

progressive because it classifies rape within crimes against persons. The legal focus has also shifted from the traditional man-against-woman approach towards a gender-neutral definition of the crime.

### *Other Reports*

#### **Periodic and genuine elections, Report of the S-G to the GA: (A/52/474, para. 8)**

The report of the Secretary-General notes that advisory services and project support were provided to Nicaragua related to electoral processes.

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## **PANAMA**

**Date of admission to UN:** 13 November 1945.

### **TREATIES AND REPORTS TO TREATY BODIES**

**Land and People:** Panama has submitted a core document (HRI/CORE/1/Add.14/Rev.1) for use by the treaty bodies. The report prepared by the government includes demographic data and information on the economy (growth, public debt, income distribution, employment), the structure of government, and the legal framework for the protection of human rights.

The Constitution forms the primary legal framework for the protection of human rights and sets out a number of rights that may not be suspended during a state of emergency, including equality before the law, non-discrimination, due process, freedom of religion and association, the prohibition of the death penalty, and non-retroactive application of law. The provisions in international human rights treaties are incorporated into domestic law and may be invoked in the courts after the treaty is adopted by formal act by the Legislative Assembly and endorsed by the executive.

#### **Economic, Social and Cultural Rights**

Signed: 27 July 1976; ratified: 8 March 1977.

Panama's second periodic report was due 30 June 1995.

#### **Civil and Political Rights**

Signed: 27 July 1976; ratified: 8 March 1977.

Panama's third periodic report was due 31 March 1992; the fourth periodic report was due 6 June 1993.

**Optional Protocol:** Signed: 27 July 1976; ratified: 8 March 1977.

**Second Optional Protocol:** Acceded: 21 January 1993.

#### **Racial Discrimination**

Signed: 8 December 1966; ratified: 16 August 1967.

Panama's 15<sup>th</sup> periodic report was due 4 January 1998.

Panama's 10<sup>th</sup> through 14<sup>th</sup> periodic reports were submitted as one document (CERD/C/299/Add.1) which was considered by the Committee at its March 1997 session. The report prepared by the government contains information related to articles 2 through 7 of the Convention and details the mandates and functions of a number of national directorates, commissions, forces and other arrangements in such areas as: general community development; law and order; civil defence and prisons; refugee matters, migration and naturalization; indigenous policy; communications, advertising and

propaganda; and, human rights education and learning. Information is also included on the National Censorship Board and the Mass Media Research Centre, as well as provisions in the Labour Code related to conditions of employment, non-discrimination, salaries and wages and benefits. The situation in the Canal Zone is also described in terms of difficulties encountered related to discrimination and incidents arising within the context of employment opportunities and practices.

The Committee's concluding observations (CERD/C/304/Add.32) acknowledge that Panama is emerging from a period of serious political, social and economic difficulties and note that substantial disparities in wealth between different ethnic groups tend to affect the implementation of the Convention.

The Committee welcomed: initiatives taken by the government to promote and protect human rights, including those enumerated by the Convention; the work undertaken by the National Commission on Administrative Boundaries that has led to important negotiations and law reforms, such as the enactment of laws establishing the indigenous *comarcas* (territorial districts of the indigenous peoples) of Madugandi and Ngobe Bugle; the programmes and initiatives undertaken to protect immigrants and refugees; adoption, in December 1996, of a law establishing an Ombudsperson for Human Rights (Defensor del Pueblo); adoption and implementation of two training programmes on human rights for law enforcement personnel; inclusion of human rights in the curricula of the Police Academy; and, reform of employment legislation to, *inter alia*, combat different forms of racial discrimination.

The principal subjects of concern identified by the Committee were: the absence of any complaints being filed with the appropriate governmental bodies by individuals or groups during the last 10 years, despite reports that rights covered by the Convention are not fully respected; the fact that some groups living in Panama, such as indigenous people and members of the black and Asian minorities, do not fully benefit from the rights recognized under the Convention; the failure to comply fully with the obligations derived from article 4 (racism and hate speech); the failure to resolve the majority of cases related to the issue of land rights of indigenous people; the fact that these land rights also seem to be threatened by mining activities which have been undertaken, with the approval of the central authorities, by foreign companies, and by the development of tourism in these regions; lack of clarity related to the legal status of the *comarcas* in relation to the provinces; the fact that, in the Canal Zone, which has a special legal status, workers from Panama are not accorded the same rights as foreign workers employed there; the low rate of participation in elections and the under-representation of indigenous people in the public service; and, the lack of detailed and disaggregated statistical information on indigenous groups.

The Committee recommended that the government:

- ▶ designate an appropriate body to coordinate and monitor programmes and policies designed to implement the Convention;
- ▶ take the necessary measures to comply fully with the obligations of article 4 of the Convention;