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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR
REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES
AND TERRITORIES

Note verbale of 20 February 1978 addressed to the
Secretary-General by the Ministry of Foreign Affairs of Panama

The Ministry of Foreign Affairs presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that the Government and people of Panama reject the accusation contained in his note of 2 September 1977; because of its geographical situation, people from all over the world have over the years converged on Panama, which has been noted for its free, non-discriminatory nature, open to communication and co-existence for those who have decided to settle permanently or temporarily in the country.

The Republic of Panama has supported without distinction all the struggles that have taken place in the world, in the firm conviction that all aspects of human rights should be respected. This attitude has been reflected in its votes in favour of the various resolutions, condemning violations of those rights, adopted by international organizations and non-governmental bodies.

The Ministry of Foreign Affairs regrets that, in the specific case of the note of the Director of Information of the Canal Zone Non-Profit Public Information Corporation which has its "home office" in Cristobal, Canal Zone, Panamanian territory, that body did not take the trouble to discuss fully its sources of information with the national authorities before directing such false accusations at the Government of the Republic of Panama.

The discrimination referred to in that note appears to relate to chapter II on Nationality and the Status of Aliens, articles 12, 14, 17, 18 and 23, of the short-lived 1941 Constitution which, precisely because of its fascist and

discriminatory nature, based on the highly personal racial prejudices of the then ruler, Dr. Arnulfo Arias M., was repudiated by the people when they overthrew Dr. Arias after only a few months as president. Paragraph 3 of article 23 stated: "Immigration is prohibited for: persons of the black race whose mother tongue is not Spanish, of the yellow race and of races originating in India, Asia Minor and North Africa". Later on, a constituent assembly was appointed to draw up a draft constitution, which was approved in 1946 and which embodied the ideals and principles of the Panamanian people.

Since then, the Republic of Panama has had two Constitutions, the 1946 Constitution and the 1972 Constitution; the latter, which is in force at the present time, is based on non-discriminatory principles and is implemented by laws in the same spirit.

The provisions of the Constitution and the laws are no different from those of other States designed to prevent foreign elements from disrupting the life of its people; article 12 of the 1972 Constitution accordingly provides that: "The State may refuse an application for naturalization papers on the grounds of morality, security, health, or physical or mental incapacity." Article 14 states: "Immigration shall be governed by the law, having regard to the social, economic and demographic interests of the country." More specifically, article 19 of the 1972 Constitution, in the chapter on fundamental guarantees, establishes the basis of non-discrimination by stating that "there shall be no personal exemptions or privileges or discrimination on grounds of race, nationality, social class, sex, religion or political ideas".

Legislative Decree No. 16 of 1960, as amended by Legislative Decree No. 13 of 1965 and Legislative Decree No. 23 of 1977, governs immigration into Panama and repeals previous laws on the matter. None of its articles contains any provision that could lend itself to interpretations of a discriminatory nature and much less any reference to prohibitions affecting persons from Asia Minor or negroes who do not speak Spanish. This Legislative Decree could be challenged as unconstitutional if it contained that type of specific prohibition, as is clear from the above-mentioned articles.

The Ministry of Foreign Affairs considers that these facts should be transmitted to the Commission on Human Rights and that the non-discriminatory characteristics which are a feature of the Panamanian people should be made known. Ever since its creation as an independent and sovereign republic, Panama has had to endure on its own territory all forms of discrimination practised by the ruling Government in the Canal Zone, its national territory, and it could scarcely wish, knowing what such discrimination implies, to apply similar principles to its brothers of other peoples for racial reasons, when all the facts demonstrate that in Panama people of various nationalities live together harmoniously and that, because of its situation in a transit area, its population comprises the descendants of peoples from all parts of the world.

With respect to the influx of immigrants, it is to be noted that in 1975 Panama granted immigrant status to 1,054 persons from countries such as Saudi Arabia, mainland China, Taiwan, Hong Kong, India, Israel, Japan, Syria, Egypt and Morocco, which proves the falseness of claims that Panama practises discrimination, for its actions show that it welcomes nationals of countries which, it is claimed, are discriminated against by the national Government.
