



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Seventy-sixth session

15 February–12 March 2010

List of issues in connection with the consideration of the twentieth periodic report of Panama (CERD/C/PAN/15-20)

Article 1

1. The Committee takes note of the last paragraph of the introduction of the State party's report, according to which international law provisions are not, generally speaking, part of the constitutional corpus and that, rather, treaties under international law place an obligation on Panama to bring its national legislation into line with the rules of international law that have been ratified by virtue of those treaties. The Committee would therefore like to know whether national legislation has been brought into line with the Convention.

Articles 2 and 4

2. The Committee notes that articles 19, 39 and 63 of the Panamanian Constitution refer to discrimination on the grounds of race. It would, however, be grateful for information on more specific legislation in that field, including the Criminal Code. Please also provide information on the explicit prohibition of racial discrimination in Panama and any programmes, plans and/or policies that exist to combat racism.

3. What role has the Ombudsman's Office played in combating racial discrimination in Panama?

Article 5

4. Please provide more information on the mechanisms whereby the population can participate in the design of public policies, as mentioned in the report.

5. Please provide more information on Executive Decree No. 124, of 27 May 2005, establishing the special committee to develop a Government policy on the full inclusion of ethnic black Panamanians.

6. Please provide more information on the National Commission for Refugee Affairs and the protection that it provides to persons who, by reason of their race and/or ethnic origin, are unable or unwilling to return to their countries, as mentioned in paragraph 110 of the report of the State party.

7. Please send more information on the work and programmes of the National Secretariat for the Development of Afro-Panamanians (SENADAP), which is attached to the Office of the President, and has structural links with the various State agencies.
8. Please send further information about the “new focus” of the Government’s social policy, with its emphasis on population groups, one of the most important being the Afro-descendants, and also about programmes to combat poverty and extreme poverty, in indigenous areas and elsewhere (para. 170), and the “Incluye” (Inclusion) bracelet campaign (para. 172).
9. Please provide more details on the National Directorate for Indigenous Policy (paras. 175 ff.), Act No. 18 of 1952 and the work of the Directorate.
10. Please provide further details of the “territorial autonomy” of the indigenous people of Panama and the programmes in place for these communities, such as the Kuna Yala development project, the nutrition and food distribution programmes in indigenous areas and the recognition of the indigenous primary and secondary educational curriculum in the countries of the frontier zone (para. 181).
11. Please provide more information on the involvement of the indigenous communities in the environmental and cultural impact studies to be conducted in connection with the Darién Gap and, in particular, on how their “prior, free and informed consent” will be obtained through consultation (para. 182).
12. Please provide further information on articles 84, 86, 120, 122 and 123 of the Panamanian Constitution, which “clearly establish the rights of Panama’s peasants and indigenous inhabitants” (para. 185).
13. The Committee welcomes the information provided on the Chan 75 hydroelectric project. It takes note of the recommendation by Mr. James Anaya, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, during his visit to Panama in January 2009 and the reply sent by the State party in May 2009. It requests the State party to provide information on the current situation in that regard, particularly on the reported appointment by the new President of a member of Congress to enter into dialogue with the affected communities and the verbal agreement that has been reached.

Article 6

14. Please send more information on action taken by the State party to combat the practices referred to in paragraphs 86 ff. of the report (schools that reserve the right of admission on grounds of colour or job offers requiring photographs), which have given rise to racial discrimination.
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