



**International covenant
on civil and
political rights**

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**List of issues to be taken up in connection with the consideration
of the third periodic report of PANAMA (CCPR/C/PAN/3)**

**Constitutional and legal framework within which the
Covenant is implemented (art. 2)**

1. Please indicate whether the State party plans to incorporate the Covenant directly into the domestic legal system.

Non-discrimination and equal rights of men and women (arts. 3 and 26)

2. The State party report indicates that, on the basis of figures for 2004, 9 out of every 10 domestic workers are women (para. 32), and that access to other employment is more difficult for women than men. Please indicate what measures are being taken in this respect, and what is being done to bring women's salaries into line with men's.

3. Please indicate whether the provision of the Criminal Code is still in force that requires victims to be "chaste and virtuous" in order to be able to lodge a complaint of rape.

Right to life (art. 6)

4. Please (a) provide detailed information on the activities of the Truth Commission established by Executive Decree of 18 January 2001, and indicate the follow-up given to its recommendations; (b) indicate whether the mandate of the Truth Commission will be extended and, if so, until when; (c) indicate the measures taken by the State party to grant redress to victims of the military dictatorship and members of their families.

5. Please indicate whether there are any exceptions to the general prohibition on abortion, such as therapeutic abortion when the mother's life is in danger, or authorized abortion in cases where the pregnancy is the result of rape.

Prohibition of torture and other cruel, inhuman or degrading treatment, treatment of persons deprived of their liberty and equal rights of men and women (arts. 7, 10 and 3)

6. In the light of articles 7 and 10 of the Covenant, please comment on information made available to the Committee by various sources according to which: (a) the prison system continues to be seriously affected by overcrowding; (b) while some men's prisons allow conjugal visits, these are not allowed in women's prisons; and (c) the situation in the La Joya and the La Joyita prisons is appalling.

7. What measures is the State party taking to guarantee that neither the police nor civilian prison guards torture detainees or subject them to cruel, inhuman or degrading treatment, and that those who commit such crimes are brought to justice?

Right not to be subjected to arbitrary arrest or detention (art. 9)

8. Please (a) indicate the maximum duration of pretrial detention, and how often the protective measures referred to in paragraph 119 of the report are applied; (b) indicate the maximum period for which a person can be detained before being brought before a judge and the maximum period of police custody; and (c) provide more information on the pilot plan for electronic monitoring bracelets mentioned in paragraph 112 of the report.

Principles of non-discrimination, right to liberty and security of person, and right to liberty of movement (arts. 2, 9, 12 and 26)

9. According to paragraph 243 of the report, persons to whom the "Temporary Humanitarian Protection Statute" applies, most of whom are of Colombian nationality, live in the areas of Jaqué and Tuira, in Darién province, sometimes for years, without the possibility of settling in other regions of the country or of moving around freely. In this respect, please (a) indicate the measures the State party plans to take to remedy this situation; (b) clarify whether these persons are waiting to be granted refugee status; and (c) indicate the stage reached in the reform of Executive Decree No. 23 of 10 February 1998, aimed at bringing the refugee system into line with the principles enshrined in the 1951 Convention on the Status of Refugees.

Right to a fair trial and guarantees of due process (art. 14)

10. Please indicate what stage has been reached in the implementation of the reform of the administration of justice, set out in the State Pact of 2005, and the drafting of the new Criminal Code, and provide details of its content.

Right to recognition as a person before the law and the principle of non-discrimination (arts. 2, 16 and 26)

11. Please indicate to what extent people living in indigenous areas are currently included in the Civil Status Registry, compared to the rest of the population.

12. Please comment on article 12 of the Constitution in the light of articles 2 and 26 of the Covenant. Does the State party plan to take measures to repeal this constitutional provision and to identify and repeal any other provisions that are incompatible with the rights recognized in the Covenant? Please provide information in this regard.

13. In the light of articles 2 and 26 of the Covenant, please comment on articles 132 and 133, paragraphs 11 and 12, of Executive Decree No. 204 of 3 September 1997, which provide the penalties of dismissal or imprisonment for the practice of homosexual acts by members of the National Police.

**Freedom of religion and the right to marry and
found a family (arts. 18 and 23)**

14. Please indicate which religious ministers having legal capacity in the Republic of Panama are authorized to perform civil wedding ceremonies (paragraph 579 of the report).

15. According to paragraph 501 of the report, freedom of religion is subject to the limitation that the profession of a faith or practice of worship must respect Christian morality. Please provide more information in this regard, and explain how this limitation is compatible with article 18 of the Covenant.

16. According to information made available to the Committee, catechism classes are compulsory in public schools. Please comment on this information in the light of article 18 of the Covenant.

Right to freedom of expression (art. 19)

17. Paragraph 536 of the report states that “In Panama, public demonstrations are one of the ways in which citizens can present their social demands, but they have in some cases suffered adverse consequences, which violates the right to freedom of assembly, even when no criminal charges are made or when this only lasts a matter of days or hours.” Please clarify what is meant by this in the light of article 19 of the Covenant.

18. In the light of article 19 of the Covenant, please indicate whether various journalists have been charged with the offence of defamation and, if so, provide information in this regard.

Prohibition of slavery and protection of the child (arts. 8 and 24)

19. Please indicate what measures are being taken to oblige fathers to comply with judicial decisions concerning child support (paragraph 593 of the report) and to protect children who are the victims of failure to comply with this obligation.

20. Please indicate whether article 70 of the Constitution, which prohibits the employment of children under the age of 14 as domestic servants, is covered by any law, and whether this provision is respected in practice. Please also provide information on the working conditions of domestic workers, most of whom are women, and on the situation of child labour in Panama in general.

21. In the light of articles 8 and 24, please comment on the information made available to the Committee according to which artists' visas can be used for the trafficking and sexual exploitation of migrants. Please also indicate whether trafficking in persons is criminalized in the State party's domestic criminal legislation.

Rights of minorities (art. 27)

22. According to paragraph 745 of the report, "the lack of full recognition of the basic principles relating to the existence and sustainability of indigenous peoples, and the adoption of new principles concerning their fundamental rights, are seriously affecting the cultural and traditional lives of indigenous peoples, leading to the systematic violation of their human rights". Please indicate what measures are being taken to remedy this situation, in the light of article 27 of the Covenant.

23. Please indicate the measures being taken by the State party to guarantee the right of indigenous peoples to their ancestral lands in the indigenous communities, in particular the communities of Nasso and Bri-bri. Please also comment on information made available to the Committee according to which a draft law is being adopted in this regard, which does not allow the same rights to these communities as to the *comarcas*.

Dissemination of the Covenant

24. Please indicate whether non-governmental organizations were consulted in the drafting of the report, and describe any steps taken to disseminate information on the submission of reports and their consideration by the Committee, and in particular on the Committee's concluding observations.
