



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

17 May 2021

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Panama and welcome the constructive engagement of your Government during the 36th session of the UPR Working Group in November 2020.

As the final outcome report on the review of Panama has been recently adopted by the Human Rights Council at its 46th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Panama – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 64 delegations and the presentation made and responses provided by the delegation of Panama. I have also considered the actions taken by the Government of Panama to implement the 111 recommendations fully supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the adoption of the gender parity initiative in the framework of the National Council for Gender Parity as a high level public-private collaboration model aimed to increase the labour participation of women, reduce salary gaps and promote the participation of women in leadership positions. I also welcome the adoption of the National Strategic Plan with State Vision, Panama 2030, for the achievement of the Sustainable Development Goals through a participatory process and the establishment of the national preventive mechanism against torture.

I encourage Panama to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H. E. Ms. Erika MOUYNES
Minister for Foreign Affairs
Republic of Panama



I also encourage Panama to make further efforts to strengthen the national standing committee for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Panama to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Panama in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H. E. Ms. María Inés CASTILLO
Minister of Social Development
Republic of Panama

Ms. Cristina Lorena MUNDUATE
United Nations Resident Coordinator
Republic of Panama



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the human rights instruments to which Panama is not yet a party, including the International Convention on the Protection of the Rights of All Migrants Workers and Member of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.

National human rights framework

- Ensuring the independent functioning of the national human rights institution in accordance with the Paris Principles.
- Strengthening the national standing committee to ensure comprehensive reporting and follow-up on recommendations received from all international and regional human rights mechanisms, linking them to the Sustainable Development Goals.

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

A. Cross-cutting issues

Equality and non-discrimination

- Strengthening policies, programmes and institutional frameworks and adopting a comprehensive legislation to combat all forms of discrimination.
- Adopting further measures to ensure respect for the right to equality and non-discrimination of lesbian, gay, bisexual, transgender and intersex people in society, including in the labour market and in access to health care.

Development, the environment, and business and human rights

- Strengthening the normative and institutional frameworks to further integrate environmental considerations and remedy the effects of natural disasters and climate change.

B. Civil and political rights

Right to life, liberty and security of person

- Taking further measures to ensure that the conditions of prisons and other detention centres are in line with international standards, including by addressing prison overcrowding, the sanitation conditions and shortage of medical assistance.
- Adopting alternative measures to deprivation of liberty and ensuring the use of pre-trial detention as an exceptional measure.

Administration of justice, including impunity, and the rule of law

- Enhancing the independence of the judiciary at all levels, including through a permanent professional training on human rights for judges.



Fundamental freedoms

- Ensuring an enabling and safe environment for journalists and human rights defenders, including environmental and indigenous human rights defenders, and investigating all acts of intimidation and violence against them.

Prohibition of all forms of slavery

- Amending the legal definition of human trafficking, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- Continuing efforts to combat trafficking in persons, including by strengthening the capacity of the National Commission against Trafficking in Persons chaired by the Ministry of Public Security and by ensuring the punishment of perpetrators and the adequate assistance and rehabilitation services to victims.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Adopting further measures to bridge the wage gap between men and women.

Right to an adequate standard of living

- Taking further measures to continue combating poverty and inequality and to promote social inclusion programmes, with particular emphasis on rural areas.
- Guaranteeing access to safe drinking water and sanitation services for the most disadvantaged and marginalized groups, especially for indigenous peoples, people living in rural areas and persons with disabilities.

Right to health

- Continuing efforts to reduce adolescent pregnancy, by further strengthening sexual education programmes implementation.
- Strengthening efforts aimed at providing inclusive, qualitative and accessible primary and comprehensive healthcare services and programmes, particularly in rural areas.

Right to education

- Enhancing measures to provide adequate resources to the education sector and strengthening efforts to ensure full and equal access to inclusive and quality education for all, in particular for indigenous and Afro-Panamanian children.
- Strengthening measures and policies to further reduce the number of school dropouts in primary and secondary school.
- Continuing efforts to implement the main public policies carried out by the Permanent Multisectoral Council for the Implementation of the National Commitment for Education and by the National Directorate of Bilingual Intercultural Education.

D. Rights of specific persons or groups

Women

- Continuing efforts to strengthen legislation and public policies to prevent, protect and eradicate all forms of discrimination and violence against women and girls, with particular attention on domestic violence, including by further strengthening the National Institute for Women.
- Enhancing efforts to increase the participation of women and gender parity at all levels of political, economic and public life, including by ensuring the effective implementation of the Gender Parity Initiative in the framework of the National Council for Gender Parity.

Children

- Reviewing national legislation to prohibit explicitly all forms of corporal punishment of children in all settings, in accordance with the components of the National Strategy for the Prevention of Violence against Children and Adolescents 2018-2022.
- Stepping up efforts to guarantee access to civil registration services with particular emphasis on timely birth registration, especially in rural areas.

Persons with disabilities

- Adopting additional measures to combat discrimination and to integrate persons with disabilities in public life, including by further improving their accessibility.

Minorities and indigenous peoples

- Enhancing effective participation and inclusion of indigenous peoples in decision-making processes and adopting the necessary measures to carry out free, prior and informed consultations through the appropriate procedures whenever legislative or administrative measures are envisaged to affect them directly.
- Continuing efforts to implement the plan for the comprehensive development of indigenous peoples in the framework for the National Council for the Development of Indigenous Peoples.
- Pursuing with the adoption of policies to achieve the full inclusion of the African-descent population and the prevention of racism, racial discrimination, xenophobia and related forms of intolerance.

Migrants, refugees and asylum seekers

- Enhancing measures to protect the human rights of migrants, refugees and asylum seekers, especially women and children, and adopting additional measures to prevent discrimination and violence against them.
- Continuing efforts to implement measures to ensure access to justice for migrants and refugees victims of crimes and to strengthen the legal assistance to asylum-seekers
- Strengthening efforts to effectively include all refugees and migrants in the response to the COVID-19 pandemic.