code of Criminal Procedure, provides that pretrial detention may not exceed a period of 1 year (art. 12), except in cases in which the procedure for complex cases established in Section VII, Chapter IV of the Code of Criminal Procedure applies. In such cases, the pretrial detention period may be extended to up to 3 years.

21. The courts may authorize the use of this procedure at the request of the public prosecutor, in cases in which the proceedings are likely to be complicated by the range of different offences involved or the large number of defendants or victims and in cases involving organized crime (Code of Criminal Procedure, art. 502).

22. In the case of minors, article 65 of Act No. 40 of 1999, on the special regime governing juvenile criminal responsibility, establishes a maximum duration for pretrial detention of 9 months, without the possibility of extension, except in cases of first-degree murder, when it may be extended until the proceedings have concluded. However, in line with jurisprudence and in view of the adversarial system of justice now in force nationwide, a broad interpretation of the principles and guarantees of the juvenile criminal system has been adopted.

Reply to the issues raised in paragraph 4 of the list of issues

23. The Government of Panama recognizes that one of the main problems facing the prison system is the large number of persons who are deprived of their liberty while awaiting trial. The situation has, however, improved markedly in recent years. Thus, at the time of writing, the proportion of the prison population in pretrial detention had fallen from 63.4 per cent in May 2014 to 47.7 per cent.

24. For cases brought under the inquisitorial system of justice, a court decongestion programme has been developed under which priority is given to persons who have been detained while awaiting a court hearing and verdicts may be handed down, if not at the same hearing, at least within a reasonable time frame. In addition, 10 courtrooms have been established in the vicinity of the La Joya prison complex, which houses the largest number of pretrial detainees in the country, in order to facilitate the transfer of these cases.

25. In addition, the amendments introduced into the Code of Criminal Procedure reinforce the principle that pretrial detention should be seen as an exceptional measure, used only when all other precautionary measures are deemed inadequate (art. 238). Similarly, pretrial detention may now only be ordered for cases involving offences that carry a minimum prison term of 4 years (art. 237), whereas the Judicial Code that regulated the inquisitorial system of justice had permitted the use of pretrial detention for any offence that carried a minimum prison sentence of 2 years.

26. The revised Code of Criminal Procedure also establishes certain categories of persons for whom pretrial detention may not be ordered (unless special protective measures

are required), namely, pregnant or breastfeeding women, seriously ill persons, persons with disabilities and in a situation of vulnerability, persons aged 70 years or over, and drug- or alcohol-dependent persons who are participating in a rehabilitation programme run by a legally authorized health facility and for whom interruption of the programme could jeopardize their detoxification (Code of Criminal Procedure, art. 238).

27. Furthermore, article 291 of the Code of Criminal Procedure establishes that the investigation must be concluded within a maximum of six months from the date the charges are brought — a stipulation which is undoubtedly helping to expedite the process.

28. Statistics available from the judicial districts in which the accusatory system of justice was first introduced reveal that these provisions have helped to reduce the number of persons deprived of their liberty without having been convicted. The new system has been a catalyst for the use of precautionary measures other than pretrial detention; for example, in the second judicial district, from the entry into force of the accusatory system of justice until June 2016, 3,866 precautionary measures were ordered, of which only 27 per cent involved pretrial detention; in the third judicial district, only 28 per cent of the 622 precautionary measures ordered were pretrial detention; and in the fourth judicial district, pretrial detention represented 21 per cent of the 1,618 precautionary measures ordered.

29. The number of pretrial detainees as a proportion of total prisoners has also decreased since the accusatory system came into effect. In the second judicial district, the proportion of pretrial detainees was 49 per cent under the inquisitorial system but is just 18 per cent under the accusatory system, a figure equating to a 63 per cent reduction. Similarly, in the third judicial district, while the proportion of pretrial detainees under the inquisitorial system was 52 per cent, this figure has fallen by 37 per cent to 33 per cent since the accusatory system was introduced. In the fourth judicial district, the proportion of pretrial detainees was 81 per cent under the former system but under the new system this number has fallen to 43 per cent, a reduction of 47 per cent.

30. There has also been a significant decrease in the length of trial proceedings — a reduction which is helping to reduce the amount of time a person spends in pretrial detention. For example, whereas in the year prior to the introduction of the accusatory system the average time it took for a decision to be reached in first-instance proceedings in the second judicial district was 278 days, at the time of writing, this average had been reduced to 82 days. In the third judicial district, the former average was 422 days and the new average is 18 days; and in the fourth judicial district, the average has been reduced from 170 days under the inquisitorial system to 86 days under the new system.

31. Bill No. 245, which reforms the Judicial Code, the Criminal Code and the Code of Criminal Procedure with a view to reducing prison overcrowding and contains measures intended to reduce the use of pretrial detention, is currently at second reading in parliament.

32. The Institute for Interdisciplinary Studies currently accommodates 614 young persons deprived of liberty (including those who were sentenced under the juvenile criminal justice system but, having reached the age of majority, are now being held in adult centres). Of this total, 202, or 32 per cent, are in pretrial detention.

33. Article 62 of Act No. 40 establishes that pretrial detention may be used only as an exceptional measure. Article 61 sets out the specific cases in which the public prosecutor may order this measure, namely: when the criminal activity involves first-degree murder; grievous bodily harm with intent; bodily harm resulting in death; robbery; kidnap; rape; illegal drug trafficking; illegal possession and sale of weapons and explosives; illegal association with or formation of criminal gangs; extortion; and terrorism; and when there is a proven need for a precautionary measure. Pretrial detention is also admissible when the following conditions have all been met: the juvenile has not complied with the precautionary measure imposed and is him- or herself responsible for this failure; and pretrial detention is permissible for the offence under investigation under ordinary criminal law.

34. Article 63 establishes the “maximum priority” rule whereby prosecutors and judges in juvenile criminal courts are required to give maximum priority to processing cases involving juveniles who have been placed in pretrial detention.

Reply to the issues raised in paragraph 5 of the list of issues

35. Article 21 of the Constitution of Panama establishes that: “No person may be deprived of their liberty, except by written order of a competent authority, issued in accordance with legal formalities and on grounds previously defined by law. Persons executing such orders are required to provide the interested party with a copy, if requested. Offenders caught in flagrante delicto may be apprehended by any other person and must immediately be turned over to the authorities.”

36. Article 22 of the Constitution states that: “All persons placed under arrest must be immediately informed, in a manner which they understand, of the reasons for their arrest and of their constitutional and legal rights”. This article also enshrines the right to be presumed innocent and to be assisted by a lawyer. Article 25 establishes the right not to be compelled to testify against oneself, one’s spouse or one’s relatives to the fourth degree of consanguinity or second degree of affinity.

37. Article 10 of the Code of Criminal Procedure recognizes the right to be defended, whether by a suitable defence lawyer of the defendant’s own choosing or by a public defender assigned by the State. Article 93 of the Code sets out other rights of the defendant including the right to be informed of the reason for his or her arrest, the right to communicate with a person of his or her choosing, the right to receive medical assistance and the right to have access to legal assistance.

38. In practice, if the arrest is made by officers from the Criminal Investigation Department of the National Police, arrestees are taken for a medical evaluation and then brought before the Public Prosecution Service, at which point the officers are required to submit a report confirming the results of the medical evaluation and that the detainee has been informed of his or her rights, has eaten during the period of detention and has not been ill-treated by police officers.

39. Under the former inquisitorial system, prior to taking down the defendant’s statement, the investigating prosecutor would seek confirmation as to whether his or her rights had been respected, at which point the detainee would have the opportunity to report any actions to the contrary.

40. Lastly, in order to guarantee respect for the rights of persons detained in flagrante delicto, the Directorate General of the Prison System has adopted a code of conduct for prison officials who are first at the scene of a possible offence committed within the confines of a prison. It establishes that, when detaining persons in flagrante delicto, prison officers must inform the accused of their rights and record this in the official notice of detainee rights, which must be duly signed by the arrestee. The Panamanian Air and Naval Service has also developed a standardized guide for first responders to regulate in flagrante delicto arrests. This guide is currently in the consultation phase.

Reply to the issues raised in paragraph 6 of the list of issues

41. Please refer to the previous paragraph for details regarding the information that should be provided to detained persons about their right to be assisted by counsel of their choosing and to receive free legal aid if they cannot afford a lawyer.

42. In addition, all prisons around the country put up signs in their common areas outlining the rights and obligations of the prison population and the disciplinary code in force and providing information about procedures for commutation of sentence through study days, employment or parole (Act No. 55 of 2003, art. 49).

Reply to the issues raised in paragraph 7 of the list of issues

43. Act No. 18 of 1997, the Organic Act on the National Police, regulates the use of force by police officers. Article 19 of the Act states that: “The use of force is limited to cases in which it is strictly necessary for the accomplishment of legitimate objectives”. Similarly, article 29 prohibits the use of police batons to hit persons on the head, the spine, the sternum, the kidneys or the genitals; to impede the breathing of the person apprehended; or to carry out actions that could dislocate the subject’s joints or cause bone fractures.

44. Furthermore, in its decision of 29 November 2011, the Supreme Court in plenary declared unconstitutional article 1 of Act No. 74 of 29 October 2010, modifying Act No. 18 of 1997, the Organic Act on the National Police, which had enabled national police officers who used excessive force on the pretext of compliance with their duties to avoid having interim measures such as suspension or pretrial detention imposed upon them during investigations.

45. After the aforementioned amendment to article 156 and adoption of article 156-A, appropriate penalties were created to reflect the seriousness of the offence of torture or cruel, inhuman or degrading treatment. In addition, article 441 of the Criminal Code establishes a penalty of 20 to 30 years' imprisonment for perpetrators committing widespread or systematic acts of torture against a civilian population.³

46. Acts committed by members of the National Police that prejudice the rights of a third party are punishable under the police internal disciplinary code. After the disciplinary procedure has been conducted and if the evidence indicates that the officer concerned is culpable, punishment is handed down in accordance with the seriousness of the offence. One possible sanction is to recommend that the offending officer be removed from service. In addition, police officers receive training on human rights and the use of force, details of which are provided in the annexes.

47. State prison officers are prohibited from using all forms of disciplinary measures that constitute cruel or degrading treatment, including corporal punishment, the withholding of food, confinement in a dark cell, the use of handcuffs, shackles, chains or straitjackets as a form of punishment, and any other procedure that compromises the dignity of the person deprived of liberty (Act No. 55 of 2003, art. 73).

48. Furthermore, Act No. 42 of 2016, establishing the prison career structure and other provisions, creates a merit-based system of entry and promotion for staff of the Directorate General of the Prison System and the Institute for Interdisciplinary Studies, thereby ensuring that suitably trained and able persons are recruited for prison work. Under the Act, prison officers are prohibited from using "torture or cruel, inhuman or degrading treatment against persons deprived of liberty or juveniles in custody or serving sentences". As part of the process of implementing the Act, a disciplinary code will be adopted that sets out the administrative penalties for such conduct, taking into account the seriousness of the offence. As regards the prison career structure, the Act will enter into force on 15 September 2017.

49. The basic training provided to prison officers by the Prison Training Academy now includes a module on the prevention of torture, the aim being to ensure that officers have a basic understanding of how to prevent these types of issues from arising in the country's prisons. The subject is also covered in the induction programme for all new prison staff.

50. There are also various mechanisms through which persons deprived of liberty and their family members may make complaints. These include the prison mailbox, the 311 telephone hotline, the Department of Human Rights and the Dignity of Public Officials and Consumers, which is attached to the Ministry of the Interior, and the Ombudsman's Office, which conducts regular visits to the various prisons around the country. There is not as yet any system in place for reporting complaints of acts of ill-treatment or torture committed by prison officials.

51. A bill to establish a national preventive mechanism under the Optional Protocol to the Convention against Torture was recently introduced before the National Assembly. Once adopted, the mechanism will contribute to the prevention of torture in prisons and other places of detention.

³ Article 441: "Any person who commits or has knowledge of and, having the means to do so, does not prevent the commission of the following acts shall be punished with 20 to 30 years' imprisonment when such deeds result in: 1. [...] (6) Torture."

Reply to the issues raised in paragraph 8 of the list of issues

52. The Government of Panama recognizes that domestic violence continues to affect Panamanian society, as can be seen in the statistics that follow. As a result, the Government has adopted various measures to tackle the problem.

53. Statistics for domestic violence cases compiled by the Office of the Special Prosecutor for Family Law Cases are as follows: 4,707 cases recorded in 2010; 4,780 in 2011; 3,581 in 2012; 16,660 in 2014; and 20,516 in 2016 (see annexes). Data from the Judicial Authority's criminal circuit and municipal courts relating to offences of domestic violence against women are as follows: 3,773 cases brought in 2010; 5,721 in 2011; 2,681 in 2012; 7,263 in 2013; 7,840 in 2014; and 8,308 in 2015 (see annexes).⁴

54. Since the creation of Act No. 82 of 2013, which criminalizes femicide and is referred to at greater length later in this document, statistics on the number of killings of women recorded by the Public Prosecution Service are as follows: in 2014 a total of 39 cases were recorded, 25 of which were femicide, 13 attempted femicide and 1 violent death; in 2015 there were 66 cases, of which 29 were femicide, 17 attempted femicide and 20 violent deaths; and between 1 January and 21 August 2016, 27 cases were investigated, of which 15 were cases of femicide, 4 attempted femicide and 8 violent deaths. To date, there have been five convictions for femicide, five for attempted femicide and two acquittals, one each for femicide and attempted femicide (see annexes).

55. During the period covered by the report, Act No. 38 of 2001 was adopted to strengthen measures of protection for victims of domestic violence. The Act supplemented and amended certain of the articles of the Criminal Code and the Judicial Code, and repealed some of the articles of Act No. 27 of 1995, the country's first law dealing with the offence. Among other reforms, the term "intrafamily violence" was replaced with "domestic violence" and the definition of the family enshrined in Act No. 27 was broadened to include persons in cohabiting relationships based on ties of a contractual nature.

56. Subsequently, the National Institute for Women was created through Act No. 71 of 2008 as a decentralized public body responsible for ensuring compliance with legal instruments, international agreements ratified by Panama and all other national laws and regulations relating to equality of opportunity for women. Among its functions, the Institute provides guidance and advice for victims of domestic violence.

57. In addition, in 2009, the National Observatory on Gender-Based Violence, attached to the Ombudsman's Office, was created. The Observatory comprises both government organizations and civil society and its functions include: helping to gather, analyse and disseminate regular, homogeneous and harmonized information on gender-based violence in Panama; helping to modernize and update information systems and creating databases that serve as reference tools for monitoring domestic violence in Panama; acting as a consultative body and contributing to the design of policy proposals for different areas with the aim of preventing, punishing and eradicating gender-based violence and improving the situation of women victims thereof.

58. Act No. 82 of 2013 has also been enacted. Its aim is to "safeguard the right of women of any age to a life free from violence, protect the rights of women victims of violence in the context of unequal power relationships, and prevent and punish all forms of violence against women" (art. 1).

59. Act No. 82 guarantees a series of rights for women victims of violence and establishes obligations for the State to fulfil the Act's objectives. The Act also created the National Committee on Violence against Women, an inter-agency body headed up by the National Institute for Women and responsible for policies relating to the prevention and elimination of violence against women and for inter-agency coordination on the issue.

⁴ It should be noted that the figures provided by the Public Prosecution Service show the cases that were investigated, while the data from the courts relates to cases that reached plenary stage.

60. The Act also establishes specific obligations for the different State agencies regarding the prevention, treatment and elimination of violence against women, and introduces a raft of reforms to the Criminal Code in order to address issues related to violence against women, foremost among them being the introduction of femicide as a discrete criminal offence.

61. The Government acknowledges that no implementing regulations have as yet been drawn up for this Act. However, through Executive Decree No. 462 of 12 August 2015, an inter-agency commission was established for that purpose. The commission has developed and submitted draft regulations which are currently undergoing consultation prior to their approval.

62. Furthermore, under the Code of Criminal Procedure the Public Prosecution Service is assigned responsibility for ensuring that victims are protected throughout criminal proceedings. For this purpose, it relies on the Secretariat for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings, which is overseen by the Secretary General of the Attorney General's Office. The Secretariat's functions include supervising, in line with technical criteria, the conduct of the individual units responsible for the protection of victims, witnesses, experts and other participants in criminal proceedings which are located in different regions around the country.

63. Each unit has an interdisciplinary team comprising psychologists, social workers and lawyers. At the request of prosecutors, the team works from the outset with the victim and other persons indirectly affected, even accompanying them to court and monitoring the protection measures put in place for them. There are currently 10 units nationwide, each of which has a general code of conduct and a protocol for providing comprehensive support to victims and witnesses of offences against liberty and sexual integrity. In addition, six *Gesell* chambers have been established around the country to reduce the risk of revictimizing persons affected by such offences.

64. The Public Prosecution Service has also created the Secretariat for Human Rights, Gender and Access to Justice, the remit of which is to promote equal opportunities, access to justice and gender equality by developing institutional policies for equality. Likewise, the Judicial Authority has created the Gender and Access to Justice Unit to serve as the administrative unit responsible for promoting cross-cutting policy on access to justice, including for children, women, persons with disabilities, indigenous peoples and other population groups.

65. In view of the increase in femicides borne out by the data provided, in 2015 various State agencies, among them the National Institute for Women, Public Prosecution Service, Supreme Court, National Police, Ministry of the Interior, Ministry of Public Security, Ministry of Social Development and Ombudsman's Office, signed an inter-agency agreement on implementing immediate preventive measures to combat femicide and coordinating prevention of all forms of violence and support for women victims. The specific commitments of the agreement include: the allocation of funding for year-round campaigns; the formulation of implementing regulations for Act No. 82 of 2013; the introduction of electronic bracelets as a means of ensuring that a certain distance is maintained between women victims of violence and their aggressors; the creation of a single record system in the Public Prosecution Office for monitoring and following up on protection measures; the setting up of special police units for women around the country; and the development by the Ministry of Health of an electronic system for logging suspected cases of violence.

66. A national inter-agency protocol on women victims of intimate partner violence has also been established to improve the response and conduct of agencies involved in cases of violence against women by providing for better investigation, protection and support for women victims of this type of violence. The National Police and the Public Prosecution Service are also formulating a cooperation protocol for handling cases of gender-based violence.

67. In 2015 and early 2016, comprehensive care centres for women were set up across the country to provide advice and support for women victims of violence in all its forms and help to build women's capacities and autonomy. In the Emberá, Wounaan and Ngobe-

Bugle regions, efforts have been made to ensure that the centres provide support in indigenous languages, thereby enabling women from those population groups to access the services offered.

68. Another protection measure implemented has been to strengthen the capacity of shelters in the provinces of Panamá, Colón and Chiriquí to provide support to victims of violence seeking refuge and protection for themselves and their children after having been assaulted by their partner.

69. A diverse range of awareness-raising campaigns have been conducted, including the following: “Panama, Unite: Say No to Violence against Women” (Panamá, Únete: Dile No a la Violencia Contra las Mujeres); “Zero Abuse” (Maltrato Cero); “Don’t Cover it Up, Report it” (No lo Maquilles, denúncialo); “Don’t Hit Me” (No me Pegues); “Until Death Do Us Part: Stop Femicide” (Hasta que la Muerte nos Separe: Alto al Femicidio); and “Count Me In ... Stop Violence against Women” (Yo me sumo ... contra la violencia a la mujer). Indigenous-language videos, a radio programme and radio adverts aimed at preventing violence against women are also broadcast.

Reply to the issues raised in paragraph 9 of the list of issues

70. The Public Prosecution Service recorded 4,006 alleged offences against liberty and sexual integrity in 2012, and 4,021 cases in 2013, of which 1,812 involved victims who were minors. The Judicial Authority, for its part, recorded a total of 1,581 cases in 2010; 1,482 in 2011; 1,585 in 2012; 1,488 in 2013; 1,645 in 2014; and 2,297 in 2015 (see annexes).

71. To tackle the problem, the Criminal Code punishes persons who commit or allow the sexual abuse of minors; even if the abuse does not involve a carnal act, it constitutes an offence against liberty and sexual integrity and is punishable, on a par with rape and other sexual offences, with 10 to 15 years’ imprisonment (Criminal Code, art. 175; Family and Minors’ Code, art. 501).

72. This type of act is also considered child abuse under the Family and Minors’ Code. As a consequence, any person with knowledge of a case of abuse has an obligation to report it to the competent judicial or administrative authority, and may do so anonymously. Tacit consent for or unjustifiable failure to prevent abusive acts will be considered complicity in the abuse (Family and Minors’ Code, arts. 502-504).

73. Any hospital worker who becomes aware that a child or adolescent has been a victim of assumed abuse must bring the matter to the attention of the competent authorities (Executive Decree No. 21 of 1998). To ensure compliance with this measure, the Ministry of Health has created forms for reporting suspected cases of domestic violence, which includes the sexual abuse of minors.

74. The National Secretariat for Children, Adolescents and the Family, a specialized decentralized State agency founded by Act No. 14 of 23 January 2009, is responsible for coordinating, overseeing, implementing and monitoring compliance with policies for the comprehensive protection of the rights of children and adolescents. Its objective is to strengthen the capacities of public entities, local governments and NGOs for designing and implementing specialist programmes, as and when the need arises, that provide comprehensive support to child and adolescent victims of any type of abuse, violence, neglect or exploitation and thus contribute to the restoration and defence of their rights. The National Secretariat has a dedicated department for protection from abuse and violence which, among its other tasks, works to raise awareness of the Protocol on Comprehensive Care for Child and Adolescent Victims of Sexual Violence by linking up with other governmental organizations and civil society.

75. At the local level, the San José de Malambo Home, a member organization of the National Commission for the Prevention of Sexual Exploitation, runs a programme called “Your Dignity Counts” (Tu Dignidad Vale), under which an interdisciplinary team works in coordination with different governmental bodies to provide physical and psychological care for victims of sexual abuse and exploitation.

Reply to the issues raised in paragraph 10 of the list of issues

76. The Government reiterates its commitment to combating human trafficking in all its forms and has adopted various measures to tackle this scourge.

77. Firstly, it enacted Act No. 79 of 9 November 2011 on trafficking in persons and related activities with the purpose of adopting measures for the prevention and punishment of the offence of trafficking in persons, the provision of care and support for trafficking victims and the reinforcement of State policies concerning these types of acts.

78. The Act created the National Commission to Combat Trafficking in Persons, which is composed of State institutions and representatives from the private sector. The Commission is responsible for designing the National Policy to Combat Trafficking in Persons and the National Plan to Combat Trafficking in Persons and ensuring compliance with international human rights instruments ratified by Panama that concern the issue of human trafficking.

79. A series of human trafficking-related amendments to the Criminal Code was also introduced by the Act, the most important of them being the adoption of a definition of the offence of trafficking in persons in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

80. The Act also provided for the creation of the Office of the Special Prosecutor against Organized Crime, with national jurisdiction and responsibility for initiating investigations and pretrial proceedings, as well as for prosecuting perpetrators of the offence of human trafficking. At the operational level, a division to combat trafficking in persons has been set up within the Criminal Investigation Department of the National Police.

81. The National Plan to Combat Trafficking in Persons was adopted through Executive Decree No. 464 of 2 July 2012. The Plan has three central thrusts: the prevention of trafficking; the prosecution and conviction of traffickers; and the protection and care of victims.

82. The International Organization for Migration and the United Nations Office on Drugs and Crime also provide regular support in the form of training for public officials whose duties relate to combating human trafficking. Officials who have taken part in such training include those from the Public Prosecution Service, National Police, National Migration Service, Judicial Authority, National Customs Authority, Ministry of Health, Ministry of Education, National Border Service, National Secretariat for Children, Adolescents and the Family, National Institute for Women, Institute of Legal Medicine and Forensic Sciences and representatives of universities. A total of 930 persons have been trained (see annex).

83. The Migration Academy run by the National Migration Service provides training for the international diploma in migration-related careers and the diploma in criminal investigations, which has an emphasis on trafficking in persons (Act No. 3 of 2008).

84. To enhance prevention efforts, the Government of Panama has implemented the Blue Heart Campaign against Human Trafficking, which was designed to foster large-scale participation in the fight against trafficking and to show solidarity with victims of the offence. As part of the campaign, signs have been put up on main streets and inside Copa Airlines aircraft. Moreover, the World Day against Trafficking in Persons is commemorated on 30 July each year and, during the month of September, a diverse range of activities is carried out as part of anti-human trafficking month.

Statistical data

85. The Statistics Centre of the Public Prosecution Service reports that, in 2014, a total of 16 cases were investigated. In five of these cases prostitution and other forms of sexual exploitation (31 per cent) were involved and all the victims were women (100 per cent). In the remaining 11 cases, trafficking for the purposes of labour exploitation (69 per cent) was involved; four of the victims were women (36 per cent) and seven were men (63 per cent).

86. For 2015, the figures were as follows: 14 investigations, of which 8 corresponded to prostitution or other forms of sexual exploitation (57 per cent) and 6 involved trafficking for the purposes of labour; 50 victims in total, of which 43 were women involved in the cases of prostitution or other forms of sexual exploitation (100 per cent of victims) and the other 7 (4 women and 3 men) were linked to the labour exploitation cases. For the period January to April 2016, four cases were under investigation (see annex, table 34).

87. To date, a total of eight persons have been convicted in three cases of trafficking in persons for the purposes of sexual exploitation.

88. At the time of writing, no Panamanian public officials have been investigated, prosecuted or convicted for complicity in the offence of trafficking in persons or related activities.

89. Since 2014, 40 raids have been conducted as part of investigations into this offence. As a result, 13 organizations have been dismantled, 20 persons have been arrested and around 120 victims have been rescued.

Reply to the issues raised in paragraph 11 of the list of issues

90. The Government of Panama recognizes that children are particularly vulnerable to human trafficking.

91. The Public Prosecution Service investigates cases of sexual exploitation involving specific behaviours such as child pornography, sex tourism, sexual activity between an adult and a minor under the age of 18, procurement and indecent exposure in public and private performances — all of which are considered activities connected to trafficking in persons.

92. For the identification of specific offences and the care of trafficking victims, within the National Commission a victim identification and care unit was established through Act No. 79 of 2011. The unit is responsible for the identification and primary care of possible trafficking victims. An administration unit has also been set up to manage the fund for victims of human trafficking.

93. Victims of trafficking are currently cared for by the Public Prosecution Services' units for the protection of victims, witnesses and other participants in criminal proceedings. If the victim is foreign and undocumented, the units work with the National Migration Service to expedite the issue of identity documents. If the victims are found to be minors, they receive support from a psychologist and a social worker and the juvenile courts and authorities such as the National Secretariat for Children, Adolescents and the Family are notified so that the protection measures and shelter that may be necessary for such victims can be provided.

94. The core remit of the department for protection from abuse and violence of the National Secretariat for Children, Adolescents and the Family is to ensure that the violated rights of victims are restored, placing emphasis on raising awareness of the protocol on caring for victims of sexual exploitation. The National Secretariat was notified of two cases in which persons appearing to be under the age of majority had been victims of trafficking for the purposes of sexual exploitation. In both cases, the victims were repatriated to their countries of origin (Nicaragua and Costa Rica).

95. In the National Migration Service, the humanitarian affairs section of the migration services department is responsible for expediting migration formalities and proceedings involving children and adolescents. Along with the legal advice department, it is also charged with carrying out assessments of foreign nationals who request humanitarian assistance. There are currently 14 members of the National Border Service's juvenile unit who are experts in preventing the trafficking of children and adolescents.

96. Women trafficking victims who are in need of accommodation are housed in the shelters run by the National Institute for Women mentioned previously. However, no shelter exists for men who find themselves in a similar situation. To address that deficiency, in the course of 2016 the Government plans to begin construction of a shelter for victims of

trafficking with capacity for 30 persons and staffed by personnel specializing in the provision of care for victims of this offence.

97. Act No. 79 guarantees a series of rights for trafficking victims, including the right to voluntary, safe repatriation to their country of origin or previous country of residence. This right, which is guaranteed for any victim who requests it, involves cooperation with the consulates and police authorities of the country of origin. Once the Decree adopting the implementing regulations of Act No. 79 has been promulgated, a procedure for the exercise of this right will be established.

98. The Criminal Code punishes the offence of child sex tourism with 8 to 10 years' imprisonment, even in cases where the act was not consummated. Moreover, the penalty would be increased by up to half the maximum term if the victim was under 14 years of age or a person with disabilities.

99. To prevent sex tourism, in 2014 and 2015 the National Commission for the Prevention of Sexual Exploitation funded the "I am not a Toy" (No soy un juguete) campaign, the aim of which was to raise awareness at Tocúmen International Airport (through digital screens, monolith signs at entrances and exits to the terminal buildings and in stairways leading to immigration control) that child sex tourism is an offence that, with aggravating circumstances, could carry a prison term of 15 years.

Reply to the issues raised in paragraph 12 of the list of issues

100. Panama belongs to the Regional Coalition against Trafficking in Persons, which is composed of representatives of the national commissions against trafficking in persons of the various countries in the region. The coalition constitutes a forum for exchanging information and establishing common guidelines for action. Furthermore, the security services of Panama participate in information-sharing mechanisms with institutions in other countries involved in the investigation of trafficking offences.

101. In order to centralize information related to human trafficking, the implementing regulations of the relevant Act establish that the various institutions must submit information to the National Commission to Combat Trafficking in Persons on a quarterly basis.

102. Issues related to the prosecution and punishment of those responsible and the protection of the human rights of victims of trafficking have been addressed in the reply to the issues raised in paragraphs 10 and 11.

Reply to the issues raised in paragraph 13 of the list of issues

103. On 31 March 2004, Act No. 16 of 2004 was adopted with the aim of protecting minors against acts of sexual exploitation of any form through the establishment of preventive and punitive measures.

104. The preventive measures adopted included the establishment of the National Commission for the Prevention of Sexual Exploitation (CONAPREDES) — an expert inter-agency administrative body tasked with studying mechanisms for preventing and eradicating sexual exploitation. Although some of the provisions of Act No. 16 of 2004, establishing CONAPREDES, were subsequently amended, the Commission continues to exist and meets regularly to monitor the implementation of public policy for the prevention of sexual exploitation.

105. In 2013, in order to make the Commission's work more effective, a cooperation agreement was signed with the company Tocumen, S.A. through which funds are provided to CONAPREDES to enable it to carry out its functions. Also, in 2014, a framework agreement on technical and scientific cooperation, which provided for the establishment of the Observatory on Sexual Exploitation, was signed with the University of Panama.

106. Thanks to agreements signed with various sectors of the economy, including the communications media and tourism associations, it has been possible to address the issues in different ways (e.g. through regional and national forums and courses, seminars, workshops, round tables and debates) and to strengthen the institutional capacity of private

companies and NGOs to detect cases. Television, radio and print media campaigns aimed at the general public have also been carried out.

107. The subjects covered in the academic parts of these agreements include: the legal framework applicable to sexual exploitation; child pornography and the appropriate use of technology; the binding nature of international conventions in the framework of child rights' protection; and raising awareness of sexual violence, with an emphasis on non-revictimization.

108. The regulations that provide for the punishment of sexual exploitation were initially adopted through Act No. 16 of 2004 but subsequently replaced by Act No. 14 of 2007, adopting the Criminal Code. They are now contained in Chapter II, Section III of the Criminal Code (arts. 179-191) on the corruption of minors, commercial sexual exploitation and other criminal behaviours.

109. Act No. 26 of 2008 added article 180 to the Criminal Code, which establishes that the offence of commercial sexual exploitation is punishable with 4 to 6 years' imprisonment and a fine equal to 150 to 200 days' wages, with aggravating circumstances applying when the victim is a child or adolescent. The offence is equivalent to procurement.

110. The records of the Public Prosecution Service indicate that 44 cases of commercial sexual exploitation of children and adolescents were recorded in 2010, 27 cases in 2011 and 13 cases in 2012 (see table 22 of the annexes)

Reply to the issues raised in paragraph 14 of the list of issues

111. The Ombudsman's Office was established by Act No. 7 of 1997 and was subsequently given constitutional status. Its function is to protect the fundamental rights and freedoms enshrined in the Constitution, in international human rights treaties and in legislation through non-judicial oversight of the deeds, acts and omissions of public servants and providers of public services.

112. The Ombudsman, or any authorized official attached to the Ombudsman's Office, may inspect any public institution, including law enforcement, prison and psychiatric institutions, and cannot be denied timely access to any State office or any file or document related to the investigation (Act No. 7 of 1997, art. 27).

113. In order to fulfil this mandate, the Office for Persons Deprived of their Liberty was set up in 2001 to investigate complaints lodged by persons deprived of their liberty or members of their family. The Office also monitors the various prisons in the country on a weekly basis and inspects temporary detention centres, police substations, detention and custody centres for adolescents, and shelters for migrants, older adults, children and adolescents. On the basis of these visits, the Ombudsman's Office issues special, themed reports on the various problems identified.

114. To cite just a few examples, in 2003 the Ombudsman's Office published a report providing a preliminary analysis of prison census data in the Republic of Panama, which was the first census study of the prison population carried out in Panama. A special report of the Ombudsman's Office of the Republic of Panama on the quality of water for human consumption was published in 2004, and the first follow-up report on the critical situation existing at La Chorrera State prison was published in the same year.

115. In addition, the Ombudsman's Office issued a special report on the situation in prisons in the interior of the country in 2005; a special report on the right to health in prisons in 2008; and a special report on complaints of alleged acts of torture and cruel, inhuman and degrading treatment in prisons in Panama, also in 2008. A special report on the prison population of indigenous ethnic groups in the Republic of Panama and their social, legal and custodial situation was published in 2009; an overview of the Panamanian prison system containing analysis and proposals was published in 2011; and a report on the inspection carried out on Punta Coco Island, which describes the detention conditions of the six persons living in cells built on this island, was published in 2015.

116. The Ombudsman's Office, in conjunction with other institutions, also organizes training days for officials working in the prison system and members of the national police

force. This training is intended to raise awareness of international standards for the protection of human rights applicable to persons deprived of their liberty.

117. The national mechanism for the prevention of torture, which is in the process of being set up, will be attached to the Ombudsman's Office.

(a) Measures taken to strengthen the Ombudsman's Office and enhance its capacity to hear and investigate complaints

118. The Ombudsman's Office deals not with formal, legal complaints but with non-judicial complaints. It has a dedicated administrative unit responsible for processing, responding to and investigating complaints filed by citizens.

119. It also has specialized units focusing on the rights of specific vulnerable groups, including persons with HIV/AIDS, children and adolescents, women, persons with disabilities, older persons, migrants and indigenous peoples.

120. To handle complaints received from persons deprived of their liberty or members of their family, the Ombudsman's Office established an office specializing in prison-related issues in 2001.

121. To improve its capacity to deal with and investigate complaints filed by citizens, the Ombudsman's Office has established 11 regional offices (1 per province, with the exception of Panama province, which has 2 offices). It has also created a space on its website where anyone can make a complaint without needing to travel to one of its offices.

(b) Number of complaints received by the Ombudsman's Office and time taken to investigate and respond to these complaints. Nature of the complaints and whether any of them involved allegations of torture or cruel, inhuman or degrading treatment of prisoners or other individuals

122. The Ombudsman's Office received 927 complaints in 2010, 1,141 in 2011, 1,140 in 2012, 983 in 2013, 686 in 2014 and 1,081 in 2015.

123. With regard to the nature of the complaints received, many concern violations of the right of petition (i.e. when the authorities fail to respond to a request for information), unfair dismissal or refusal to pay employment benefits, among others.

124. With regard to the number of complaints received by the Office for Persons Deprived of their Liberty, statistics for the period 2006-2012 are set out in the annexes. A total of 220 complaints, including 1 case of ill-treatment, were received for the year 2012-2013; 102 complaints, none of which involved torture or ill-treatment, were received for the year 2013-2014; and 75 complaints, including 2 cases of ill-treatment, were received for the year 2014-2015.

125. With regard to the nature of the complaints received, in the case of persons deprived of their liberty the most frequent issues are lack of medical care and timely access to medical services, lack of medicines in prisons, judicial delays, violations of the right to adequate nutrition and round-the-clock access to safe drinking water, the effects of overcrowding, failure to treat relatives with dignity, and failure to provide the benefits due under prison-related legislation in a timely manner.

126. The time that it takes the Ombudsman's Office to investigate and deal with complaints may vary from case to case. Some situations can be resolved quickly while others may take longer.

Reply to the issues raised in paragraph 15 of the list of issues

127. Panamanian law does not expressly address and define as a criminal offence actions carried out by persons who receive wages or payment for working or providing services as a mercenary.

Reply to the issues raised in paragraph 16 of the list of issues

128. Panama ratified the United Nations Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967 through Act No. 5 of 26 October 1977. The procedure for determining refugee status was established through Executive Decree No. 23 of 10 February 1998.

129. In the Republic of Panama, applications for refugee status are submitted to the National Office of Refugee Affairs, which is attached to the Ministry of the Interior and is responsible for collecting information relating to applications for refugee status and deciding on whether or not they should be accepted and processed. If a request is accepted, it is submitted to the National Commission for the Protection of Refugees, which is made up of representatives of different institutions, for consideration.

130. On 5 March 2012, the Office of the United Nations High Commissioner for Refugees (UNHCR), the National Office of Refugee Affairs, the Ministry of the Interior and the Ministry of Foreign Affairs signed a memorandum of understanding to implement the Quality Assurance Initiative for improving refugee status determination procedures, known as QAI. QAI involves reviewing all stages of the refugee status determination procedure and, on the basis of the review, issuing a series of recommendations for improvement to be implemented by the National Office of Refugee Affairs as soon as possible. Throughout this process, various documents to facilitate the improvements' incorporation at the institutional level have also been produced. For example, Phase 2 of QAI, which involved analysing the procedure for interviewing applicants, resulted in the publication of a manual on conducting interviews for the use of staff of the National Office of Refugee Affairs.

131. Measures have also been adopted to ensure that children and adolescents participate in the refugee status determination procedure and have the opportunity to be heard in eligibility interviews. To this end, and to ensure that they feel confident enough to state the facts underpinning their application, children and adolescents are supported by a specialist team composed of a social worker, a lawyer and, if necessary, a psychologist. This process also makes it possible to determine whether the child or adolescent requires specialist care (be it psychological, psychiatric or of some other form) and, if so, to refer them to the relevant State institutions.

132. In addition, training has been provided to staff of the National Office of Refugee Affairs and members of the National Commission for the Protection of Refugees to equip them with more and better tools for processing cases and making decisions. Awareness-raising days have also been held with public officials whose duties involve assisting refugees in order to ensure that they have the knowledge required to identify persons in need of international protection and guide them on the procedure to be followed.

133. Furthermore, in 2016, UNHCR, in conjunction with several civil society organizations, issued an information guide for refugees and applicants for refugee status in Panama, the purpose of which is to ensure that such persons have clear information about the refugee status determination procedure, their rights and responsibilities, and the institutions to which they can turn for assistance.

134. Work is currently under way on a bill to amend Executive Decree No. 23 of 10 February 1998, mentioned previously, that will consolidate some of the changes made as a result of QAI. With technical support from UNHCR, a campaign to inform State institutions and the general public about the notion of refuge and the need to take measures to help refugees to integrate into society is also in progress.

135. Panama respects the principle of non-refoulement of refugees. However, existing legislation does not establish a procedure for assessing the risk of refoulement in the event that a decision is taken to implement article 33 (2) of the Convention relating to the Status of Refugees. Accordingly, such a procedure is to be included in the above-mentioned bill amending Executive Decree No. 23.

Reply to the issues raised in paragraph 17 of the list of issues

136. The procedure for determining refugee status is governed by Executive Decree No. 23 of 10 February 1998. In the event that the National Commission for the Protection of Refugees decides not to grant refugee status to a particular applicant, he or she may submit a request for reconsideration to the Commission and appeal to the Ministry of the Interior (Executive Decree No. 23, art. 46). In turn, an appeal against the decision taken by the Ministry of the Interior can be submitted to the Third Administrative Litigation Division of the Supreme Court of Justice (Judicial Code, art. 97). The individual seeking asylum can remain in the national territory until all remedies have been exhausted.

137. With regard to migrants, article 67 of Act No. 3 of 22 February 2008, creating the National Migration Service, regulating migration-related careers and establishing other provisions, provides that requests for reconsideration may be filed against deportation decisions, which shall be granted with suspensive effect, and that, following such requests, all administrative remedies shall be exhausted. Applicants may, however, apply to the Supreme Court of Justice to bring the action that he or she deems appropriate.

Reply to the issues raised in paragraph 18 of the list of issues

138. In addition to the information provided in reply to the issues raised in paragraph 16, Executive Decree No. 320 of 2008, as amended by Executive Decree No. 26 of 2009, which regulates Decree Law No. 3 of 2008, provides that the principles of non-refoulement, non-rejection at border crossings and non-penalization for illegal or irregular entry shall be applied in respect of asylum seekers who have been admitted by the National Office of Refugee Affairs or have submitted a request for refugee status that is pending, for as long as their situation remains unchanged. Furthermore, training intended to prevent the above-mentioned principles from being violated is being provided to staff employed at border crossings and within other security institutions.

139. Another measure taken to protect the rights of refugees is the implementation of Act No. 81 of 2011, which grants refugee status to persons who previously enjoyed temporary humanitarian protection — a concept that, while giving protection to those in need, limited their rights. Since July 2014, documentation has been issued to all 408 persons previously in that situation.

140. Act No. 74 of 2013, which allows refugees to acquire permanent residence provided that certain requirements are met, is also being implemented. Since March 2014, 450 persons have benefited from its implementation.

141. Furthermore, legislation designed to guarantee access to education for refugees has been adopted to ensure that children and adolescents can be properly integrated in Panama. This matter is regulated by Chapter II of Executive Decree No. 1225 of 21 October 2015, which establishes measures for the validation and/or recertification of academic qualifications and credits obtained in national and foreign educational establishments, taking into account the particular conditions in which refugees are forced to leave their country of origin. A national commission and regional commissions for validation and recertification have also been established to initiate the implementation of this law.

Reply to the issues raised in paragraph 19 (a) to (e) of the list of issues

142. In the past two years, the number of asylum seekers has grown five-fold. A total of 627 applications for refugee status were received in 2013; 1,475 in the period to November 2014; 3,500 in 2015; and 1,077 in the period to June 2016. Overall, 75 persons were granted refugee status in 2015, 40 in 2015 and 23 to date in 2016.

143. The majority of asylum seekers (around 85 per cent) are Colombian nationals, followed by nationals of Cuba, Venezuela, Central America (mainly El Salvador) and certain African countries. There is no disaggregated information on the grounds for persecution that led to the granting of asylum.

Reply to the issues raised in paragraph 20 of the list of issues

144. Article 19 of the Criminal Code provides that: “Panamanian law shall apply to crimes against humanity, even when they have been committed abroad”. Such crimes include torture only when the offences have been committed in a widespread and systematic manner.

145. Panamanian criminal law also applies to offences committed abroad when the effects of such offences are, or are intended to be, felt within Panamanian territory; when they are committed against a Panamanian national or in violation of a Panamanian national’s rights; when they are committed by Panamanian diplomats or officials who would not have been tried in the place in which the offence was committed for reasons of diplomatic immunity; and when a national authority has refused to extradite a Panamanian citizen or foreign national (article 20 of the Criminal Code).

146. However, the principle of universal jurisdiction has not been exercised in any case.

Reply to the issues raised in paragraph 21 of the list of issues

147. There are no records of the Government of Panama having received any request to extradite an individual suspected of having committed an offence of torture.

Reply to the issues raised in paragraph 22 of the list of issues

148. Preventive measures have been taken to raise awareness among members of all security bodies of how important it is to respect human rights when performing their duties. Ongoing training is provided to this end, in accordance with national and international guidelines (see annexes on the training received by security agencies).

149. To support implementation of the judgment issued by the Inter-American Court of Human Rights, the Association for the Prevention of Torture, together with the People’s Legal Aid Centre and the Ombudsman’s Office, organized a workshop on the obligations of the State of Panama vis-a-vis migrants and the obligation to investigate cases of torture, with a focus on the Vélez Loo case. The workshop targeted officials working for the Ombudsman’s Office, the National Border Service, the National Migration Service, the prison system and the National Police. The Ministry of Foreign Affairs also holds regular meetings with the Attorney General’s Office to prepare the curriculum for training sessions to be conducted before the end of 2016.

150. The Public Prosecution Service, through the Clara González de Behringer School, has also organized a number of training courses on the adversarial system of criminal justice, which is a system that respects human rights treaties and conventions. Courses on human rights that take a general approach to the issues concerned, which include the specialized area of torture, have also been taught.

151. On 21 June 2013, the Ministry of Teaching, Research and Policy held a first training day on the implementation of the Istanbul and Minnesota Protocols for forensic doctors and medical personnel of the Institute of Legal Medicine and Forensic Sciences. The sessions were attended by 60 experts, including physicians, psychiatrists, psychologists and social workers who work in the institution at the national level. The aim of this training day was to develop the skills needed to facilitate the protocols’ implementation.

Reply to the issues raised in paragraph 23 of the list of issues

152. The Prison Training Academy run by the Ministry of the Interior is responsible for providing training on technical areas related to the prison system, with a focus on penal enforcement, to all public officials working within the prison system and also to private individuals.

153. The Academy currently offers two types of training. The first is a basic course for prison officers which focuses on physical, academic and professional training. The second consists of courses for prison staff designed to prevent corruption and instil good practices.

154. The Academy has also incorporated a module on the prevention of torture into the basic training for prison officers, the aim being to ensure that they have a basic

understanding of how to prevent these types of issues from arising in the country's prisons. The subject is also covered in the induction programme for all new prison officers. The module was developed with support from the Association for the Prevention of Torture.

155. The recently adopted Prison Service Act establishes a merit-based system for entry into and promotion within the prison service and prohibits prison officials from using torture or cruel, inhuman or degrading treatment against persons deprived of their liberty. The implementation of the Act will be accompanied by a strengthening of the Prison Training Academy, which will be responsible for promoting ongoing training for officials of the Directorate General of the Prison System and the Institute for Interdisciplinary Studies with responsibility for supervising persons in conflict with the law who are subject to either custodial or non-custodial measures.

156. Any police officer who is selected to work in a prison receives two weeks of training on issues that may arise during procedures involving persons deprived of their liberty. The subjects covered include rights and responsibilities within the prison system. This training is further reinforced by facilitators from the Prison Training Academy.

Reply to the issues raised in paragraph 24 of the list of issues

157. The courses provided by the Prison Training Academy are evaluated through pre- and post-course testing to assess whether prison officials' knowledge has been enhanced by the training. Following implementation of the new regulations governing the prison service, these tests will be taken into account in decisions concerning the promotion of prison officials.

158. In the case of training provided by the Public Prosecution Service, the instructors conduct evaluations of course participants. In addition, in the case of courses on the adversarial criminal justice system, public prosecutors are assessed by the Office for the Implementation of the Adversarial Criminal Justice System to determine whether they should be given positions in the newly established investigation and litigation bodies.

159. The Ministry of Public Security has noted that, due to the continuous training on respect for human rights that its officials receive, there is a low incidence of cases in which members of the security forces are involved in acts of excessive use of force or human rights violations. This low incidence makes it possible to evaluate the results of training courses with greater accuracy.

Reply to the issues raised in paragraph 25 of the list of issues

160. Standards have been systematically reviewed in that a new code of criminal procedure has been adopted. The new code regulates the new judicial entity known as the due process judge. This judge's key responsibility is to oversee investigative procedures that compromise or restrict the fundamental rights of the accused (Code of Criminal Procedure, art. 44).

161. Neither the National Police, the Air and Naval Service, the National Border Service nor the National Migration Service are authorized by law to conduct interrogations. Rather, the power to interrogate is held by the judicial authorities.

162. Police officers in the Judicial Investigation Department are empowered to conduct interviews and therefore must complete a specialized course on interviewing skills and interpreting non-verbal language as part of the basic training for detectives. The syllabus for the course includes 5 weeks (24 hours) of theoretical and practical activities worth 1 credit.

163. Interviewing skills and the use of non-verbal language are key to obtaining information from victims, witnesses, colleagues and informants. The topics addressed in the course are: legal concepts; myths about interviewing; interviewing skills; the art of listening; cognitivist interviewing; strategies for improving interviews; neuro-linguistic programming; physical spaces in interviews; and rules for interviewers.

164. Under the adversarial criminal justice system, as provided for in article 320 of the Code of Criminal Procedure, the criminal investigation police must fill out the interview

form in the presence of the investigating officer who initiates the procedure (see form in annex).

165. With regard to the treatment of persons deprived of their liberty, the Constitution of Panama establishes that: “The prison system is based on the principles of security, rehabilitation and social protection. The use of measures that compromise the physical, mental or psychological integrity of detainees is prohibited. Detainees shall be trained in skills that will allow them to be reintegrated as useful members of society.”

166. Act No. 55 of 2003 on the reorganization of the Panamanian prison system is a rights-based law that establishes, inter alia, that prisoners’ relationship with the State is governed by the law insofar as, apart from the rights suspended or curtailed through the judicial measure depriving them of their liberty, their status is identical to that of citizens at liberty. As stated earlier, the Act prohibits any conduct that could be classified as ill-treatment or torture.

167. The Directorate General of the Prison System is currently drafting a series of procedural protocols to ensure that persons deprived of their liberty receive fair treatment. To date, the following have been adopted:

- A protocol for visits to prisons in Panama carried out by the authorities and staff members of the Ministry of the Interior and the Directorate General of the Prison System
- A procedural protocol to be followed in the event of the death of a person deprived of liberty
- A protocol on the entry of human rights organizations into prisons
- A protocol on lawyers’ visits to prisons
- A protocol on access to conjugal visits in the prison system
- A protocol on female prisoners and their families bringing items into women’s prisons in Panama.

Reply to the issues raised in paragraph 26 of the list of issues

168. The special regime governing the criminal responsibility of minors is regulated by Act No. 40 of 26 August 1999.

169. Article 129 of the Act provides that: “Juvenile court judges may impose three types of penalties: socio-educational penalties; guidance and supervision orders; and custodial penalties”. Custodial penalties are imposed only in exceptional circumstances.

170. For children between 12 and 14 years of age, the National Secretariat for Children, Adolescents and the Family has been implementing a re-educational measures programme, which serves as a guide for the development of technical skills training, leisure activities, and full academic training, since 2009.

171. Under this programme, children are informed about their rights and responsibilities and receive support through the family strengthening programme. This helps to improve their family dynamics, enables them to maintain emotional ties with other family members, brings them closer to their parents and encourages good study habits.

172. In the case of adolescents between 15 and 18 years of age, the Institute for Interdisciplinary Studies monitors the socio-educational penalties imposed by the juvenile court judge, which may entail mandatory participation in assistance programmes, community service and reparation for injury caused to the victim. The Government of Panama is currently working to strengthen such measures with support from the United Nations Children’s Fund. It also receives support from a number of NGOs that assist with creating opportunities for these young people and following up on their situation.

173. The Ministry of Education provides young people deprived of liberty with an education that meets their needs, either through regular classes inside detention centres or through modules. Similarly, young people may receive vocational training through the National Vocational Training Institute for Human Development and the assistance of NGOs

that teach them skills specific to various jobs. They also have access to medical care, and they can participate in recreational activities as part of their re-education with a view to their integration into society.

174. The remit of the Social Inclusion Service, which forms part of the Institute for Interdisciplinary Studies, is to promote the inclusion of adolescents in conflict with the law by seeking out age-appropriate study or work opportunities in which they can participate once they have finished serving their sentences.

175. Executive Decree No. 349 of 2015 establishes the administrative structure of the “Safe Neighbourhoods with More Opportunities” programme, run under the aegis of the Ministry of Public Security. The objective of the Programme is to achieve participants’ social rehabilitation and labour market integration through education, training, spiritual development, and psychosocial and economic support, thereby creating employment opportunities and minimizing factors that can lead to a life of crime.

Reply to the issues raised in paragraph 27 of the list of issues

176. The Code of Criminal Procedure establishes a series of measures to protect victims of crimes against the integrity of the person. These measures include: housing victims for up to 30 days in an official safe house or with a relative; omitting from the proceedings any mention of their personal details or any other information that might identify them; and listing as their address for purposes of notification the relevant office indicated by law (arts. 331-339).

177. Also, in the event of disciplinary proceedings brought against police officers, in serious cases involving alleged excessive use of force the police officer may be placed on inactive duty or temporarily suspended by administrative order.

Reply to the issues raised in paragraph 28 of the list of issues

178. In addition to the measures detailed in the reply to the issues raised in paragraph 7, on measures taken to prevent the excessive use of force by police officers, it should be noted that disciplinary proceedings and penalties in the police force are covered by Executive Decree No. 204 of 1997, containing the disciplinary regulations of the national police.

179. When a disciplinary offence is committed, the regular procedure begins with an investigation, launched on the basis of a complaint or well-known facts, by the Directorate of Professional Responsibility. During this process, a case file is created and relevant information is gathered as evidence that the offence being investigated was committed. Once the Directorate of Professional Responsibility completes the investigation, the case file is sent as an official document to the Higher Disciplinary Board, which will determine the appropriate penalty at a hearing attended by the accused and the members of the Board, which is a collegiate body. Once the Higher Disciplinary Board takes a decision, the accused is notified and may submit an appeal.

180. Depending on the seriousness of the offence, penalties can range from several days’ suspension to a recommendation to the President of the Republic and the Minister of Public Security that the accused should be dismissed. The annexes contain statistics on disciplinary proceedings carried out by the National Police in recent years and their outcome.

181. In addition, the Public Prosecution Service has initiated investigations and criminal proceedings before the courts in several cases of alleged excessive use of force, including:

- The events that occurred in San Carlos on 23 October 2014, which resulted in the deaths of two minors.
- The events that occurred in Villa Zaita on 16 November 2013, where officers chased and shot at a vehicle, injuring two women.
- The events that occurred at the Tocumen youth detention centre on 9 January 2011, where five minors burned to death. As previously stated, several persons were found

guilty in this case and various sentences were handed down, the longest being 46 years' imprisonment. The case is currently under appeal.

- The events that occurred on 25 September 2011, which resulted in a criminal circuit court handing down a sentence of 48 months' imprisonment and disqualification from public service for one year to a police officer found guilty of aggravated intentional personal injury.

Reply to the issues raised in paragraph 29 of the list of issues

182. The State of Panama guarantees and protects the fundamental rights of all persons. One protection measure taken to prevent the inhuman treatment of persons deprived of their liberty is to investigate cases of alleged human rights violations, either *ex officio* or on the basis of a complaint, so that penalties may be imposed. The investigation may be criminal and/or disciplinary in nature, as described above in the reply to the issues raised in paragraph 28. It should be noted that criminal investigations are completely independent from internal investigations.

183. An example of a typical measure adopted in such cases is the judgment handed down by the second high court of the first judicial district of Panama in response to the events of 9 January 2011 at the Tocumen youth detention centre, where five adolescents were killed and several others seriously injured in a fire. The Public Prosecution Service instigated the corresponding investigations and the judicial proceedings are now complete. On 11 January 2016, the second high court found nine people — including six police officers, two guards and the director of the Tocumen youth detention centre — guilty of the offences of homicide and of degrading punishment, harassment and arbitrary measures, and imposed penalties ranging from 6 to 46 years' imprisonment.

184. As previously stated, another type of measure that can be effective in such cases is to provide appropriate training for prison officials. Such training is the responsibility of the Prison Training Academy. Similarly, the implementation of the new regulations governing the career structure of the prison service will ensure that, by purging its current staff, the prison service will retain only the best officials.

Reply to the issues raised in paragraphs 30 to 32 of the list of issues

Judgment of the second high court of the first judicial district dated 21 August 1995

185. The judgment of 21 August 1995, issued by the second high court of the first judicial district, sentences Manuel Sieiro Murgas, who was a member of the Panamanian Defence Forces, to 56 months' imprisonment and disqualification from public service for the same period, for the torture of Nelson Cedeño Frías, Armando Peralta Cortés, Teófilo César Medina, Nicolás Torres Beleño and Quiterio Alveo Hernández.

Judgment of the seventh criminal circuit court of Panama

186. The judgment handed down by the seventh criminal court of Panama sentences Dean Xavier Moulton Lawson, who was a member of the Criminal Investigation Department, to 3 years' imprisonment for the torture of Jorge Luis Frías González.

Judgment of the second high court of justice of 17 October 2006

187. The judgment of 17 October 2006, handed down by the second high court of justice, upheld the judgment of 21 November 2005 issued by the second criminal circuit court of Colón, which had sentenced Luis Carlos Mejía Otero, Alexander Mejía Salinas García, Encarnación Domínguez Vergara, Alberto Coye Mercado, Gabriel Duque Mendoza, David Batista Franklin, Abdiel Alexis Bedoya and Orlando Abdiel Marín, who at the time were staff members of the Nueva Esperanza Rehabilitation Centre in Colón, to 30 months' imprisonment and disqualification from service for one year from the date of the final judgment, for the harassment, undue coercion and torture of Eugenio Crossdale.

Case of the Tocumen youth detention centre

Judicial proceedings

188. In response to the events that took place on 9 January 2011 in the Tocumen youth detention centre, where five adolescents died, the Public Prosecution Service initiated the corresponding criminal investigations. On 11 January 2016, the second high court of justice convicted nine persons in judgment No. 1-P. I, including six police officers, two guards and the director of the Tocumen centre.

189. Four of the accused were found guilty of the offences of homicide, attempted homicide, and degrading punishment, ill-treatment and arbitrary measures, for which they were sentenced to 46 years' imprisonment and 5 years' disqualification from public service (Criminal Code, art. 131). Two of the accused were found guilty of homicide and attempted homicide, for which they were sentenced to 40 years' imprisonment and 5 years' disqualification from public service (Criminal Code, art. 131). Three of the accused were found guilty of degrading punishment, ill-treatment and arbitrary measures, for which they were sentenced to 6 years' imprisonment and 5 years' disqualification from public service, while three of the accused were acquitted of all charges. This judgment was appealed, and the appellate court has not yet issued its decision.

Administrative proceedings

190. In addition, the Directorate of Professional Responsibility opened Investigation No. 005-11 on the basis of a report made to the Police Operations Centre about events that had occurred in the youth detention centre after a riot had broken out and the National Police had been asked to send in reinforcements. In response, several officers from the Service Support Group had appeared on the scene to provide support to the guards working at the facility.

191. A disciplinary investigation was formally opened, and a series of inquiries were carried out to verify that an offence had been committed and that the alleged perpetrators or participants had been involved. These procedures included taking statements from all the officers involved in the incident, making copies of the criminal case file, and requesting interviews with some of the minors who had witnessed the incident (though none of them agreed to give statements). Documentary evidence was also collected concerning the type of gas used on the day of the incident (triple H gas), along with statements from the firefighters who had been present and compact discs containing video clips broadcast by the media when covering the incident.

192. This investigation is still open, and the officers under investigation remain in detention. The investigation file will be sent to the appropriate disciplinary board to address any disciplinary offences found to have been committed. This investigation is independent of the court decision taken by the second high court of the first judicial district of Panama.

Reply to the issues raised in paragraph 31 of the list of issues

193. The Statistics Bureau of the Public Prosecution Service registered a complaint of an offence against liberty of the person in the form of torture, which led to Investigation No. 041-16. The complaint concerns events that occurred on 22 January 2016, when a minor was arrested and allegedly assaulted by police officers. The case is currently awaiting assessment of its legal merit so that it can be sent to the judiciary.

194. The reply to the previous question includes information about the cases in which a conviction was obtained for the offence of torture or cruel, inhuman or degrading treatment and the sentences handed down.

Reply to the issues raised in paragraph 32 of the list of issues

195. Proceedings have been carried out in 73 criminal cases of homicide and enforced disappearance that took place during the military dictatorship (see table 6 in the annex).

Reply to the issues raised in paragraph 33 of the list of issues

196. With regard to the cases brought by relatives of victims of the military dictatorship that ended in 1989, the State established the Truth Commission of Panama by Executive Decree No. 2 of 18 January 2001 with the aim of “helping to bring to light the truth about violations of the fundamental right to life, including disappearances committed during the military regime that governed Panama from 1968”.

197. The Truth Commission issued its final report on 18 April 2002, in which it documented 110 cases of killing and enforced disappearance. The Truth Commission report also devotes a chapter to describing the obstacles faced by relatives of victims when attempting to obtain justice, while another chapter details the sites and methods of torture that were identified in the course of the investigations. The report was presented to the relatives of the victims at an event held in the Metropolitan Cathedral.

198. On 23 October 2003, members of the Truth Commission, representing the Héctor Gallego Committee of Relatives of Murdered and Disappeared Persons in Panama and the Committee of Relatives of Disappeared Persons in Chiriquí, presented a joint petition to the Inter-American Commission on Human Rights.

199. Subsequently, by Executive Decree No. 449 of 2011 a special national commission was established to participate in conciliatory discussions with the Héctor Gallego Committee of Relatives of Murdered and Disappeared Persons in Panama, which comprises representatives of various State institutions, the International Committee of the Red Cross and members of committees of relatives of disappeared persons. The commission’s remit is to present to the competent authorities the petitions made by family members of persons who were killed or disappeared during the military dictatorship.

200. In the course of the dialogue with the special national commission, relatives of murdered and disappeared persons made the following petitions: that 9 June, the day on which Father Héctor Gallego disappeared, be declared the “Day of the Disappeared”; that a square be built in honour of the disappeared persons; that lectures on the history of the military dictatorship be included in school syllabi; that the skeletal remains held in the Institute of Legal Medicine and Forensic Sciences be identified; that sites that might contain human remains be preserved; and that financial compensation be paid.

201. In order to comply with these petitions, the Government is in the process of contracting the Argentine Forensic Anthropology Team to analyse the skeletal remains held in the Institute of Legal Medicine and Forensic Sciences. It is also reviewing the syllabi for history classes taught at the tenth and eleventh grade levels with a view to including information about events that occurred during the military dictatorship. Moreover, it plans to hold a competition for the design of a monument honouring the victims of the dictatorship and has drafted a bill declaring 9 June the “Day of the Disappeared”.

202. The relatives of some disappeared persons also lodged individual petitions with the inter-American human rights system as a result of which individual reparation proceedings have been conducted.

203. For example, in the case of the enforced disappearance of the young student Rita Wald, relatives lodged an individual petition that was resolved by means of an amicable settlement. The relatives requested that judicial investigations be reopened; that a school be named in honour of Rita Wald; that financial compensation be paid; that the definition of the offence of enforced disappearance be amended in the Criminal Code; and that the State acknowledge its international responsibility and make a public apology to the victim’s relatives.

204. The Government of Panama has already paid the financial compensation but is still searching for a secondary school in the province of Chiriquí that can be named in honour of Rita Wald. The amendment to the offence of enforced disappearance is being discussed in the National Assembly. As yet no date has been set for the acknowledgement of international responsibility.

205. Lastly, the relatives of Mr. Heliodoro Portugal, who was disappeared and whose remains were found in a military barracks, lodged an initial petition with the Inter-

American system, which resulted in the Inter-American Court of Human Rights issuing a judgment on 12 August 2008.

206. The Inter-American Court ordered the State of Panama to pay compensation; to investigate the events; to publish the judgment; to publicly acknowledge its responsibility; to provide medical and psychological assistance free of charge to the victim's relatives; to establish an adequate definition of the criminal offence of enforced disappearance; and to cover the related costs and expenses.

207. The State of Panama complied with the payment of compensation, costs and expenses, published the judgment, publicly acknowledged responsibility and amended the definitions of the offences of enforced disappearance and torture (the latter as described in the reply to the issues raised in paragraph 1 given above). However, the Inter-American Court has established that this definition is not fully in line with the Inter-American Convention on Forced Disappearance of Persons. The National Assembly adopted on first reading bill No. 259 of 6 July 2015, which establishes the offence of enforced disappearance of persons and recognizes the continuing nature of the offence, in accordance with international standards.

208. As for the investigation of the facts, the criminal case remains open. A hearing was scheduled for 4 July 2016, but it was suspended due to health problems suffered by the accused, Manuel Antonio Noriega.

Reply to the issues raised in paragraph 34 of the list of issues

209. According to article 116 of the Code of Criminal Procedure, the statute of limitations is of the same length as the maximum custodial sentence for the offence in question. Similarly, article 119 of the Criminal Code states that a custodial sentence must be handed down within the same time frame. Given that the maximum sentence that the Criminal Code establishes for the offence of torture is 15 years, the time limit for conducting criminal proceedings as well as for handing down a sentence is 15 years.

210. There is, however, no statute of limitations for either criminal proceedings or sentencing in cases where torture has been practised in a widespread and systematic manner against a civilian population (Criminal Code, art. 121, and Code of Criminal Procedure, art. 116).

Reply to the issues raised in paragraph 35 of the list of issues

211. The Government of Panama acknowledges that overcrowding and unsatisfactory conditions in prisons are among the key challenges facing the country's prison system. The current prison population stands at 17,576 persons deprived of their liberty, while prison capacity is 14,180.

212. In response to this situation, a three-pronged reform programme is being carried out that focuses on: respect for the rights and dignity of persons deprived of their liberty and prison staff; ensuring their safety and that of the general public; and the social reintegration of persons deprived of their liberty once they have served their sentence.

213. The Government of Panama believes that the proper functioning of prisons depends on the people in them, namely the prison staff and the persons deprived of their liberty, and the relationship between them. To that end, improvements have been made to prison staff's working conditions; guards' wages have been increased from 400 to 690 United States dollars per month, and they have been provided with proper uniforms. The State is also working to improve conditions in their living quarters.

214. As mentioned above, the Prison Service Act has been adopted, which will make it possible to have qualified staff to carry out the social work that is the responsibility of prison officials.

215. Work is also under way to reduce the level of corruption within the prison system, as the Government is aware that this type of improper conduct infringes on the rights of persons deprived of their liberty in the sense that it creates inequalities in the treatment they receive. The Department of Prison Inspections, which is responsible for carrying out

investigations into such matters, has been strengthened to this end and the recently conducted “Operation Confinement” to dismantle a corruption network resulted in the arrest of 13 persons, including 4 prison officials, 3 former staff members and 4 other individuals. Two persons deprived of their liberty are also under investigation in connection with this case.

216. Likewise, efforts are being made to obtain reliable information about persons deprived of their liberty. Work is under way to build a database that will ensure that available information is reliable and complete. The database will include not only general data on persons deprived of their liberty and their legal situation but also information on, inter alia, the rehabilitation programmes in which they participate.

217. With a view to reducing overcrowding, efforts are being made to ensure that the various prisons throughout the country operate at capacity. Work is also under way to make use of measures such as repatriation, the commutation of prison sentences for prisoners who undertake study or work, parole, and the reduction of prison sentences. In addition, the National Assembly is discussing a bill on measures to reduce prison overcrowding.

218. Efforts are also under way to improve prison infrastructure, as the Government is of the view that adequate infrastructure is necessary to provide an environment conducive to the rehabilitation of persons deprived of their liberty in safe conditions, but above all to guarantee their human rights. A plan to improve the La Joya and La Joyita prisons is currently being implemented, and three new adult prison facilities are also planned. Two of the new prisons will replace current facilities, while the third will be located in Darién province, where there is currently no prison. As for the other two, the first will be in Panamá Province, will be exclusively for women and will include a section for mothers, while the second will be located in Colón Province and will have separate wings for men and for women. The women’s wing will also have a section for mothers.

219. Health care is provided by professionals employed by the Ministry of Health. There are currently 70 health-care professionals providing care to prisoners; their number includes doctors, nurses, pharmacists and psychiatrists. There is a budget of approximately B1.2 million for medical and surgical supplies, equipment and laboratory operations. In addition, measures are being taken to improve conditions in prison clinics.

220. With regard to rehabilitation, new productive and labour projects have been launched in areas including hydroponic cultivation, urban horticulture, clothes making and recycling, while other projects, such as the “My Voice for Your Eyes” project, whereby women deprived of their liberty read books to persons with visual impairments, continue to run. Furthermore, the “Integrarte” brand will be launched in October, the first prison brand in Panama to be registered by the Ministry of the Interior. The brand will be used to endorse the best products produced by persons deprived of their liberty in the various prison workshops which are the vehicle through which the Directorate General of the Prison System of Panama contributes to prisoners’ reintegration into society.

221. In addition, a university education programme is currently running in the Women’s Rehabilitation Centre in Panamá Province and in the El Renacer prison; a book entitled *En Este Lugar* (In This Place), in which a group of women deprived of their liberty share their experiences in detention, has recently been published; and a staging of the play *Detrás del Muro* (Behind the Wall) performed by women deprived of their liberty is scheduled.

222. In March 2015, an analysis of the situation of women deprived of their liberty undertaken from a gender and rights-based perspective was published in conjunction with the United Nations Office on Drugs and Crime and the European Union. The aim of the study was to identify issues which impinge on the rights of women deprived of their liberty and call for concerted action on the part of the various State institutions, civil society and the general public. Since publication, various measures have been adopted to implement the recommendations made in the study.

Reply to the issues raised in paragraph 36 of the list of issues

223. Adolescents are subject to a special system of criminal responsibility and for this reason are held completely separate from adults. The authority responsible for the

administration of juvenile detention centres is also different from the authority in charge of adult facilities. In addition, young persons facing trial are segregated from those who have been convicted.

224. Currently, there are 403 young persons deprived of their liberty in juvenile detention centres. Of these, 397 are boys and 6 are girls; 204 have been convicted and 199 are facing trial.

225. One of the major advances achieved during the reporting period was the construction and inauguration of the Pacora juvenile detention centre, which opened in 2012 and has capacity to house 192 young persons.

226. At present the centre houses 134 young persons and operates according to a comprehensive protection model that is based on the adolescents' best interests and designed to ensure their healthy physical, intellectual, psychological, spiritual and social development. The approach is built around seven core themes that together encompass all aspects of adolescent life: physical and mental health; psychological support; family; education; social and occupational health; social integration; and rights. The same approach is used in other detention centres for adolescents in conflict with the law.

227. The authorities recognize that building new detention facilities will not reduce crime. However, given the state of the infrastructure in some facilities and the fact that certain facilities operate as both detention centres and prisons, the construction of new facilities is necessary. For this reason, they plan to build new facilities and upgrade existing ones following the Pacora model, so as to comply with national and international human rights standards.

228. Work is currently under way to build a facility for young persons in conflict with the law who have reached the age of majority and satisfy certain technical criteria which make them eligible for continuing treatment in conditions conducive to their resocialization. The purpose of the facility is to prevent situations in which these young persons are forced to complete sentences in adult prisons. It will also mark an improvement on the conditions in which they are currently being held.

Reply to the issues raised in paragraph 37 of the list of issues

229. The justice system investigated the facts surrounding the offences against life and integrity of the person allegedly committed by public officials in Bocas del Toro province in 2010 in the form of abuse of authority and improper use of position in public service. The alleged offenders were the then incumbents of the positions of Minister of Security, Minister of Employment, Minister of Labour Development and Director of the National Police. Since May 2016, the case has been pending before the case-transfer court in Bocas del Toro province.

230. Act No. 28, adopted on 4 May 2015, provides for the establishment of a dedicated body to monitor measures to benefit the victims of the events that took place from 6 to 10 July 2010 in Changuinola district, Bocas del Toro province. In implementation of the Act, committees have been set up to provide support to the victims, a special lifelong allowance in the amount of B800 has been awarded to each victim, and 8 July has been established as a day of mourning in Changuinola district.

231. On 22 October 2015, Act No. 62, which, inter alia, limits the use of pellets by State security forces, was adopted. The Act prohibits the use of lead, plastic and rubber pellets by all State security forces at peaceful demonstrations.

232. It should be noted that governors constitute the highest police authority in the provinces, and that they act on behalf of the executive branch (Constitution, art. 249 and Act No. 2 of 1987, art. 3). Hence, a protocol to preserve public order has been developed with the aim of protecting the constitutional right to freedom of movement (Constitution, art. 27).

Reply to the issues raised in paragraph 38 of the list of issues

233. The evictions referred to in paragraph 38 occurred in section 42 of estate 102, which is the property of the Ganadera Bocas company, in the part of the estate into which Naso families had expressly trespassed. The Ombudsman's Office, which is an institution that upholds human rights, has been present throughout the proceedings related to this case.

234. According to a report issued by the National Commission on Administrative Boundaries and the National Land Titling Programme, only 12 houses were found on the estate. Representatives of the Naso group acknowledge that only 29 persons were affected by the eviction in March 2009.

235. In order to resolve the land dispute, government bodies working in this field, with direct input from the National Land Titling Programme, engaged in a lengthy process of support-giving, verification, proposal-making, validation and direct dialogue with those affected in the disputed area. This process resulted in the following measures:

- A government proposal that an agreement be entered into between the Government and the Naso indigenous families. In the proposed agreement, the Government undertook first and foremost to relocate and build homes for the 18 families that would be affected. However, this proposal did not come to fruition as it was rejected by the representatives of the Naso persons involved in the case.
- On 18 July 2008 a certificate was issued by the National Commission on Administrative Boundaries of the Ministry of the Interior and Justice to formally attest to the location of the disputed area.
- Thematic maps were developed, with data illustrating: (1) the areas occupied and proposed for occupation by the Naso community within the estate in question and those proposed by the National Directorate for Indigenous Policy and the National Commission on Administrative Boundaries as an alternative solution to the dispute; (2) the proposed boundary of the Naso territory, as verified by the National Commission on Administrative Boundaries, in the dispute over the estate in question; and (3) the decision of 7 May 2006 issued by the office of the mayor of Changuinola, which calls for the suspension of all activity by the citizens of San Tigra and San Druy in the part of estate 102 that they have occupied.
- A technical report detailing the outcome of the consultation meeting and field day and the technical proposal to facilitate dialogue and resolution of the dispute between the Naso Tjër Di people and the Ganadera Bocas company in the area of San and San Druy was drawn up by the National Directorate for Indigenous Policy, the National Directorate of Local Governments, the National Commission on Administrative Boundaries, the Electoral Court and the Tommy Guardia National Geographical Institute, dated 13 to 21 August 2006.
- The Deputy Minister of the Interior at that time, together with the National Directorate for Indigenous Policy and the Indigenous Affairs Commission of the National Assembly, invited representatives of the Naso people to discuss the establishment of a working group for the demarcation of their territory.

236. In addition, to address the dispute between the Naso people and the Ganadera Bocas company over estate 102, the High-Level Presidential Commission tasked with addressing the problems of the indigenous peoples of Panama took the actions described below. These actions provide the legal basis for the eviction that took place in March and April.

237. In its submission of 21 July 2008, the Commission, inter alia, informed those present in the meeting room in the municipality of Changuinola that the magistrate of Teribe had jurisdiction to hear and decide on the application to evict the Naso people who were occupying estate 102, property of the Ganadera Bocas company.

238. Two maps were presented, showing the location of the site on estate 102, which property falls within the district of Teribe, as indicated by evidence obtained in situ through GPS and by coordinates determined by technical experts from the National Commission on Administrative Boundaries.

239. The mayor of Changuinola agreed to hold a meeting with the Naso representatives and government institutions on 8 August 2008 with the aim of initiating a process whereby the Naso would voluntarily leave estate 102, with inter-institutional support, or, failing that, of issuing an eviction order through the authority of the competent magistrate. This order was issued in March 2009.

240. The eviction that took place in November 2009 was, strictly speaking, not carried out on the basis of an eviction order but rather on the basis of charges of contempt of court issued in April 2009 in respect of the eviction order issued in March 2009.

241. Lastly, following the events described above, the company applied to the magistrate of Teribe to issue an order for the eviction of Luis Gamarra, Pedro Vargas, Avelino Gamarra, María García, Lupita Vargas, Miguel Montenegro, Justino Vargas, Marcial Gamarra, Oscar Vargas and other persons who were occupying estate 102.

Reply to the issues raised in paragraph 39 of the list of issues

242. The State of Panama acknowledges that it has not explicitly prohibited all forms of corporal punishment of children and adolescents in its legislation.

243. The 2013 Multiple Indicator Cluster Survey included a question on the methods used to discipline children and adolescents in the home. The results show that, out of a total of 1,001,818 minors under 14 years of age, 44.9 per cent had experienced some form of violent discipline in the month before the survey.

244. Recognizing the need to strengthen awareness-raising mechanisms and increase their impact if social behaviour patterns are to be changed and alternative forms of discipline to be used, the authorities have launched various strategies to strengthen the capacities of families, namely:

- Through the Early Childhood Comprehensive Care Programme, families throughout the country are offered training on the subject of parental values, including “The ABCs of Making a Family” and the handbook “Lullabies: A Family Guide for Raising Children Up to 6 Years of Age”.
- The children’s book — a document used by parents to keep a record of the care given to their children — includes advice on how to stimulate children’s development and guidance on how to avoid using corporal punishment.
- The Model Mother and Father Programme seeks to strengthen the role of families in all areas of life and to guarantee the physical, psychological, social and spiritual development of children and adolescents while safeguarding and upholding their rights. The programme is aimed at fathers and/or mothers identified by the National Secretariat for Children, Adolescents and Family and those referred by the juvenile courts.

Reply to the issues raised in paragraph 40 of the list of issues

245. The National Security and Defence Council, established by Executive Decree No. 263 of 2010, is the presidential advisory body on issues of national security and defence. The Council establishes security and defence strategies and policies for countering the threats of espionage, rebellion, terrorism and terrorism financing. In addition, Executive Decree No. 195 of 2007 sets out the procedure for complying with resolutions of the United Nations Security Council.

246. Executive Decree No. 448 of 2011 established the Coordinating Council for Combating International Terrorism, responsible for ensuring implementation of international conventions and the protocols thereto, and of resolutions of the United Nations Security Council relating to terrorism.

247. Act No. 23 of 2015 provides for measures to prevent money-laundering, terrorism financing and the financing of weapons of mass destruction.

248. Among other measures, the National Customs Authority has implemented the Global Container Control Programme at major ports, thus facilitating the exchange of

information required to issue international alerts and effect the seizure of chemical precursors and radioactive substances with customs authorities in other countries.

249. Security mechanisms have also been implemented at strategic points of access to and exit from the country (ports, airports and border crossings), including the Biometric Facial Recognition System and the Advance Passenger Information System (known by the acronym APIS), which are essential to maintaining security throughout the national territory as well as complying with global standards in the field of counter-terrorism. It is important to note that Panama is a country of fair treatment, peaceful coexistence and social peace, which endeavours to cultivate a welcoming climate and, above all, to prevent any activity of radical groups that might undermine social peace within the national territory.

250. The Passport Authority has taken measures to ensure that the passports it issues conform to the standards established by the International Civil Aviation Organization in its Document No. 9303 and with those of the International Organization for Standardization. The national identity documents issued by the Directorate General of the Civil Registry also incorporate security features such as facial recognition, fingerprinting and state-of-the-art technology to prevent identity theft.

251. Resolution No. 25 of 2016 issued by the Attorney General's Office provided for the establishment of a special prosecution unit for the offences of money-laundering and terrorism financing and establishes various other provisions designed to ensure that such offences are prosecuted effectively, as described in the reply to paragraphs 14 and 15 on article 2 of the Convention.

252. Through the International Criminal Police Organization (INTERPOL), the INTERPOL National Central Bureau in Panama receives intelligence reports covering all aspects of incidents involving dangerous criminals and the dangers posed by certain weapons by means of orange notices and INTERPOL-United Nations Security Council special notices. This information is likewise shared with the National Migration Service, to ensure that the latter is abreast of the situation and able to activate its migration alerts.

253. In compliance with the provisions of the United Nations Convention against Transnational Organized Crime, a binational plan is being implemented whereby the national police force, represented by its Judicial Investigation Department, the INTERPOL National Central Bureau and the Directorate of Police Intelligence, Immigration and Borders participate in meetings of the binational commission on border security between Colombia and Panama.

254. The bodies represented on the commission are responsible for structuring and planning procedures and protocols for carrying out coordinated and synchronized activities to combat terrorist organizations, transnational organized criminal groups, the world drug problem, arms trafficking, kidnapping and illegal migration, among other security threats. Activities are also coordinated with the relevant authorities of each country in their respective border area.

255. The Criminal Investigation Department of the National Police has a dedicated anti-money-laundering division, which is empowered by law to investigate cases of money-laundering and terrorism financing associated with other offences, particularly drug trafficking. In this connection, it has successfully identified the leaders and/or organizational structure of criminal organizations with a view to locating assets held in their name or in the name of third parties, establishing their possible involvement in the financing of terrorist acts and seizing the assets in question.

256. The National Police is firmly committed to the fight and encourages the various security forces and agencies to enhance their investigations by using the databases and other policing tools available through INTERPOL. The National Police collects, stores and analyses information on persons suspected of terrorism and terrorist groups and exchanges this information with other member countries through the INTERPOL secure communication system known as I-24/7.

257. Each security agency also trains its personnel on issues related to human rights at both the internal and international levels. For the development of counter-terrorism skills,

they receive training in various other countries including the United States of America, Colombia, Costa Rica, Mexico and Germany.

258. The National Police, through the INTERPOL National Central Bureau in Panama, has sponsored a conference on the prevention of crimes involving chemical, biological, radiological, nuclear and explosive materials, at which measures to combat such crimes and to counter the associated threat were explored. The training targeted officials from the Panama Canal Authority, the National Customs Authority, the Firefighting Service and the National Police, among others.

259. It is important to note that security personnel receive different forms of training depending on their rank. Police officers attend a training course on human rights and international law, while officials receive training on international protection, asylum, refugee status and extradition, human rights and the protection of persons in the event of armed conflict. Continuous training has also been developed, including courses on humanitarian principles, human rights and procedures and the use of lethal force. The National Police has invested 368 hours in human rights training for 1,318 officers.

260. Between 2013 and 2016, the criminal investigation police trained a total of 777 investigators in criminal investigations, with a focus on the adversarial criminal justice system, through a certification programme endorsed by the University of Panama. Skills levels have also been enhanced through international training activities including: the fifth INTERPOL workshop on countering nuclear smuggling; an international training session on cybersecurity; an international police symposium on chemical and biological agents and food security; a regional workshop on combating terrorism financing and money-laundering; a meeting of Financial Action Task Force of Latin America (GAFILAT) focal points; a training session on the criminal activity of gangs as a form of organized crime; and courses on anti-gang operations and organization.

261. To date, only one case involving terrorism has been investigated. The incident occurred in 2000, in the University of Panama auditorium, and involved a terrorist plot to assassinate the president of Cuba, Fidel Castro Ruz, during the Tenth Ibero-American Summit of Heads of State and Government.

262. The Public Prosecution Service charged Luis Posadas Carriles and three other defendants with possession of explosives, threatening collective security by endangering the public, conspiracy to commit a crime and offences against public authority, and they were convicted by the national courts. The case is currently pending appeal before the Criminal Division of the Supreme Court.

263. In 2004, the executive branch of Government pardoned 182 individuals, including the 4 persons involved in the terrorist attack, who subsequently left the country (Executive Decree Nos. 1317, 1318 and 1321 of 2004). In a judgment issued on 30 June 2008, the full bench of the court declared these executive decrees to be unconstitutional.

264. Subsequent to these events, the Government introduced an express definition of the offences of terrorism and terrorism financing into the Panamanian legal framework.

Reply to the issues raised in paragraph 41 of the list of issues

265. Panama has ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on 18 December 2002.

266. In order to give effect to the provisions of the Optional Protocol, the National Human Rights Commission has drafted a bill to establish a national preventive mechanism in Panama, in compliance with article 17 of the Optional Protocol. This bill was submitted to the National Assembly on 19 September 2016.

Reply to the issues raised in paragraph 42 of the list of issues**General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

267. Significant legislative developments include the adoption of Act No. 36 of 24 May 2013 on the smuggling of migrants and related activities and Act No. 35 of 23 May 2013 on the extradition procedure.

268. In addition, Executive Decree No. 121 of 19 July 2016 established the Commission of 20 December 1989, the role of which is to contribute to investigations in Panama into violations of human rights and international humanitarian law committed during the period between 19 December 1989 and the withdrawal of the United States invading forces. The Commission of 20 December is also working to determine the number of victims and their identities, to recommend preparatory measures and to draft a final report.

Reply to the issues raised in paragraph 43 of the list of issues**General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

269. Panama does not yet have a national human rights plan. However, Executive Decree No. 7 of 2012 established the National Standing Committee to ensure follow-up on and implementation of the national and international human rights commitments assumed by Panama, which was responsible for drafting this report. The Commission's remit includes drafting and implementing a national human rights action plan.

270. In addition, the National Plan against Domestic Violence and Civil Coexistence Policies 2004-2014 has been adopted to speed up the process of coordinating, planning and implementing actions to prevent and address domestic and sexual violence.

271. A public policy on equal opportunities for women has also been implemented. The policy provides the State and civil society with a management tool through which to respond to women's social, cultural, economic, environmental and political needs. The associated action plan for the period 2015-2019, currently also under implementation, is designed to provide a strategic operational plan that translates objectives into actions with short and medium-term milestones.

Reply to the issues raised in paragraph 44 of the list of issues**General information on the human rights situation, including new measures and developments relating to the implementation of the Convention**

272. The work of the State Justice Commission, which began with the signature of the State Covenant for Justice in 2005, has led to the adoption of laws that bring the criminal justice system closer into line with human rights conventions. Such laws include the Criminal Code of 2007; Act No. 63 of 2008 adopting the new Code of Criminal Procedure referred to above; Act No. 1 of 2009 establishing the career structure of the Public Prosecution Service and derogating and subrogating provisions of the Judicial Code; and Act No. 63 of 27 August 2015 regulating the career structure of the judiciary.

273. Since the consideration of the previous periodic report in 1997, the various bodies of the public security forces have restructured their guidelines and enhanced training on human rights and the use of force in an effort to ensure that members of the security forces treat citizens more humanely and raise standards of professionalism in the exercise of their day-to-day duties.

274. It is important to highlight that both the Air and Naval Service and the National Border Service, while being public security agencies legally established since 2008, have regulations on the use of force as part of their internal codes of conduct that undoubtedly standing contribute to maintaining social peace and public order.