



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Twentieth periodic reports of States parties due in 2008*

Addendum

PANAMA *****

[31 December 2008]

* This document contains the fifteenth to twentieth periodic reports of Panama, due on 4 January 1998, 2000, 2002, 2004, 2006 and 2008, respectively, submitted in one document. For the tenth, twelfth, thirteenth and fourteenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/299/Add.1 and CERD/C/SR.1208, respectively.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

*** The annex is available for consultation in the Secretariat's files.

Introduction

As indicated in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1), the report preparation process provides every State party with an opportunity to “conduct a comprehensive review of the measures it has taken to harmonize national law and policy with the provisions of the relevant international human rights treaties to which it is a party”.

In the Republic of Panama, authority to conclude international conventions lies with the President of the Republic, who delegates that power to the Minister for Foreign Affairs. The Minister, in turn, may delegate it to another minister of State or to diplomatic representatives, who are granted full powers to that effect.

Under Panamanian law, authority to conclude treaties lies with the Executive. Under article 153, paragraph 3, of the Constitution of Panama, however, treaties must be approved by the legislature before being ratified. The procedure followed is described below.

The Ministry of Foreign Affairs drafts a bill for the adoption of a convention, together with the corresponding explanatory introduction describing its objectives and benefits, and transmits the bill to the Council of Ministers for authorization to present it to the National Assembly. This procedure is in accordance with the provisions of article 159 of the Constitution.

Once the bill has been approved by the Council of Ministers, the Minister for Foreign Affairs presents the bill at the plenary session of the National Assembly.

The bill is then submitted to the Foreign Affairs Committee of the National Assembly, where it is adopted on first reading, and is subsequently returned to the plenary session of the National Assembly for second and third readings.

Once adopted by the National Assembly, the bill is transmitted for signature and subsequently published in the Official Gazette, thereupon becoming national law.

In terms of the status of international conventions, article 4 of the Constitution stipulates that “Panama shall abide by the rules of international law”. This could imply that Panama is to take the approach that affirms the primacy of international law over national law. Associating themselves with this approach, various jurists in Panama have been inclined to rank the rules of international law on the same level as those of constitutional law, attributing the same normative value to both and invoking international law provisions as they would constitutional ones in order to allege the unconstitutionality of lower ranking provisions. At this point the Supreme Court of Justice makes a ruling on the scope and sense of article 4 of the Constitution and establishes guidelines as to the value to be ascribed to international law provisions and whether or not to consider them an integral part of the constitutional corpus.

Accordingly, the Court has indicated the scope of article 4 of the Constitution in a number of rulings and found that, generally speaking, international law provisions are not part of the constitutional corpus. Rather, treaties under international law place an obligation on the Republic of Panama to bring its national legislation into line with the rules of international law that have been ratified by virtue of those treaties. In other words, national laws must be made consistent with or adapted to international laws in order for the latter to be effective. Until such adaptations have been made, international obligations or rules are not directly enforceable.

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I. GEOGRAPHICAL, PHYSICAL AND POLITICAL DESCRIPTION OF PANAMA

1. The Republic of Panama is located in the centre of the American continent. It is bounded to the north by the Caribbean Sea, to the south by the Pacific Ocean, to the east by the Republic of Colombia and to the west by the Republic of Costa Rica.
2. Panama lies between latitude 7 and 9 degrees north and between longitude 77 and 83 degrees west, which places it in the tropical region. It has two clearly defined seasons: rainy and dry. Temperatures tend to be high as a result of its predominantly low-lying terrain.
3. Panama's territory covers an area of 75,517 km², which includes its land surface, territorial waters, continental shelf, subsoil and airspace.
4. Politically, the Republic is divided into 9 provinces, 74 municipalities, 592 administrative districts and 5 indigenous regions.
5. The Republic of Panama is a sovereign State with a democratic, unitary and republican Government, which is elected every five years.
6. The Republic of Panama covers a surface area of 75,512 km². Politically it is divided into 9 provinces, 5 indigenous regions, 75 municipalities and 621 administrative districts.
7. According to the XVI Population and Housing Census for 2000, Panama has a population of 2,839,177, with a greater percentage of men (51 per cent) than women (49 per cent). Its overall population density is 37.6 inhabitants per km², ranging from 116.2 inhabitants per km² in the province of Panama to 3.4 in the province of Darién. Some 49 per cent of the population lives in the metropolitan region, primarily in the capital, Panama City, and its outskirts, with an uneven population distribution in the interior of the country.
8. Despite the fact that Panama's population is composed of almost even numbers of male and female inhabitants, 62 per cent of the economically active population (1,448,532 inhabitants) are male and 38 per cent are female. The employed population represents 93.7 per cent (1,375,059 inhabitants) of the economically active population, with male workers accounting for 63 per cent and female workers for 37 per cent, while 48 per cent of the total unemployed population (91,473 inhabitants) are men and 52 per cent are women. Another important figure is the non-economically active population (861,231 inhabitants), 72.7 per cent of whom are female.
9. Moreover, certain parallel situations may be found that are at once the cause and the effect of poverty, including illiteracy. According to the latest census of the Office of the Comptroller, there are 168,140 illiterate persons aged 10 or older, representing 7.6 per cent of the country's population, and of whom 78,411 (3.6 per cent) are men and 89,729 (4 per cent) women.
10. With regard to the child and adolescent population, according to data provided by the Office of the Comptroller General based on estimates for 1 July 2006, 11 per cent are under 5, 30 per cent under 15 and 26 per cent between 15 and 29. Among the child, adolescent and youth population, males outnumber females. For example, in the indigenous regions, girls and adolescent girls represent only 28 per cent of the total population.

A. Panamanian society

11. The Republic of Panama today is a multicultural and ethnically diverse nation, where mestizos, indigenous people, Asians, African-West Indians, Jews, Hindus, Arabs, Europeans and others live together in a melting pot of races. Panama enjoys a favourable geographic position, an abundant and rich biodiversity and a relatively small population, whose life expectancy is now 72.9 years for men and 75 years for women, with a slight tendency towards ageing and a reduction in growth.

12. According to the latest population census in 2000, Panama's population totalled 2,839,177. As in other nations on the continent, its population is unevenly distributed, widely scattered and migrating rapidly from countryside to towns, all of which impacts the provision and quality of basic services, including education. Its historical status as a country of transit and the countless migratory influxes that have occurred since it became a Republic have transformed Panama into a cosmopolitan, multicultural and multilingual country.

13. Since the founding of the Republic, the State has directed its efforts towards the establishment of a national Panamanian identity by attempting to define shared cultural norms for all social groups residing in the national territory.

II. INTERNATIONAL CONTEXT GUIDING PANAMA'S PUBLIC POLICY ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION

14. The Republic of Panama, like most other countries and the United Nations, shares the view that, despite decades of efforts to eliminate all forms of racial discrimination, it continues to poison human relations and institutions in various ways in all parts of the world.

15. By endorsing the basic principles of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held in 2001 in Durban, South Africa, Panama recognizes that education is one of the most effective means of countering racial discrimination, as stated below:

“Education at all levels and all ages, including within the family, in particular human rights education, is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies.”

16. Our country views education as “a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance”.

17. The Republic of Panama has recently begun to focus its attention, as a matter of priority, on the situation of ethnic minorities, indigenous people, persons with disabilities, marginalized groups and the most vulnerable sectors of society. These efforts place particular emphasis on education as a process whereby citizens and Panamanian society in general can achieve their full potential.

18. From this standpoint, the State of Panama has made progress in eliminating illiteracy, expanding educational opportunities as a means of promoting the universal goal of access to primary and secondary education and increasing the participation of women in all areas, including in educational institutions, among other areas in the field of education.

19. All of the foregoing correspond to the commitments undertaken by our country to guarantee human rights to education as part of the outcome of the Earth Summit, held in Rio de Janeiro; the World Summit for Social Development, held in Copenhagen; the Fourth World Conference on Women: Action for Equality, Development and Peace, held in Beijing; the United Nations Conference on Human Settlements (Habitat II), held in Istanbul; as well as the joint World Declaration on Education for All and Amman Affirmation.

III. ARTICLE 1 OF THE CONVENTION

20. The State of Panama, believing that discrimination between human beings on the grounds of race, colour or ethnic origin constitutes an obstacle to friendly and peaceful relations between nations, has established legal provisions in articles 19 and 63 of its Constitution, which was adopted in 1972 and amended by the Reform Acts of 1978 and the Constitutional Act of 1983:

Article 19. There shall be no personal privileges or distinctions or discrimination by reason of race, birth, social class, sex, religion or political ideas.

[...]

Article 63. An equal wage or salary shall always be paid for equal work under identical conditions, regardless of who performs it, without distinction as to sex, nationality, age, race, social class or political or religious ideas.

21. Furthermore, it should be noted that Act No. 11 of 22 April 2005, which prohibits all forms of discrimination in the workplace, was promulgated in Official Gazette No. 25287 of the National Assembly of Representatives.

IV. ARTICLE 2 OF THE CONVENTION

22. As mentioned previously in the section on article 1, the State of Panama prevents all forms of racial discrimination by duly established legislation.

V. ARTICLE 3 OF THE CONVENTION

23. Apartheid does not exist in Panama.

24. In this connection, and in conformity with article 4 of the Panamanian Constitution, which states that “the Republic of Panama shall abide by the rules of international law”, the Government of Panama has ratified numerous international human rights conventions and, in particular, those that condemn racist practices and any form of racial discrimination. Pursuant to these obligations, numerous legislative, judicial and administrative measures have been adopted. For example, book II, title IX, chapter III, of the Criminal Code, on offences against the international community, provides as follows (arts. 311 and 312):

Article 311. Anyone who participates in the total or partial destruction of a particular group of human beings, for reasons of their nationality, race or religious or political beliefs, shall be liable to imprisonment for a term of 15 to 20 years.

Article 312. Anyone who recruits persons, accumulates weapons, performs other hostile acts not approved by the Government or carries out, within the territory of the Republic or abroad, acts against another State which expose Panama to the threat of war or to the severance of international relations shall be liable to imprisonment for a term of three to six years.

VI. ARTICLE 4 OF THE CONVENTION

25. This article of the Convention is regulated by article 39 of the Constitution of Panama, which states that “no recognition shall be granted to associations based on ideas or theories propounding the so-called superiority of one race or ethnic group, or which justify or promote racial discrimination”. It permits the establishment of companies, associations or foundations that are not contrary to morals or to the legal order.

26. Moreover, pursuant to the provisions of article 4 of the Convention on national and foreign publicity and propaganda, the Commission on Advertising and Publicity was set up by Decision No. 00615 of 30 April 1991. The Commission comprises representatives of the Ministry of Health and the Ministry of the Interior and Justice (Directorate for the Media). The Commission is responsible for vetting all advertisements connected with health, hygiene, food, alcoholic beverages and drugs in order to ensure the comprehensive protection of the physical, mental and social well-being of the population, without discrimination on grounds of race, colour or ethnic origin. No charges or complaints have been lodged with the Ministry of the Interior and Justice concerning any kind of racial discrimination.

VII. ARTICLE 5 OF THE CONVENTION

27. Article 21 of the Constitution of Panama stipulates that no one may be deprived of their liberty except by written order from a competent authority, issued in accordance with legal formalities and on grounds previously defined by law. No one may be detained for more than 24 hours without being brought before a competent authority.

28. Moreover, all persons placed under arrest must be informed promptly and in an understandable manner of the reasons for their arrest and of their corresponding constitutional and legal rights.

29. Under article 220, paragraph 4, the Public Prosecutor’s Office has the constitutional obligation to prosecute all offences and violations of the Constitution or the law.

30. Furthermore, the Constitution establishes the principles on which the prison system is based, namely, (a) security, (b) rehabilitation and (c) protection of society.

31. It also stipulates that prisoners will be trained in an occupation that is conducive to their useful reintegration into society, and that juvenile inmates will be subject to a special custody, protection and education regime. Article 27 of the Constitution states that “everyone may travel freely throughout the national territory and change domicile or residence without any restrictions

other than those imposed by laws or regulations pertaining to traffic, taxes, health and migration”. In addition, article 17 of the Constitution provides that “the authorities shall protect the life, honour and property of all nationals, wherever they may be, and of aliens in their jurisdiction”, and article 19 that “there shall be no personal privileges or distinctions or discrimination by reason of race”.

32. Article 20 of the Constitution establishes the equality of nationals and aliens before the law but specifies that, for exceptional reasons related to employment, health, morality, public security and the national economy, the law may subject aliens in general to special conditions or stop them working in certain areas.

33. Panama’s basic premise, then, is that nationals and aliens are equal before the law, and therefore both have the right to settle where they choose, subject to no official restriction other than respect for the right to private property.

34. Under article 15 of the Constitution, aliens and nationals are equal before the law, and the State has an obligation to protect the fundamental rights of nationals and aliens within its jurisdiction.

35. The National Migration Service takes measures as necessary to protect the civil and political rights of aliens in conformity with article 17 of the Constitution, which stipulates that the State shall protect the fundamental rights of aliens under its jurisdiction. In the event of an accusation or complaint regarding a rights violation, the individual concerned may file an administrative complaint under Act No. 38 of 2000 regulating administrative proceedings.

36. Article 26 of the Constitution stipulates that a person’s home or residence is inviolable and that no one may enter them without the owner’s consent except by written order of a competent authority and for a specific purpose, or to assist victims of a crime or disaster. The inviolability of correspondence and other private documents, which may not be examined or retained by anyone other than their owner, is also a constitutional right.

37. It may be noted that in Panama, various laws exist to protect the individual’s home, family, privacy and correspondence from any unwanted or unlawful intrusion or interference. This right also implies that individuals and social groups have the freedom to declare or express any idea or belief, subject only to those limitations needed to maintain public order as guaranteed by law. This freedom necessarily implies that no one may be compelled to testify about the substance of their ideas or beliefs or subjected to any form of discrimination on the grounds of those ideas and, if it is to constitute an objective guarantee, it also usually requires absolute neutrality on the part of the authorities with regard to its various expressions.

38. The recognition and effective guarantee of the freedom of thought, conscience and religion are embodied in articles 35 and 37 of the Constitution.

39. Article 35 stipulates that everyone may freely profess and practise any religion, while article 37 stipulates that everyone may freely express their thoughts in writing or by any other means without being subject to prior censorship. However, legal responsibility is incurred when the reputation or honour of a person is impugned or there is a threat to public security or public order.

40. With regard to the freedom of thought, legal responsibility is incurred when the reputation or honour of a person is impugned or there is a threat to public security or public order.

41. The Ombudsman's Office works to protect, promote and impart education in fundamental rights, including those contained in article 18 of the International Covenant on Civil and Political Rights. This work involves the provision of training for public servants, NGOs and the general public by means of seminars, workshops, radio and television broadcasts, pamphlets, the Mobile Ombudsman programme, inter-agency meetings and meetings with the parties involved.

42. The current Family and Minors' Code specifically prohibits the dissemination of messages, programmes or advertisements advocating crime. It also states in article 485 that the media must not broadcast any programmes, messages or advertisements that "portray pornography, graphic violence or mutilation".

43. It should be stressed that the above-mentioned article requires the Executive to regulate the implementation of these provisions through the Commission for the Implementation of the Family Code.

44. The right to freedom of assembly is a prime expression of the general freedom of action. In a participatory democracy, it gives every individual the right to meet at a designated place by common agreement with others in order to accomplish a specific objective.

45. Article 40 of the Constitution stipulates that "everyone is free to practise any profession or trade, subject to the regulations prescribed by law with regard to qualifications, morality, social security, membership in professional organizations, public health, membership in trade unions and the payment of dues. No taxes or payment shall be imposed for practising an independent profession, trade or craft".

46. Likewise, the second paragraph of article 39 of the Constitution stipulates that "the capacity, recognition and regulation of companies and other juridical persons shall be determined by Panamanian law". In this way, Panamanian legislation regulates the rights of every member of society to meet for political purposes (a political right) or simply in order to reach agreement on common action (a civil right).

47. The right to freedom of association is defined as the authority and freedom of all workers to form stable associations with a view to participating in the organization of the relations of production. The right to organize is a specific form of the right to freedom of association and therefore has the same constitutional value.

48. With regard to special measures for the protection of children, it should be noted that the Constitution sets the age of majority at 18. Moreover, pursuant to Act No. 15 of 6 November 1990, Panama ratified the Convention on the Rights of the Child, which defines a child as any person under the age of 18.

49. In addition, the Constitution, the Family and Minors' Code and other laws provide protection for specific groups of children and adolescents, depending on their age, as described below.

50. Article 70 of the Constitution prohibits children under the age of 14 from working and those under the age of 16 from working at night. It also prohibits children under the age of 14 from working as domestic servants, and it prevents children and women from working in unhealthy occupations.

51. Book II, title V, of the Family and Minors' Code regulates the employment of minors, setting the minimum age for admission to employment at 14 and regulating conditions of work. Article 510 of the Code prohibits persons under the age of 18 from performing jobs that by their conditions or nature are hazardous to their life, health or morality, or adversely affect their school attendance.

52. Panama has issued a series of regulations prohibiting hazardous work for children, including Executive Decree No. 19 of 12 June 2006, establishing a list of hazardous forms of child labour, in the framework of the worst forms of child labour, in respect of which the State has certain obligations; and Act No. 18 of 15 June 2000, adopting the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).

53. Article 37 of the Constitution, which relates to the right to freedom of expression, opinion and association, is evidence of the fact that individuals in Panama are free to express their thoughts in writing or by any other means of communication without being subject to censorship.

54. The exercise of this right may give rise to legal responsibility if it entails real or alleged injury to the reputation or honour of individuals, the security of society or public order.

55. As to the mass media, according to article 85 of the Constitution:

Article 85. The mass media are instruments of information, education, entertainment and dissemination of cultural and scientific knowledge. When they are used for advertising or propaganda, these must not be detrimental to the health, morals, education or cultural values of society or the national conscience. Their operation shall be regulated by law.

56. The Ministry of the Interior and Justice, acting through the National Board of Censors, established by Cabinet Decree No. 251 of 6 August 1969, plays an important role in preserving moral standards by classifying and evaluating public entertainment events through an executive secretariat that coordinates this activity with the auxiliary board of censors and district boards, with the aim of maintaining the moral standards of Panamanian citizens and other residents. The duty and aim of the Board of Censors is to develop public awareness in order to preserve civic and moral values and thereby ensure the full development of children and young people. A bill providing for the establishment of a National Classification Board to take over from the Board of Censors is currently under consideration.

57. It should be mentioned that special seminars have been held on the mass media. One of them concerned the best way of disseminating and implementing the new Family Code, which was approved by Act No. 3 of 17 May 1994, Act No. 12 of 25 July 1994 and Act No. 4 of 20 January 1995. The Code contains a number of articles (485, 501, 510, 520, 530, 564, 565, 575-578, 655, 661-663 and 676) relating to the media, their mission and their impact on family welfare.

58. As regards the right of peaceful assembly and association, article 38 of the Panamanian Constitution stipulates:

Article 38. The inhabitants of the Republic have the right to assemble peacefully without arms for lawful ends. Public demonstrations or gatherings in the open air do not require authorization. The only requirement for holding such gatherings is that the local administrative authorities should be notified 24 hours in advance.

The authorities may take policing measures to prevent or punish abuse of this right when the manner in which it is exercised causes, or may cause, disruption of traffic, a breach of the peace or violation of the rights of others.

59. The right to form associations is established in article 39 of the Constitution, which reads:

Article 39. The formation of companies, associations and foundations that are not contrary to morals or to the legal order is permitted and they may be recognized as juridical persons. No recognition shall be granted to associations based on ideas or theories propounding the so-called superiority of one race or ethnic group, or which justify or promote racial discrimination. The capacity, recognition and regulation of companies and other juridical persons shall be determined by Panamanian law.

60. The Ministry of the Interior and Justice is responsible for granting juridical personality to any association, without any form of discrimination, providing it complies with the requirements of the law. In 1995, the Ministry recognized approximately 200 non-profit associations, to which it granted juridical personality.

61. The Constitution also contains a number of provisions to promote and safeguard the right to work without any exception. Thus, under chapter 3, title III, on "Work" - notably articles 60, 61 and 63:

Article 60. Work is a right and duty of the individual and accordingly the State has an obligation to devise economic policies intended to promote full employment and provide every worker with the conditions necessary for a decent existence.

Article 61. Every worker in the service of the State, of State or private enterprises or of individuals shall be guaranteed a minimum wage or salary.

[...]

Article 63. An equal wage or salary shall always be paid for equal work under identical conditions, regardless of who performs it, without distinction as to sex, nationality, age, race, social class or political or religious ideas.

62. Article 10 of the Labour Code guarantees the principle of equal pay. Equal work performed for the same employer, in the same job, for the same hours and under the same criteria of efficiency and length of service, carries an equal wage, which includes ordinary and special payments and such entitlements, gratuities, bonuses, services and any other amounts or payment in kind to which a worker is entitled by virtue of his employment.

63. In this connection, article 145 of the Labour Code stipulates that, where the principle of equal pay is violated or no minimum wage has been determined for a particular job, or pay is manifestly inequitable in comparison with the average wage for the industry or sector concerned, a worker may apply for summary proceedings to set an appropriate wage. The wage so determined shall apply from the time the ruling becomes enforceable.

64. The same article lays down effective remedies for violations of the principle of equal or minimum pay and for unfair wages; thus the proclamation of principles in Panamanian labour law is no longer merely a matter of rhetoric.

65. Discrimination on any of the grounds set out in article 388, paragraph 3, of the Labour Code also constitutes unfair practice detrimental to the rights of workers: they include dismissal, penalties, reprisals, transfer, demotion or discrimination in response to individual or collective claims, for organizing or belonging to a trade union or for having participated in a strike or signed a petition.

66. Act No. 44 of 12 August 1995 reformed the Labour Code in the light of the provisions of the Constitution and provided for the regularization and modernization of labour relations, as follows:

Article 1. This Code regulates relations between capital and labour on the basis of social justice, as established in the Constitution of the Republic, and provides for State protection of workers. The State shall act to promote full employment, create the necessary conditions to ensure a decent existence for all workers

67. Book I, title I, of the Labour Code contains general provisions for the protection of labour, establishing measures to protect the work of Panamanians, working hours and compulsory breaks. Article 3 of Act No. 44 supersedes article 22 of Cabinet Decree No. 252 of 1971, as follows:

Article 22. The establishment and operation of private profit-making or non-profit employment agencies shall be authorized, provided they charge no fees to workers who make use of their services. The Executive shall regulate the operation of such agencies, taking into account the conventions of the International Labour Organization. Universities, vocational and technical colleges and the Labour Foundation may establish non-profit employment exchanges to help future professionals to find employment. Such exchanges shall in particular help graduates to find employment in order to provide them with professional and technical experience.

68. Similarly, article 4 of Act No. 44 amended article 39, paragraph 1, of the Labour Code, under which all employers are required to allow workers to take the normal break needed to restore their strength, applying the following rules: "1. The working day shall include a rest period of not less than half an hour and not more than two hours. However, during night work or overlapping night and day work, the employer and the worker may agree to apportion such rest periods, without exceeding normal working hours, in such a way as to avoid interrupting production."

69. Article 6 of Act No. 44, which amended a paragraph of article 59 of Cabinet Decree No. 252 of 1971, stipulates that if a worker has accumulated leave, they shall be entitled to minimum mandatory paid leave of 15 days during the first period, and shall carry forward the remaining days to the second period.

70. Similarly, article 7 of Act No. 44 replaced article 60 of Cabinet Decree No. 252 of 1971, stipulating that an employer may not, on pain of nullity, initiate, adopt or announce any of the measures, penalties or actions provided for in the Code while a worker is unfit for work or on leave.

71. For these purposes, the time limits for lapse and prescription are suspended during such periods.

72. Article 14 of Act No. 44 stipulates that any female worker who is pregnant shall be entitled to compulsory leave for six weeks prior to the birth and eight following the birth, paid at her normal rate. In no circumstances may the total period of leave be less than 14 weeks, but if the birth is overdue the worker shall still be entitled to 8 weeks' paid leave following the birth. The employer shall make up the difference between the maternity allowance provided by the Social Security Fund and the remuneration to which the pregnant worker is entitled under this article. If the Social Security Fund is not required to pay a maternity allowance, the obligation arising from this article shall be borne in toto by the employer.

73. The Executive is authorized to issue regulations pursuant to this article, establishing leave periods shorter than those provided for where necessary for work and occupations of particular kinds. In such cases the provisions of the previous paragraph shall also apply. During the leave period referred to in this article, the employer may not, on pain of nullity, initiate, adopt or announce any of the measures, penalties or actions provided for in the Code. For these purposes, the time limits for lapse and prescription established for the benefit of the employer shall be suspended during such a period.

74. Book I, title III, of the Code lays down special provisions for the protection of labour in respect of the hiring of Panamanians to work abroad and the employment of women and minors.

75. It should be emphasized that, as specified in article 2, the provisions of the Code are a matter of public policy and are binding on all natural or legal persons, enterprises, operations and establishments located or established in national territory. Consequently, foreign service providers in Panama are also subject to the labour regulations.

76. As regards protection against unemployment, as has already been noted, in the late 1980s Panama went through a serious political crisis, which was accompanied by a similar economic crisis. This had a number of adverse effects on all aspects of the labour market.

77. These developments were badly aggravated by the events of December 1989, when the invasion of Panama by the United States led to the looting of almost all commercial establishments and the disruption of many services in Panama City and Colón, where over half of the country's economic activities are concentrated. This led to unprecedented levels of unemployment as a result of the sudden, almost total shutdown of businesses in those cities. In January 1990 the rate of open unemployment was 35 per cent.

78. To deal with this emergency, the Government, and more particularly the Ministry of Labour and Social Welfare, focused all efforts on attempting to conclude satisfactory labour agreements between employers and employees with the aim of facilitating the rapid reopening of businesses and services and providing new employment for workers who had lost their jobs. As a result of the joint efforts of the public and private sectors, the rate of open unemployment fell to 13.8 per cent in 1994.

79. The agreements placed particular emphasis on preserving the fundamental guarantees provided by Panama's labour legislation and ensuring that all workers who had been employed in companies when the invasion occurred were given an opportunity to find employment, regardless of seniority, sex, race or occupation.

80. In this connection, Act No. 44 of 12 August 1995 modernized labour relations, taking into account the experience gained during the crisis of 1987-1990, in order to avert job losses and normalize labour relations at times of serious national economic crisis.

81. An illustration of this new approach is provided by the new article 159 of the Labour Code, whereby an agreed wage may not be reduced on any account, even with the consent of the employee. However, in cases of serious national economic crisis, fortuitous events or force majeure, duly verified by the labour authorities, which threaten a source of employment, the working hours or working week may be temporarily modified or reduced, with the consent of the trade union, or of the workers where there is no union, provided there is agreement on how working hours are to be gradually restored to their previous levels.

82. In such circumstances, the State will join forces with workers and employers in order to mitigate the effects of the crisis.

VIII. ARTICLE 6 OF THE CONVENTION

83. As stated in article 4 of the Universal Declaration of Human Rights, no one shall be held in slavery or servitude; all forms of slavery and the slave trade shall be prohibited.

84. Panamanian legislation prohibits forced labour as a form of punishment.

85. By Act No. 28 of 1 August 2005, Panama amended article 7 of the Criminal Code and inserted a new chapter 10 in book I, title III, entitled "Commutation of a prison sentence to study or work", under which detainees may volunteer to do community service in return for a commutation of their sentence.

86. As to hidden racial discrimination, the national authorities have established clear rules to eliminate these practices. One example was the complaint made by the Coordinadora Nacional de Organizaciones Negras Panameñas (Federation of Panamanian Black Organizations), that some private secondary schools reserved the right of admission on grounds of colour or had rules banning Afro-descendant girls from wearing their traditional hairstyles. Similar situations used to be found in bars, restaurants and discotheques. Such attitudes have been rejected by public opinion.

87. Discrimination also takes the form of restrictions on access to the labour market, applied by requiring photographs to be attached to job applications, which means that anyone with black skin has less chance of getting the position. A rule has been introduced making it unlawful to require photographs to be attached to resumé.

88. Racial discrimination is not a problem in Panama, and the State pays close attention to pronouncements by United Nations bodies on issues such as xenophobia.

89. Panama promotes the participation of all population groups in the design of public policies, in order to strengthen popular democracy; it also supported the establishment of the National Council of the Black Ethnic Community and gives support to the various indigenous groups; the Administrative Code sets forth rules penalizing intolerance of all kinds.

90. In this context, Panama adopted Executive Order No. 124 of 27 May 2005, establishing a special committee to develop a Government policy on the full inclusion of ethnic black Panamanians.

91. As requested in the Afro-Panamanian political manifesto, an amendment was made to article 9 of the Electoral Code, granting prisoners the right to vote.

92. A paper entitled “Afro-Panamanian proposal for the redesign of the administration of justice” was produced and delivered to the State Commission on Justice, as a result of which Afro-Panamanians were included in the Subcommittee on Access to Justice.

93. The bill on measures to promote equal access to employment in the Republic of Panama and to eliminate discriminatory practices has had a real impact, as shown by the adoption of Act No. 11 of 22 April 2005, prohibiting labour discrimination and instituting preventive measures.

A. Human rights: protection, respect and defence

94. Several articles of the disciplinary regulations of the National Police (Executive Order No. 204 of 3 September 1997) establish wrongful acts to be avoided by the police, thus guaranteeing good behaviour, accountability and proper service; there are also rules relating to the prison regime, to be observed by all members of the prison administration, in order to prevent such violations as:

- (a) Unwarranted delay in the transfer of inmates to their destination (art. 121, para. 3);
- (b) Imposition of internal disciplinary sanctions not authorized by the law or the regulations (art. 126, para. 4); excessive use of force in carrying out legitimate duties (art. 126, para. 5);
- (c) Failure to comply with the court’s administrative decisions (art. 129, para. 9);
- (d) Negligence in the custody of prisoners (art. 131, para. 8); any act or omission that entails failure to obey an order or command (art. 131, para. 11).

B. National Police Procedures Manual and how it addresses human rights

95. The Police Procedures Manual, part IV, on special procedures, provides in point B, paragraph 3, that, once apprehended, a person must be taken as quickly as possible to the nearest police station for their own safety. Under point F, paragraph 1 (e), the arrested person shall not be subjected to beatings or cruel or degrading treatment during transfer.

96. In cases involving abuse, injury, rape or sexual abuse of children or adolescents, the Juvenile Police shall be informed and victims shall be taken to a nearby hospital or health centre, which will be responsible for follow-up.

97. All cases of administrative offences or offences handled by the National Police, involving people - whether as victims or perpetrators, or offenders - and injuries of any kind, whether physical or psychological, are referred to the nearest medical centre for proper medical attention and then to the competent authorities, i.e., the person comes first and then the grounds for proceedings.

C. Forces of law and order

98. The legal basis for the forces of law and order lies in the Constitution, Act No. 20 of 29 September 1983, and Cabinet Decrees Nos. 38 of 10 February 1990 and 42 of 17 February 1990.

99. These services comprise four police forces with separate and independent commands and grade structures, under the authority of the President of the Republic. Three of them are under the Ministry of the Interior and Justice, as follows.

100. National Police. The main function of the National Police is to maintain law and order; ensure the security of individuals and property; prevent crime; pursue and apprehend offenders and place them at the disposal of the judicial authorities; protect and supervise the Panama Canal areas; direct traffic and individuals on public thoroughfares; and coordinate with other forces of law and order in order to prevent and combat smuggling, drug-trafficking, illegal immigration, people trafficking and, generally speaking, any acts or actions that are a threat to national security.

D. Panamanian Air and Naval Service

101. As a maritime nation, Panama has developed a Coastguard Service for the protection and defence of its maritime territory. The service operates in all territorial and international waters in accordance with the agreements in force. Its functions are:

(a) To provide a sea transport to remote areas inaccessible to other means of transport, in support of the Government's development programmes; and

(b) To coordinate with State and private institutions in assistance, evacuation and rescue operations involving lives and property in regions affected by natural disasters.

102. The Institutional Protection Service is a police force reporting directly to the Office of the President.

103. Pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination and in order to guarantee the objectives of these institutions, the Constitution sets forth individual and social rights and duties in title III, articles 17, 18, 20 to 22, 27, 33, 34 and 38, and in title XII, on the forces of law and order, in articles 305 to 307.

104. Where there is a risk of foreign attack, special temporary police forces can by law be established to protect the frontiers and territory of the Republic.

105. The President of the Republic is the commander-in-chief of all the services provided for under this title; as agents of the Government, they are subject to the civil authorities and must therefore carry out the orders of the national, provincial and municipal authorities in performing their legal duties.

E. National Civil Defence System

106. The National Civil Defence System was established by Act No. 22 of 15 November 1982, and is responsible for implementing measures, provisions and orders aimed at averting, eliminating or mitigating the consequences of human action or natural events on the lives and property of the community, without distinction. It concludes emergency support agreements with the international community when necessary, recommends the proclamation of states of emergency, and takes steps to provide the necessary funds and resources for meeting and dealing with the effects of disasters, so as to guarantee immediate, rapid, safe and effective intervention and thus minimize their impact.

F. National Office for Refugee Affairs

107. The National Commission for Refugee Affairs is responsible for analysing, discussing and taking decisions on applications for protection by foreign nationals who are or consider themselves to be refugees. The Commission was established by Decree No. 100 of 6 July 1981, pursuant to Act No. 5 of 26 October 1977 approving the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. Subsequently, decision No. 461 of 9 October 1984 was issued, regulating the Commission and establishing the National Office for Refugee Affairs, under the Ministry of the Interior and Justice. The Commission holds four ordinary meetings a year to examine and make determinations on applications for refugee status in accordance with the provisions of the 1951 Convention and its 1967 Protocol, the implementing legislation and the conclusions of the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR).

108. The National Commission on Refugee Affairs is made up of the Deputy Minister of the Interior and Justice (Chair), the Director for Migration, the Deputy Minister of Labour, the National Director of Employment, the Director of Foreign Policy, the Deputy Minister for Foreign Affairs, the Director of the Panamanian Red Cross and a representative of the National Police. The Office for Refugee Affairs is Executive Secretary of the Commission and UNHCR is the international representative.

109. The Commission has considered requests for protection from 752 refugees and a further 69 are at the asylum stage, either at first instance, under review or under appeal.

110. The Commission is organized in line with the International Convention on the Elimination of All Forms of Racial Discrimination and grants protection, in accordance with rules based on the guidelines set forth in the Convention relating to the Status of Refugees, to persons who, on grounds of race, religion, opinion, descent, colour or national or ethnic origin, politics or membership of a particular social group, are unable or unwilling to return to the countries which gave rise to the situation that caused them to leave in search of protection.

111. Refugees are given protection without discrimination and are guaranteed the right to equality before the law without distinction as to race, religion, colour or national or ethnic origin, as set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, refugees are entitled to leave and return to the country as they wish, except in cases where they wish to travel to the country in which the situation that led to their need for protection arose.

112. As stipulated in article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination and as regards protection for refugees, Panama complies fully with the Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

G. National Migration Service

113. In accordance with article 80 of Decree-Law No. 16 of 30 June 1960, as amended by Decree-Law No. 13 of 20 September 1965, by the Act of 1980 and by Executive Decree No. 320 of 8 August 2008 regulating Decree-Law No. 3 of 22 February 2008, which, among other provisions, establishes the National Migration Service, the task of this agency is to monitor and control the migration of both foreign nationals and Panamanian citizens throughout the national territory, without distinction as to race.

114. Panamanian migration laws are among the most democratic in the region. Panama has always been a country of emigrants and is well-known as a melting pot. Panamanian laws are entirely consistent with United Nations human rights principles and standards.

115. With regard to preventive detention hostels, the Act states:

Article 316. The Director-General of the National Migration Service, pursuant to article 93 of the Decree-Law, shall formally establish procedures, protocols and an operations handbook for preventive detention hostels, covering subjects such as catering, hygiene, medical services, disciplinary measures and the rights of detainees.

Article 317. Preventive detention hostels shall operate without interruption, observing human rights and meeting minimum health and catering standards.

Article 318. All persons required to stay in a preventive detention hostel shall be registered and placed in the appropriate section for their sex and physical condition.

1. Trafficking victims unit

116. The National Migration Service also has an administrative unit providing comprehensive care for regular or irregular migrants who have witnessed or are victims of crimes related to

trafficking in persons or trafficking in migrants, and especially trafficking in minors, in coordination with the competent authorities. Child trafficking is severely punished by law. In the case of women, trafficking as such is illegal.

2. Refugees, asylum-seekers and displaced persons

117. The measures taken have all been proposed by UNHCR, the State having created an office to work with that agency.

118. Under the Constitution all nationalities in Panama have the right to speak their own language and to take part in the social life of the country. However, by law Panama's official language is Spanish.

IX. ARTICLE 7 OF THE CONVENTION

119. The Government currently has various initiatives and policies in place to address the major challenge of achieving sustainable human development with equity and modernizing the State and Panamanian society, while taking account of cultural identity, socio-economic factors and the new international economic and political order.

120. A raft of public policies for development has been formulated and implemented with the aim of boosting productivity and international competitiveness, attracting foreign investment, improving income distribution and reducing poverty and social inequity.

121. In this sense, one of the priorities for public policy on governance is the modernization of education and an overhaul of the model of education, in order to produce complete citizens.

122. Thus education is given high priority as the most appropriate means of enhancing the individual's ability to meet their basic needs, achieve their own personal development and contribute to national progress.

A. Ministry of Social Development

123. The Ministry of Social Development was created by Act No. 29 of 1 August 2005. It is the outcome of the restructuring of what had been, from November 1997 to July 2005, the Ministry of Youth, Women, Children and the Family. This was a root-and-branch reorganization, addressing conceptual, legal, organizational and institutional issues, which lasted from early September 2004 until late July 2005.

124. The exercise required a review of current paradigms regarding a ministerial portfolio on social development, coordination of synergies within the State, consultations with various sectors of civil society, a review of other countries' experience in this area and measures to ensure consistency with the Government's social policy at the time.

125. In October 1994 women's organizations were invited to consultations. Afterwards, in 1995, the women's movement obtained the establishment of the National Directorate for Women at the Ministry of Labour and Social Welfare, on the legal basis of Executive Order

No. 77 of 30 August 1995; the Directorate subsequently moved to the Ministry of Youth, Women, Children and the Family. Shortly before that, the National Council of Women had also been established under Executive Decree No. 70 of 27 July 1995.

126. The Directorate for Women had the support of the Movimiento Organizado de Mujeres (Organized Women's Movement), whose principal aim was to become a partner of the Panamanian State in the implementation of the National Plan for Women and Development and to ensure funding for Panama's Equal Opportunities Programme, which was sponsored by the European Union (1999-2002). It was therefore one of the first directorates to define its goals and policies in 1999.

1. National Directorate for Women

127. In 1999 the National Directorate for Women and its technical team focused their efforts on gender training at the highest levels of Government and on dissemination of the first National Plan for Women and Development. It also facilitated the dissemination and development of legal standards and instruments of special relevance to women and the development of sex-disaggregated data. It also obtained the adoption of Act No. 4 of 29 January 1999, on equal opportunities for women, and the first and second Plans for Equal Opportunities for Women.

2. National Directorate for Children

128. Also in the Ministry of Youth, Women, Children and the Family, the National Directorate for Children had several programmes inherited from the National Directorate for Social Welfare, notably on foster homes, child counselling centres, institutions for the protection of children and adolescents and a research and dissemination department.

129. The Directorate coordinated these programmes with the appropriate bodies in order to ensure the welfare of children and adolescents in cooperation with the judiciary. In 2001 Act No. 18 of 2 May 2001 was adopted, among other things amending, deleting and inserting articles of the Family Code on adoptions, and a National Directorate on Adoptions was established, independent of the Directorate for Children.

130. The National Plan for Children and Adolescents was produced in 2003, along with a report on the situation of children and adolescents, directly reflecting public policy towards this enormous and important age group in Panama's population.

131. The Information Centre on Children and Adolescents was also established, jointly with the Inter-American Children's Institute (IIN) based in Uruguay.

3. Programme on Child Abuse

132. In 2000 the Ministry took responsibility for the care of minors at risk, in accordance with the Family Code. In this context, it created the Programme on Child Abuse, which targets children and adolescents at social risk. It also took over responsibility for children's homes, previously administered by the judiciary. As a result of the adoption of Act No. 40, on adolescent criminal responsibility, it also took over the detention centres for children in conflict with the law.

4. Older persons

133. In 1999 the Directorate for Older Persons dealt with reports of abuse, neglect, poverty, health problems and alcoholism in this risk group. In 2003 a National Policy for Older Persons was formulated. One of the functions of this Directorate is the evaluation and supervision of homes and hostels for older people, under Decree No. 3 of 28 January 1999, which sets forth rules and regulations for the establishment and operation of subsidized and private family support institutions.

134. As for the National Directorate for the Family, its functions were primarily geared to the promotion of all activities under the Family Code, particularly dissemination of the rights and duties of the family and socio-economic and legal guidelines.

5. National Directorate for Youth

135. The National Directorate for Youth has been dealing with at-risk adolescents and young people from the age of 15 since 1999. In terms of civil society involvement, the National Youth Council, a body comprising youth organizations, was established in 1998 as the sole source of recommendations to the State on public policies on youth.

136. In 2004 Panama adopted its Public Policy for Youth, following consultations and agreement with youth organization and other strategic State and civil society actors.

137. In 1999 the National Directorate for Persons with Disabilities dealt with minors at social risk. Further, on 27 August 1999 Act No. 42, on equal opportunities for persons with disabilities, was adopted and measures taken to publicize it. Also in 1999, the National Council for Children with Disabilities, and a technical secretariat, were created.

138. However, this body was in operation only from 1998 to 1999. Later the Act was regulated by Executive Decree No. 88 of 12 November 2002.

139. The Technical Advisory Committee is now the body that gives advice and recommendations on changes and adaptations to be made in terms of accessibility, enhancing access to public places and services for people with disabilities, and eliminating barriers to their mobility.

6. National Directorate for Social Welfare and Community Action

140. The National Directorate for Social Welfare and Community Action, more than most other operative directorates, has reached out directly to communities through local government by means of social and cultural activities, self-management projects and promotion of Ministry programmes and services run by other directorates. Since 2005 this Directorate has been reinforced by technical staff from the National Directorate for the Family - primarily in the area of social work - in order to help implement the strategic lines of action at the local and regional levels.

141. The National Councils for the Family, Women, Youth, Older Persons and Children with Disabilities were created between 1995 and 1999, and the National Council for Children and

Adolescents in 2004. These councils are made up of representatives of civil society and the State. The Advisory Board of the National Gender Training System was established under Executive Decree No. 31 of 16 April 2001.

142. Under the Government's social policy to combat extreme poverty, and as part of the protection component of that policy, the Ministry of Social Development took over technical and operational coordination of the Opportunities Network programme in the framework of the Social Cabinet.

7. Opportunities Network

143. The Opportunities Network programme is a Government-run scheme to combat extreme poverty by strengthening individuals' skills and guaranteeing health and education services in order to improve their quality of life.

144. The operational phase of the Opportunities Network began on 7 April 2006 in Chiriquí Grande, Bocas del Toro Province, with conditional cash transfers to 167 households in extreme poverty. Since then 156 administrative districts have joined the programme, which benefits 34,405 Panamanian households living in extreme poverty, in all nine provinces and three of the indigenous regions.

145. Through the Opportunities Network, the Government has made a social investment of 11 million in conditional cash transfers nationwide, and a number of strategies have been put in place to develop productive skills among beneficiary families, with various institutions, such as the National Vocational Training Institute for Human Development, the Ministry of Agricultural Development and the Panamanian Autonomous Cooperative Institute, coordinating their services to provide training and technical assistance in developing initiatives.

146. In addition, Panamanians have been encouraged to apply for identity cards and civil registration. To date 4,348 identity cards have been issued at the national level, thereby providing identities to people for whom these human rights were previously inaccessible.

147. As an instrument for implementation of social policy on youth and a means of promoting social organization and involvement, the Ministry has launched a Youth Volunteer Programme, the "Muévete" (Get Ahead) project and a shared social responsibility programme.

8. Youth Volunteer Programme

148. In the area of youth, the Youth Volunteer Programme is one of the Government's biggest social projects. The first group of Young Volunteers was sworn in by the President in Veraguas, Bocas del Toro and the Ngabe Buglé indigenous region to mark the launch of the "Muévete por Panamá" literacy project, in which the Government is to teach reading and writing to over 170,000 illiterate Panamanians across the country using an innovative method whereby in only seven weeks a person can learn to read and write, in classes taught by the volunteers; there are now 3,000 registered, trained volunteers nationwide. Another important achievement in this regard is the opening of the Youth Volunteer Centre at the Ministry of Social Development, which will be in sole charge of this project and will register and monitor both volunteers and participants in implementation of this important Government programme.

9. Muévete Youth project

149. As part of the strategy to encourage young people to make the most of their free time, the Government, through the Ministry of Social Development, launched the Muévete Youth project in the summer of 2007; the aim is to develop the intellectual and creative capacities of children and young people throughout Panama through sporting, social and cultural activities, while also taking preventive action.

150. Awareness-raising and sensitization of the general public on the issue of crime and social violence in the streets, which has become Panamanian society's main concern.

151. Muévete Youth fairs have been held, with the support and participation of various Government agencies, NGOs and performers who made it possible for thousands of young people to take part and learn the youth anthem "Muévete por Panamá".

152. The fairs were held in the provinces of Chiriquí, Herrera, Panamá (Parque Omar, San Miguelito, Juan Díaz and La Chorrera), Colón and Coclé. They attracted a total of 12,000 children, adolescents and young people, motivating them to commit to the eradication of all forms of social violence, vice and crime.

10. Social Responsibility Programme

153. This programme aims to promote social development and equal opportunities for men and women from vulnerable groups, through Government investment and partnership with civil society. The hope is to improve the efficiency of social investment, through the participation and intervention of stakeholders in an ongoing dialogue.

154. In order to implement social policy on the protection of the most vulnerable groups, the Ministry launched a Campaign against Domestic Violence. It has also established Counselling and Comprehensive Care Centres, set up a hotline (147) and a mobile team, built and provided support to dozens of child counselling centres, implemented child and adolescent protection programmes, helped launch dozens of community canteens, and provided subsidies for the implementation of 86 social programmes, managed mostly by NGOs.

11. Campaign against Domestic Violence

155. The Campaign against Domestic Violence ("Basta ya de violencia doméstica" - No more domestic violence) began in January 2006 and has enabled Panama to lay the groundwork for a change in culture and behaviour by providing guidance to the general public on their rights and on the protective measures available to them, and especially by making people aware that domestic violence is an offence and not a private matter.

156. Over 15,000 people have been trained in 400 workshops and courses across the country and 271 justices of the peace and judges have been trained on Act No. 38, on domestic violence; training on the subject has also been given to 12,000 children in schools, in order to enable them to report such offences and identify risk situations.

157. A new local network for prevention and action on domestic violence has been established in the district of Chepo in the Province of Panama, in addition to the networks of San Miguelito and La Chorrera in the province of Panama and Soná in the province of Veraguas.

12. Counselling and Comprehensive Care Centres

158. In terms of welfare services, through its Counselling and Comprehensive Care Centre in the district of Panama, established in August 2006 as the “one-stop shop” for welfare, the Ministry has dealt directly with 7,668 cases, plus, through a trained multidisciplinary technical team, 1,094 cases of children at risk, and has recently established a similar service in the province of Chiriquí.

13. Child Counselling Centres

159. A new Child Counselling Centre has been built in the district of La Chorrera in Estancia Las Mendozas, in coordination with the Ministry of Housing.

160. There are now 108 such centres throughout the country, 9 of them with extended office hours.

14. Protection of children and adolescents

161. Efforts in terms of protection of children and adolescents have focused on the development of two programmes for this group. “Paso seguro” (Safe passage) provides comprehensive, individual protection to children and adolescents aged 5 to 13 in risk situations, and to their families, in order to protect and restore their rights.

162. This programme has set up care and follow-up centres in Calidonia (which serves the population of Curundú, Calidonia and Chorrillo), San Felipe and San Miguelito, and works with more than 100 children.

163. In addition, Executive Decree No. 101, prohibiting access by minors to pornographic websites in Internet cafes, has now been enforced following visits to more than 300 such premises nationwide, giving owners the required information on the Decree and drawing their attention to the issue.

164. The “Padrino Empresario” (company sponsorship) programme is the other project, this time seeking to address the needs of the adolescent population, in order to strengthen their full development and reduce their vulnerability to economic and psychosocial problems, and also to motivate them to remain in the education system by providing scholarships to improve their standard of living. Both programmes have been strengthened through the coordination and participation of private enterprise and the State sector.

165. The Hope Programme has continued to make progress with its “safe neighbourhood” strategy, which aims to reduce gang activity in the community. Through the Safe Social Development Office, the Ministry of Social Development has reached a population of some 2,500 people in various municipalities in the province of Panama (San Felipe, El Chorrillo,

Curundú, Santa Ana, Barraza and Calidonia), the district of San Miguelito (Omar Torrijos, Arnulfo Arias, Belisario Porras), the province of Colón (North District and South District) and the province of Chiriquí (Pedregal, Loma Colorada and David).

15. Community canteens

166. Under this Government initiative, 33 community canteens have been set up nationwide, which, with the existing 9, brings the total to 42. The 42 canteens cater for 3,665 people, who get three meals three times a week.

B. Inclusion of the Afro-Panamanian ethnic group

167. The Commission proposed the creation of a State agency in the Office of the President, the National Secretariat for the Development of Afro-Panamanians, with structural links to the various State agencies, to address, design and implement initiatives to solve the problems of cultural, social, political and economic development that impede the full inclusion of black Panamanians in Panamanian society. The Secretariat works with an advisory board comprising Afro-Panamanian community representatives who serve on a voluntary basis.

168. The Secretariat takes the following initiatives on various subjects, as part of its basic work as a State institution, in order to ensure implementation of policies, plans, projects and programmes to facilitate human development for Afro-Panamanians and enable them to participate at all levels in the quest for sustainable development and the effective reduction of poverty in line with the Millennium Development Goals.

169. The new focus of the Government's social policy is population groups and Afro-descendants are a very important such group. To that end the Government is developing and implementing, in coordination with the National Council of the Black Ethnic Community, an action plan to ensure equal and equitable participation by the Afro-Panamanian population in the processes of social development in Panama, as established under the Durban Declaration and Programme of Action adopted by the Member States of the United Nations, including Panama.

170. Panama has programmes to combat poverty and extreme poverty, not only in indigenous areas but elsewhere. Combating social exclusion, and hence population and geographical imbalances, are some of the principles underpinning the social policy now being implemented by the Government of Panama through the Ministry of Social Development.

171. With regard to women, the most visible form of discrimination is economic discrimination. Equality is established in law but in practice there are situations that reflect their status, particularly in the private sector. Efforts are under way to effectively establish equal pay for equal work for men and women. In the political arena, a law was passed nine years ago requiring political parties to ensure that 30 per cent of their candidates for elected office are women.

C. National Secretariat for the Social Integration of Persons with Disabilities

172. To raise awareness among the Panamanian population concerning the importance of including people with any form of disability in community life, in January 2005 the First Lady announced the launch of the "Incluye" (Inclusion) bracelet campaign.

173. This campaign, based on the purchase and wearing of a blue bracelet, is part of the second stage of the Incluye campaign which the Office of the First Lady launched jointly with the National Secretariat for the Social Integration of Persons with Disabilities in October last year.

174. The funds raised will be used to adapt classrooms for blind students and purchase equipment for inclusive education. The National Secretariat for the Social Integration of Persons with Disabilities was created to break down barriers of prejudice and bring people with disabilities and their families into society. Initiatives include: “Incluye a todos” (All-Inclusive), a mass media campaign to arouse public awareness of the rights of persons with disabilities; “Famiempresas”, the creation of microenterprises by providing training and financial support for families with a member with disabilities; administration of the construction and equipping of Reintegra medical and treatment centres; and a subsidy scheme for people of modest means who have disabilities. In September 2006, thanks to the intervention of the First Lady and as part of Government policy, the Pan American Health Organization (PAHO) adopted a resolution placing disability issues on the continental agenda, a topic that had waited 14 years to achieve hemispheric consensus. In addition, as a Goodwill Ambassador for the United Nations Children’s Fund (UNICEF), the First Lady acts as an advocate for persons with disabilities in Panama and around the world.

D. National Directorate for Indigenous Policy

175. The National Directorate for Indigenous Policy was established by Act No. 18 of 1952, its main purpose being to provide support for the economic and social development of the indigenous communities, within the framework of the National Development Plan, while respecting their political and cultural values.

176. Its objectives are specifically to design and implement indigenous policy in accordance with the Development Plan, to establish mechanisms that will guarantee indigenous government by the indigenous communities within parameters laid down by the State, and to establish international relations with Government and private agencies working to support and develop indigenous ethnic groups, in order to recommend technical advances to them and/or implement the technical achievements they have made.

177. Panama is one of the countries of Latin America where indigenous people have greatest territorial autonomy under the law. The existence of the indigenous regions is evidence of this: the Ngöbe Buglé region, established by Act No. 10 of 1997; the three Kuna regions, Kuna Yala (Act No. 16 of 1953), Madugandí (Act No. 24 of 1996) and Wargandí (Act No. 34 of 2000); and the Emberá-Wounaan region, in Darién (Act No. 22 of 1983).

178. The Government has given priority to the problem of indigenous peoples. The Directorate for Indigenous Policy has conducted a series of programmes, including the following.

179. The Kuna Yala development project, which was submitted to the European Economic Community, falls into three subprojects: agriculture and advisory assistance in Rio Pito; agriculture and human settlements in Congandí; and fish farming (lobster and shad). This project will last around three years and cost 800,000 balboas, of which 115,000 balboas will be provided by the Kunas in the form of labour; its purpose is to strengthen the Kuna’s capacity for sustainable management of their territory.

180. Various nutrition and food distribution programmes in indigenous areas are being run by the Office of the First Lady of the Republic and the Opportunities Network of the Ministry of Social Development.

181. Plans are under way to have the indigenous primary and secondary educational curriculum recognized in the countries of the frontier zone.

182. Plans are also under way to ensure the involvement of the indigenous communities, through their representative organizations, in the environmental and cultural impact studies being planned in connection with the possible opening of the Darién Gap. Pursuant to Act No. 27 of 13 December 1993, two instruments have been approved: the Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, and the Central American Ecological Proposal for the Summit Meeting of Presidents held in Miami. In addition, approval was given for drafting of the National Plan of Action for the World Summit for Social Development.

183. Officials of the Directorate for Indigenous Policy met with a United Nations Development Programme (UNDP) consultant to discuss indigenous programmes, notably the Project for the Conservation of Biodiversity in Darién and the model project for the creation of sustainable trade and social relations between indigenous organizations in North America and Latin America.

184. By Executive Decree No. 206 of 8 May 1995, the Ministry of the Interior and Justice established the Intergovernmental Commission for the Development of the Ngobé-Buglé Region, which is responsible for drafting a bill establishing the Ngobé-Buglé indigenous region. A tripartite commission on the implementation of the statute of the Emberá-Wounaan region was also set up. The Act establishing the indigenous region of Madungandí was adopted by the National Assembly and duly ratified and promulgated by the Executive (Act No. 24 of 12 January 1996).

185. Articles 84, 86, 120, 122 and 123 of the Constitution clearly establish the rights of Panama's peasants and indigenous inhabitants, in accordance with the provisions of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.
