



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-sixth session
4–15 May 2020

Compilation on Panama

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1,2}

2. The United Nations country team in the country recommended the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).³ In 2018, the Committee on the Rights of the Child also recommended that Panama consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁴

3. The Committee on the Rights of the Child further recommended that Panama expedite the process of ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and formally endorse the United Nations Declaration on the Rights of Indigenous Peoples.⁵

4. In 2017, the Committee against Torture encouraged Panama to consider making the declaration under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction.⁶

5. The United Nations country team noted that Panama had made an effort to fulfil its human rights obligations and to comply with the requirements of the treaty body reporting system. However, to date, it had yet to submit its periodic reports to the Committee on the



Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women. Panama did not yet have a coordinated, comprehensive plan for following up on the recommendations of the treaty bodies.⁷ The United Nations country team recommended that the State party should seek the broad engagement of civil society in the preparation of the reports and the implementation of the recommendations.⁸

6. In 2017, the Committee on the Rights of persons with Disabilities recommended that Panama promptly take all necessary measures to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.⁹

7. Panama is covered by the Regional Office for Central America of the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁰ OHCHR worked with Panama on areas such as the inter-institutional mechanism for reporting and follow-up on international recommendations, training sessions for judicial officials and activities with people of African descent, among others, with several stakeholders.

III. National human rights framework¹¹

8. The United Nations country team noted the establishment of the national preventive mechanism, which is attached to the Ombudsman's Office. The mechanism began its work in September 2018. The United Nations country team indicated that the establishment and operation of the mechanism were an important step forward, especially for the refugees and asylum seekers housed in migration detention centres. It recommended that a progress report be submitted on the consolidation of the mechanism and on the results of the implementation of the corresponding law and the mechanism's mandate.¹²

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹³

9. The Committee on the Rights of persons with Disabilities was concerned at the lack of policies to combat multiple and intersectional discrimination against persons with disabilities, especially women, indigenous persons and persons of African descent.¹⁴

10. The United Nations country team reported that racial profiling by the security forces remained a major concern of persons of African descent. The lack of disaggregated data made it difficult to demonstrate the existence of this practice, even though it was an underlying facet of Panamanian society. The United Nations country team also recommended that protocols be adopted for preventing racial profiling by the security forces.¹⁵

11. The United Nations country team noted that transgender persons were subjected to discrimination and exclusion in all areas, in addition to being the object of a great deal of stereotyping, which interfered with their effective enjoyment of their human rights. Transgender women prisoners were victims of sexual violence owing to the fact that they were routinely incarcerated in prisons for men, with no regard for the particularities of the individual or the specific case. The United Nations country team also recommended the adoption of a legal framework for the recognition of people's gender identities.¹⁶

12. The United Nations country team recommended the adoption of specific legislation to explicitly prohibit discrimination on the grounds of sexual orientation or gender identity and to punish those who practised such discrimination.¹⁷

2. Development, the environment, and business and human rights

13. The United Nations country team noted the National Strategic Plan and State Vision “Panamá 2030” for the achievement of the Sustainable Development Goals through a participatory process involving the Council of the National Coalition for Development. It also recommended that the country’s human rights reporting system and the voluntary progress reports on the 2030 Agenda be coordinated by the Social Affairs Office and the Inter-Agency Human Rights Commission, that the Strategic Plan be implemented with broad participation by civil society and that access to information on progress and challenges in the implementation of international recommendations be made more widely available to the public.¹⁸

14. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, stated, in his report on his mission to Panama in 2017, that the so-called “Panama papers” had demonstrated how international the problem was and how far-reaching and intricate the network of financial vehicles and actors was.¹⁹ The leaked files illustrated the vast and complex practices that were legal under Panamanian law but that had been misused by financial intermediaries from abroad to hide assets and evade taxation.²⁰ The Independent Expert recommended that Panama make tax evasion and providing assistance for tax evasion a criminal offence under the Criminal Code, not solely an administrative or fiscal contravention,²¹ and that it abolish shell companies and anonymous accounts by imposing a legal requirement for public disclosure of ultimate beneficial ownership information of all business entities, including companies, trusts, charities and foundations, created under its jurisdiction.²² The Committee on the Rights of the Child recommended that Panama combat tax evasion to ensure that children fully benefit from economic development.²³

15. The Independent Expert noted an uneven emphasis on a series of projects that were carried out without first conducting comprehensive human rights and environmental impact assessments. For example, he was made aware of the consequences of hydroelectric power plants in the Province of Chiriquí, particularly those known as “La Cuchilla”, “Chuspa” and “Chan 75”. The Independent Expert also received information about displacement caused by land conflicts and illicit sales in Kusapín, and about the displacement of people of African descent due to a tourism project in Pedro González.²⁴

16. The Committee on the Rights of the Child recommended that Panama take measures to prevent evictions and displacement of indigenous families and children, ensure that the policies, projects and practices on development and governance of land, including those which may entail relocation, were in line with relevant international standards and provided redress to those families and children evicted or displaced from their lands, including those affected by construction of the Barro Blanco Dam on the Tabasará River.²⁵

17. The Committee on the Rights of the Child recommended that Panama guarantee full public disclosure of the environmental, health-related and human rights impacts of planned projects and activities, as well as of plans to address such impacts, and ensure consistent consideration of the results of environmental impact assessments of investment projects.²⁶ The Committee also recommended that Panama establish a clear regulatory framework for electric, mining, agro-industrial, tourism and other investment projects, banks and companies operating in the State, as well as for Panamanian companies operating abroad, to ensure that their activities do not negatively affect children’s rights or endanger environmental and other standards.²⁷

B. Civil and political rights

1. Right to life, liberty and security of person²⁸

18. The Committee against Torture considered the definition of the offence of torture set forth in article 156-A of the Criminal Code to be incomplete, inasmuch as, contrary to what was prescribed by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and failed to expressly include acts of torture committed by a

third person at the instigation of or with the consent or acquiescence of a public official. It was also concerned that Panama maintained in its criminal law a statute of limitations for the crime of torture, although there was no statute of limitations in cases where torture was practised in a widespread and systematic manner against the civilian population. The Committee recommended that Panama make the offence of torture punishable in accordance with the Convention.²⁹ The Subcommittee on the Prevention of Torture noted that this departure from international standards in Panamanian law could lead to impunity.³⁰

19. The Committee against Torture was concerned at reports of arbitrary arrests and excessive use of force by the security forces during a series of protests against mining operations and hydroelectricity production in the Ngobe Bugle indigenous region, and recommended that prompt, impartial and effective investigations be carried out into all allegations relating to excessive use of force by the security forces, that the perpetrators be prosecuted and that the victims be adequately compensated.³¹

20. The same Committee urged Panama to ensure that all allegations of torture or ill-treatment were investigated promptly and impartially by an independent mechanism and that there was no institutional or hierarchical connection between the investigators and the suspected perpetrators.³²

21. The Subcommittee on the Prevention of Torture found that the conditions in most of the detention facilities it had visited in 2017 were appalling and, as a whole, amounted to cruel, inhuman and degrading treatment.³³ The Committee against Torture recommended that Panama redouble its efforts to improve conditions of detention and to reduce prison overcrowding, in particular through the application of alternative measures to the deprivation of liberty.³⁴ The Subcommittee recommended that Panama take urgent measures to address overcrowding, including by offering alternatives to imprisonment (community service, weekend arrest or house arrest), among other measures provided for in the criminal law of Panama, in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).³⁵

22. The Subcommittee urged Panama to adopt measures to ensure that all persons deprived of their liberty were effectively afforded all safeguards from the time they were taken into custody, in accordance with international rules and standards.³⁶

23. The Committee against Torture urged Panama to take all necessary measures to comply with the precautionary measure requested by the Inter-American Commission on Human Rights in relation to the Punta Coco temporary detention facility.³⁷

2. Administration of justice, including impunity, and the rule of law³⁸

24. The Committee against Torture noted with concern the lack of significant progress in the search for and identification of the remains of persons who had disappeared under the military dictatorship.³⁹ It recommended that Panama take appropriate measures to ensure effective and impartial investigations into all outstanding cases of alleged enforced disappearance, prosecute and, where appropriate, punish the perpetrators and provide compensation to the families of the victims.⁴⁰

25. The same Committee expressed its concern at the use of punishment devices such as the *cepo* (the stocks) for the application of penalties in the administration of indigenous justice.⁴¹ It recommended that Panama take the necessary measures to ensure that indigenous justice was administered with full respect for human rights, including the prohibition of torture and cruel, inhuman or degrading treatment or punishment.⁴²

26. The Committee on the Rights of persons with Disabilities recommended that Panama adopt the action plan on access to justice for persons with disabilities, as well as the necessary legal, administrative and judicial measures to eliminate all restrictions on the effective participation of persons with disabilities in all stages of the judicial process and that Panama ensure that women with disabilities have access to justice in practice.⁴³

3. Fundamental freedoms and the right to participate in public and political life⁴⁴

27. The Committee on the Rights of the Child recommended that Panama re-establish the authorization to form student groups in order to grant adolescents the right to peaceful assembly, in line with article 15 of the Convention on the Rights of the Child.⁴⁵

28. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Panama fully decriminalize defamation and place it within a civil code, in accordance with international standards. It encouraged Panama to assess the regulatory system of the broadcasting sector in order to ensure that it was transparent and independent.⁴⁶

29. The Committee on the Rights of persons with Disabilities recommended that Panama take steps to encourage and help persons with disabilities to exercise their political rights, including the right to stand for public office, and that it ensure that there were no legal or practical barriers to the right to vote of persons with disabilities. It also recommended that Panama intensify its efforts to ensure that electoral procedures, facilities and materials were fully accessible to persons with disabilities in urban, rural and indigenous areas alike, including that all polling stations had sufficient accessible ballots, with a view to guaranteeing assisted and secret voting. In addition, the Committee recommended that Panama adopt programmes to encourage persons with disabilities to stand for public office.⁴⁷

4. Prohibition of all forms of slavery⁴⁸

30. The Committee on the Rights of the Child recommended that Panama amend Act No. 79 of 9 November 2011 on trafficking in persons and related activities to introduce a definition of human trafficking that was 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.⁴⁹

31. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that Panama was a country of origin, transit and destination for men, women, girls and boys subject to sex trafficking and forced labour, many of whom were in need of international protection. It also noted that the legislation did not contain any protection measures for asylum seekers or refugees who were victims of human trafficking.⁵⁰

32. UNHCR recommended that Panama consider strengthening the capacity of the National Commission against Trafficking in Persons on the international protection needs of victims of trafficking in persons and that it consider adopting a standard operating procedure to ensure the effectiveness of the mechanism for referring victims of trafficking to relevant services, including to the asylum system.⁵¹

5. Right to privacy and family life⁵²

33. The Committee on the Elimination of Discrimination against Women requested information on measures taken to extend joint marital property to include intangible property, pension, insurance benefits and other career assets and to ensure that joint property is divided equally and fairly. It also requested information on whether gender-based violence against women in the domestic sphere was taken into consideration in judicial proceedings addressing children, such as child custody and visitation.⁵³

34. The United Nations country team noted that the adoption of Act No. 30 of 2015, which raised the minimum age of marriage to 18 years, was a stride forward for Panama. However, it was concerned that no measures had been taken to prevent people from entering into informal unions with minors.⁵⁴

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁵

35. The Committee of Experts on the Application of Conventions and Recommendations recalled that the concept of “work of equal value” lay at the heart of the

fundamental right to equal remuneration for men and women for work of equal value and the promotion of equality, and requested Panama to take the necessary measures to align its legislation with the principle of the Equal Remuneration Convention, 1951 (No. 100), to fully reflect the principle of equal remuneration for men and women for equal work of equal value.⁵⁶

36. The United Nations country team recommended that affirmative measures be taken to narrow the gender wage gap.⁵⁷

37. The Committee of Experts on the Application of Conventions and Recommendations requested Panama to take the necessary steps to ensure that women workers on temporary contracts had adequate protection against discrimination on the grounds of pregnancy or maternity.⁵⁸

38. The United Nations country team recommended that the national regulations under which adolescents over 14 years of age are permitted to work be aligned with the ILO Minimum Age Convention, 1973 (No. 138), which Panama has ratified.⁵⁹

2. Right to social security

39. The Committee on the Rights of persons with Disabilities noted with concern the number of persons with disabilities living in poverty or extreme poverty in Panama, especially women, children, people of African descent and indigenous people. It was also concerned that there was no inclusive social system in the State and, in particular, no specific retirement scheme for persons with disabilities or other financial support that would be sufficient to cover the additional costs that they face owing to their disability.⁶⁰

3. Right to an adequate standard of living⁶¹

40. The United Nations country team reported on the adoption of the National Water Security Plan “Water for All 2050” and the establishment of the National Water Board to monitor and measure progress on the Plan’s implementation. It also recalled that the goals of the Plan were to provide access for all to good-quality water and sanitation services; to ensure a water supply for inclusive socioeconomic growth; to undertake a preventive approach to the management of water-related risks; to maintain healthy watersheds; and to achieve water sustainability. It also recommended that the implementation of the National Plan be ensured by means of integrated watershed management in order to achieve 100 per cent coverage and that steps be taken to ensure gender mainstreaming and the participation of women in the planning, implementation and monitoring of plans, programmes and projects related to water management and sanitation.⁶²

4. Right to health⁶³

41. The United Nations country team recommended that universal access to quality health care be guaranteed for all people on the basis of the principles of transparency, accountability and sustainability.⁶⁴

42. The Committee on the Elimination of Discrimination against Women requested information on the legislation enacted by Panama to recognize and ensure the right to sexual and reproductive health and on measures taken to improve family planning and reproductive health programmes and policies designed to give women and adolescent girls, in particular in rural areas and in “indigenous regions”, access to information on health-care services, including reproductive health-care services and contraception.⁶⁵

43. The Committee on the Rights of the Child recommended that Panama reinstate the dialogue on a proposed law on sexual and reproductive education in order to integrate sexual and reproductive health education directed at adolescents into mandatory school curricula.⁶⁶

5. Right to education⁶⁷

44. The Committee on the Rights of the Child was concerned about the slow progress in educational coverage at the preschool and basic levels, especially the recent regression in participation in primary school and the general increase in the school dropout rate, and

about the very low enrolment rates of indigenous children in education, especially in secondary and higher education.⁶⁸ The Committee recommended that Panama reinforce efforts to increase the coverage and quality of educational services at all levels, and of comprehensive early childhood services and that it further strengthen and allocate adequate resources to the Bilingual Intercultural Educational Programme and the My School First programme to improve the participation of indigenous children in education.⁶⁹

45. UNESCO noted that concerns had been raised over the “slow progress in educational coverage at the preschool and basic levels”, the effects of poverty on school dropout rates and the “current budget allocation resulting in a reduction in the qualification level of teachers and in insufficient educational infrastructure”.⁷⁰ UNESCO recommended that Panama continue to increase quality educational coverage, notably by raising the budget allocated to education; continue efforts to develop a solid framework to ensure non-discrimination and the inclusion of people with disabilities, indigenous people and Afro-Panamanians in education; increase efforts to enroll people with disabilities in mainstream education and ensure the presence of trained and specialized teachers and professionals, particularly in rural and indigenous areas; strengthen and systematize measures to address school dropout rates at all levels; and raise the minimum age of employment to 15 years so as to align it with the end of compulsory education.⁷¹

46. The United Nations country team reported that children and adolescents had difficulty gaining access to, remaining in and reintegrating into an education system that provided them with meaningful and quality learning opportunities for the promotion of their comprehensive development, especially at the preschool and secondary levels. It also recommended that universal preschool education be provided.⁷²

47. The Committee of Experts on the Application of Conventions and Recommendations requested Panama to continue to take measures to pursue the reduction in the school dropout rate of pregnant teenagers and to ensure access to education and vocational training for rural and indigenous women so as to lower the illiteracy rate and promote their access to better job opportunities.⁷³

D. Rights of specific persons or groups

1. Women⁷⁴

48. The Committee against Torture noted with concern that the number of reported cases of domestic violence had increased sharply in recent years and that few court convictions were secured for femicide, sexual violence and other forms of violence against women.⁷⁵

49. The Committee on the Rights of persons with Disabilities was concerned about the invisibility of discrimination and violence, including domestic and sexual violence, against women with disabilities and noted that women with disabilities in rural areas and indigenous regions were particularly vulnerable.⁷⁶

50. The United Nations country team reported that discrimination against women and girls and the exclusion of these groups was widespread, particularly in the case of rural women, indigenous women and women of African descent in various areas. Unemployment was particularly a problem among women, whose average unemployment rate in 2016 was 16 per cent, compared to a 9 per cent rate for men. With regard to the right to health, the United Nations country team expressed its concern about the high rates of teenage pregnancy, which prevented teenage girls from gaining access to education and employment.⁷⁷

51. The Committee on the Elimination of Discrimination against Women requested Panama to provide information on the adoption of a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security and on the extent to which the State had incorporated the provisions of the resolution into its national strategy on gender equality and sectorial policies.⁷⁸

52. The Committee on the Rights of the Child recommended that Panama raise awareness on the harmful effects of the practice of cohabitation between girls and older men, and especially of early pregnancies and their repercussions on the physical and mental health and well-being of girls. It also recommended that Panama investigate the possible existence of female genital mutilation in its indigenous population in the border area with the Colombian coast, and – if the findings proved the existence of this practice on its territory – take the necessary measures to end it.⁷⁹

53. The United Nations country team noted that women were underrepresented in appointed positions in the executive and judicial branches as currently only 14.3 per cent of ministerial portfolios were held by women. During the 2009–2014 term, the corresponding figure had been 12.9 per cent – a very low percentage when compared with the regional average of 25.4 per cent. In this context, the United Nations country team recommended that steps be taken to guarantee women’s equal participation in the political arena.⁸⁰

2. Children⁸¹

54. In 2018, the Committee on the Rights of the Child urged Panama to expedite the adoption of a comprehensive law on children’s rights where children are recognized as rights holders rather than as objects of protection.⁸²

55. Welcoming targeted action undertaken to end the underregistration of births among indigenous peoples and in remote areas, and taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee on the Rights of the Child urged Panama to continue to make efforts to ensure that all children, including indigenous children, refugee children and children of migrant parents, were duly registered at birth. The Committee also recommended that the requirement for adolescents from the age of 12 years to carry new youth identity cards be reviewed to ensure that it does not result in the arbitrary detention of members of any group of adolescents.⁸³

56. The United Nations country team recommended that the juvenile criminal law system be aligned with the Convention on the Rights of the Child and that the use of non-custodial measures be promoted and strengthened with a view to minimizing the time that juveniles spend in detention.⁸⁴ It also recommended that the standards for procedural guarantees for juvenile criminal justice be aligned with those of the ordinary adversarial criminal justice system.⁸⁵

57. In 2016, the Secretary-General noted that indigenous authorities in Panama had reported the cross-border recruitment of children by non-State armed groups.⁸⁶ The Committee on the Rights of the Child was also deeply concerned at reports of cross-border recruitment of children and adolescents by non-State armed groups that were temporarily present in areas primarily inhabited by indigenous populations and persons of African descent.⁸⁷ The Committee recommended that Panama take all the legal, administrative and institutional measures necessary to prevent the recruitment of children and to protect them from violence by non-State armed groups and that it establish appropriate mechanisms to identify children at risk of being recruited or of being used by non-State armed groups, including children living in remote or rural areas, as well as refugee, asylum-seeking and indigenous children.⁸⁸

58. The same Committee recommended that Panama adopt adequate preventive measures to combat child sexual exploitation in travel and tourism, including within the framework of the agreement between the National Commission for the Prevention of Commercial Sexual Exploitation and the Panamanian Hotels Association, raise awareness to change attitudes, encourage reporting of such activities and widely disseminate the charter of honour for tourism and the World Tourism Organization global code of ethics for tourism among travel agents in the tourism industry.⁸⁹

59. The same Committee was concerned at indications that 44.9 per cent of children under 14 years of age had experienced some form of violent discipline in 2013, and urged Panama to revise articles 319 and 443 of the Family Code and explicitly prohibit, through legislative and administrative provisions, the use of corporal punishment in all settings, namely in schools, in childcare institutions, including early childhood care institutions, in

alternative care settings, in the home and in juvenile detention centres.⁹⁰ The Committee on the Rights of persons with Disabilities urged Panama to repeal the provisions of the Civil Code and the Family Code that empowered adults caring for children to “correct” and punish them moderately and recommended that Panama draw up legislation that completely prohibited corporal punishment in all settings, including in family settings and in indigenous and Afrodescendent communities, and take all necessary measures to ensure the implementation of that legislation.⁹¹

3. Persons with disabilities⁹²

60. The Committee on the Rights of the Child recommended that Panama reinforce measures to develop inclusive education, including by allocating adequate financial resources for their implementation, increasing the number of trained and assigned specialized teachers and professionals in inclusive classes in rural and indigenous areas, and ensuring that inclusive education was given priority over the placement of children in specialized institutions and classes and that it strengthen efforts to grant all children with disabilities access to adequate housing guaranteeing physical safety, adequate space, protection against threats to health and against structural hazards, including cold, damp, heat and pollution, and accessibility.⁹³

4. Minorities and indigenous peoples⁹⁴

61. The Independent Expert the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, stated that high levels of poverty persisted in the indigenous *comarcas* (towns or areas) and in those provinces with a high proportion of people residing in rural areas that were not easily accessible or where indigenous communities were present.⁹⁵

62. The United Nations country team reported that the Government had adopted its National Plan for the Comprehensive Development of Indigenous Peoples in 2018 and had institutionalized a forum for ongoing dialogue with the country’s indigenous authorities. It also noted that indigenous women were calling for greater participation in decision-making bodies and access to the resources that were to be made available under the National Plan.⁹⁶

63. The United Nations country team reported that official sociodemographic data continued to indicate that efforts to ensure that indigenous peoples had access to basic services and adequate standards of living continued to fall short of what was needed. According the CRECER test conducted by the Ministry of Education in 2016, 87.6 per cent of third grade children in indigenous regions had not attained the basic reading level, while in the other provinces this percentage was 50 per cent.⁹⁷

64. The United Nations country team reported that the illegal occupation of indigenous territories remained the greatest concern of indigenous peoples. The question of the establishment of the Naso Region, which would provide legal recognition of the territory of the Naso people, had generated considerable controversy. The team added that the Legislative Assembly had adopted Act No. 656, under which the Naso Region was to be established. This law was vetoed by the President, however, and the establishment of the region was challenged as being unconstitutional; the case is now pending before the Supreme Court. The United Nations country team recommended that guarantees be provided for the participation of indigenous peoples in the management of natural resources and all decision-making processes that could affect their enjoyment of their individual and collective human rights, that the right of peoples to development in accordance with their own needs and interests be guaranteed and that indigenous peoples’ right to the recognition and legal protection of their ancestral lands and territories be ensured.⁹⁸ In December 2019, the Committee on the Elimination of Racial Discrimination sent an early warning letter to Panama regarding the situation of the Ngabe indigenous population and the Changuinola hydroelectric plant.⁹⁹

65. The Committee on the Rights of the Child recommended that Panama take all measures necessary to combat the negative association of Afro-Panamanian and other adolescents with crime, including negative stereotyping based on age and ethnicity.¹⁰⁰

5. Migrants, refugees, asylum seekers and internally displaced persons¹⁰¹

66. The United Nations country team referred to the significant increase in the number of migrants and asylum seekers entering the country, which posed an enormous challenge for Panama, despite the authorities' efforts to process their applications and manage these migration flows on a humanitarian basis. The team added that the groups of migrants in transit that were heading north included migrants from both inside and outside the region of over 80 different nationalities. The United Nations country team recommended that steps be taken to ensure that the migration route was safe and to bring conditions in migrant reception centres up to at least a minimum level of decency in terms of access to basic services.¹⁰²

67. The Committee on the Rights of the Child urged Panama to ensure appropriate and prompt assistance and support to migrant, refugee and asylum-seeking children, some of whom may have been recruited and/or used in hostilities abroad, and also to ensure their full protection in line with international standards.¹⁰³

68. The Subcommittee on the Prevention of Torture reiterated that the detention of migrants in holding centres should be an exceptional measure that was taken only when necessary, reasonable and proportionate in a specific case, and that it should be applied only for the shortest period possible and for a legitimate purpose.¹⁰⁴

69. The Committee against Torture remained concerned at the high percentage of asylum claims that were declared inadmissible (about 98 per cent). It was also concerned at reports that the State might be endangering asylum seekers by denying them access to its territory and to the procedure for determining refugee status at airport border posts and at its frontiers.¹⁰⁵

70. UNHCR regretted that Executive Decree No. 5 of 2018 did not include the expanded definition of a refugee contained in the Cartagena Declaration on Refugees and stated that the Decree failed to provide sufficient legal certainty with regard to the procedure for submitting and considering asylum applications and also failed to address the weakness in ensuring fairness in the accelerated processing of manifestly unfounded applications.¹⁰⁶

71. UNHCR recommended that Panama ensure access to the territory and asylum procedures to conform with international standards and prevent cases of refoulement; strengthen asylum capacity and legal assistance to asylum seekers to enable the submission of asylum applications at border areas and at the international airport; enhance the institutional framework by adopting protocols that include a mechanism for the identification and referral of persons with international protection needs; and develop a training programme aimed at building the capacity of newly recruited border officials that includes modules on international protection.¹⁰⁷

6. Stateless persons

72. The United Nations country team recommended that mechanisms for the prevention of statelessness be developed in order to guarantee the right to a nationality.¹⁰⁸

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Panama will be available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PAindex.aspx>.

² For relevant recommendations, see A/HRC/30/7, paras. 90.1–90.11, 90.23–90.24 and 91.1–1.10.

³ United Nations country team submission for the universal periodic review of Panama, para. 3.

⁴ CRC/C/PAN/CO/5-6, para. 41.

⁵ *Ibid.*, para. 36 (d).

⁶ CAT/C/PAN/CO/4, para. 51.

⁷ United Nations country team submission, para. 5.

⁸ United Nations country team submission, para. 6.

⁹ CRPD/C/PAN/CO/1, para. 59.

¹⁰ OHCHR, *OHCHR Report 2018*, pp. 228–231; *OHCHR Report 2017*, pp. 233–237; *OHCHR Report 2016*, pp. 208–209; and *OHCHR Report 2015*, pp. 188–190.

- 11 For relevant recommendations, see A/HRC/30/7, paras. 90.19 and 90.21.
- 12 United Nations country team submission, paras. 22–24.
- 13 For relevant recommendations, see A/HRC/30/7, paras. 90.35–90.44, 90.48, 90.54 and 91.14.
- 14 CRPD/C/PAN/CO/1, para. 14.
- 15 United Nations country team submission, paras. 20–21.
- 16 *Ibid.*, para. 38.
- 17 *Ibid.*, para. 17.
- 18 *Ibid.*, paras. 10–11.
- 19 A/HRC/37/54/Add.2, para. 35.
- 20 *Ibid.*
- 21 A/HRC/37/54/Add.2, para. 84 (a).
- 22 *Ibid.*, para. 83 (a).
- 23 CRC/C/PAN/CO/5-6, para. 9 (d).
- 24 A/HRC/37/54/Add.2, para. 70.
- 25 CRC/C/PAN/CO/5-6, para. 14 (a).
- 26 *Ibid.*, para. 14 (c).
- 27 *Ibid.*, para. 14 (d).
- 28 For relevant recommendations, see A/HRC/30/7, paras. 90.16–90.18 and 90.56–90.61.
- 29 CAT/C/PAN/CO/4, paras. 8–9.
- 30 CAT/OP/PAN/1, para. 31.
- 31 CAT/C/PAN/CO/4, paras. 14–15.
- 32 *Ibid.*, para. 13 (a).
- 33 CAT/OP/PAN/1, para. 56.
- 34 CAT/C/PAN/CO/4, para. 17 (a).
- 35 CAT/OP/PAN/1, para. 64.
- 36 *Ibid.*, para. 38.
- 37 CAT/C/PAN/CO/4, para. 19.
- 38 For relevant recommendations, see A/HRC/30/7, paras. 90.43, 90.71 and 90.80–90.89.
- 39 CAT/C/PAN/CO/4, para. 32.
- 40 *Ibid.*, para. 33.
- 41 *Ibid.*, para. 46.
- 42 *Ibid.*, para. 47.
- 43 CRPD/C/PAN/CO/1, para. 33 (a)–(b).
- 44 For relevant recommendations, see A/HRC/30/7, paras. 90.93–90.94.
- 45 CRC/C/PAN/CO/5-6, para. 20.
- 46 UNESCO submission for the universal periodic review of Panama, p. 6.
- 47 CRPD/C/PAN/CO/1, para. 57.
- 48 For relevant recommendations, see A/HRC/30/7, paras. 90.76 and 90.78–90.79.
- 49 CRC/C/PAN/CO/5-6, para. 38 (a).
- 50 UNHCR submission for the universal periodic review of Panama, p. 3.
- 51 *Ibid.*, p. 4.
- 52 For relevant recommendations, see A/HRC/30/7, paras. 90.90–90.92.
- 53 CEDAW/C/PAN/QPR/8, para. 25.
- 54 United Nations country team submission, para. 67.
- 55 For relevant recommendations, see A/HRC/30/7, paras. 90.95–90.96.
- 56 See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3250555.
- 57 United Nations country team submission, para. 48.
- 58 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3250567:NO.
- 59 United Nations country team submission, para. 75.
- 60 CRPD/C/PAN/CO/1, para. 54.
- 61 For relevant recommendations, see A/HRC/30/7, paras. 90.55, 90.97–90.100 and 90.109–90.110.
- 62 United Nations country team submission, paras. 45–46.
- 63 For relevant recommendations, see A/HRC/30/7, paras. 90.101–90.102.
- 64 United Nations country team submission, paras. 52 and 81–82.
- 65 CEDAW/C/PAN/QPR/8, para. 16 (a)–(b).
- 66 CRC/C/PAN/CO/5-6, para. 31 (a).
- 67 For relevant recommendations, see A/HRC/30/7, paras. 90.103–90.107.
- 68 CRC/C/PAN/CO/5-6, para. 33 (a)–(b).
- 69 *Ibid.*, para. 34 (a)–(b).
- 70 UNESCO submission, p. 3.
- 71 *Ibid.*, p. 5.

- ⁷² United Nations country team submission, paras. 54-55.
- ⁷³ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3250567:NO.
- ⁷⁴ For relevant recommendations, see A/HRC/30/7, paras. 90.25–90.33 and 90.61–90.73.
- ⁷⁵ CAT/C/PAN/CO/4, para. 40.
- ⁷⁶ CRPD/C/PAN/CO/1, para. 18.
- ⁷⁷ United Nations country team submission, para. 56.
- ⁷⁸ CEDAW/C/PAN/QPR/8, para. 7.
- ⁷⁹ CRC/C/PAN/CO/5-6, para. 24.
- ⁸⁰ United Nations country team submission, paras. 42-44.
- ⁸¹ For relevant recommendations see A/HRC/30/7, paras. 90.12–90.14; 90.20; 90.22; 90.34; 90.74–90.75; 90.77; 90.111; and 91.11–91.13.
- ⁸² CRC/C/PAN/CO/5-6, para. 6.
- ⁸³ CRC/C/PAN/CO/5-6, para. 18.
- ⁸⁴ United Nations country team submission, para. 77.
- ⁸⁵ *Ibid.*, para. 29.
- ⁸⁶ S/2016/837, para. 19.
- ⁸⁷ CRC/C/OPAC/PAN/CO/1, para. 14.
- ⁸⁸ CRC/C/OPAC/PAN/CO/1, para. 15 (a)–(b).
- ⁸⁹ CRC/C/PAN/CO/5-6, para. 14 (g).
- ⁹⁰ *Ibid.*, para. 21, in particular 21 (a).
- ⁹¹ CRPD/C/PAN/CO/1, para. 23.
- ⁹² For relevant recommendations, see A/HRC/30/7, paras. 90.45 and 90.108.
- ⁹³ CRC/C/PAN/CO/5-6, para. 28 (a)–(b).
- ⁹⁴ For relevant recommendations, see A/HRC/30/7, paras. 90.45–90.47 and 90.49–90.53.
- ⁹⁵ A/HRC/37/54/Add.2, para. 61.
- ⁹⁶ United Nations country team submission, para. 78.
- ⁹⁷ *Ibid.*, para. 80.
- ⁹⁸ *Ibid.*, paras. 81 and 46.
- ⁹⁹ CERD/EWUAP/100th session/2019/Panama/JP/ks.
- ¹⁰⁰ CRC/C/PAN/CO/5-6, para. 16 (c).
- ¹⁰¹ For the relevant recommendation, see A/HRC/30/7, para. 90.111.
- ¹⁰² United Nations country team submission, paras. 83–87.
- ¹⁰³ CRC/C/OPAC/PAN/CO/1, para. 23.
- ¹⁰⁴ CAT/OP/PAN/1, para. 121.
- ¹⁰⁵ CAT/C/PAN/CO/4, para. 36.
- ¹⁰⁶ UNHCR submission, p. 1.
- ¹⁰⁷ *Ibid.*, p. 4.
- ¹⁰⁸ United Nations country team submission, para. 89.
-