



**Panama's Compliance with International Covenant on Civil and Political Rights:  
Migrants' rights**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**for the 137<sup>th</sup> Session of the Human Rights Committee  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of asylum seekers who have transited the Darien Gap and temporarily stayed in Panama have requested legal assistance from The Advocates in applying for asylum in the United States. First-hand information from asylum-seekers about the human rights violations they experienced in Panama has been used in this submission.

## EXECUTIVE SUMMARY

1. This report addresses Panama's compliance with its international human rights obligations concerning the respect, protection, and fulfillment of the rights of migrants, asylum seekers, and refugees.
2. The State fails to protect migrants within its jurisdiction. Panama's efforts to assist and protect migrants transiting its territory, particularly the Darien region, are insufficient. As a consequence, individuals are suffering grave human rights violations and abuses, including attacks and sexual abuse and assault by armed illegal groups and gangs, as well as transiting dangerous roads and trails. Panama's government has also omitted to create substantive access to accountability and transparency mechanisms and procedures within the context of these violations.
3. Panama also fails to provide positive measures to protect migrants while those are in reception centers and in border control, such as asylum screening and evaluating medical and socio-economic needs.
4. The information in this report is based on direct information provided by our asylum-seeking clients who transited Panama and the Darien Region. Their information is used with their permission.

### **Panama fails to uphold its obligations under the International Covenant on Civil and Political Rights.**

#### **Migrants, asylum seekers, and refugees (arts. 2, 9, 10, 12, 13, and 26)**

5. In its 2020 List of Issues, The Human Rights Committee ("the Committee") requested information about the implementation of Executive Decree No. 5 of 16 January 2018, which implements the ratification of the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.<sup>1</sup>
6. The Committee requested updated information about the camps for migrants and asylum seekers in the Darién region, including living conditions within the camps and reports on the lack of access to medical care, water, food, and other essential resources. The information requested included data about how Panama guarantees the safe passage of migrants through the Darién, and how it investigates crimes and provides justice to those migrants who are victims of gender-based violence and other crimes. The Committee also required Panama information on migrant death registration, mass graves, and due process and access to justice for migrants. The Committee also asked about the agreement between Panama and Costa Rica to control the flow of persons across the Darién region and what measures are in place to protect migrants under the Central American Integration System.<sup>2</sup>

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<sup>1</sup> Human Rights Committee, *List of issues in relation to the fourth periodic report of Panama*, (20 August 2020), UN. Doc. CCPR/C/PAN/Q/4, ¶ 25.

<sup>2</sup> *Ibid.*

7. In its State Party report, Panama stated that Executive Decree No. 5 institutes certain protections for refugees and broadens conditions so that gender is considered a possible well-founded fear of being granted refugee status.<sup>3</sup> Panama did not provide sufficient information about fulfilling its obligation regarding people in need of international protection. Moreover, Panama reported multiple steps to assure granting temporary protected status, residence and broadening the conditions under which refugee claims may be made, and training border personnel and other security staff on the compliance principles of non-refoulement, non-rejection at the border, and non-punishment for illegal or irregular entry, and.<sup>4</sup> Despite these advances, Panama lacks information about training border personnel and other security staff about asylum screening and evaluating medical and socio-economic needs.
8. Panama also failed to address living conditions for migrants within camps, or steps it is taking to provide safe passage to migrants, investigate crimes against migrants in the region, or otherwise provide justice to migrant victims of human rights violations in the Darién Gap.<sup>5</sup>

***Panama fails to protect migrants in transit through the Darien.***

9. The Panama government does not appear to make enough steps to respect and protect the human rights of migrants through the Darien transit. The Advocates' clients reported the absence of State authorities during the Darien transit. According to testimonies, migrants suffer multiple encounters with illegal armed groups and gangs, and rarely face soldiers or the navy on the road. Often, armed criminal groups and gangs steal migrants' money and possessions.
10. The Advocates' clients have reported crossing multiple dangerous rivers and bodies of water by foot; according to testimonies, neither of those crossings had bridges or safe alternative roads.<sup>6</sup> Interviewees reported that many individuals transiting the Darien lose their lives crossing dangerous roads and rivers because of violent actions from illegal armed groups and gangs.
11. Regarding these human rights violations and abuses, testimonies also exhibited that migrants in transit rarely are screened for potential human rights abuses they encountered on the trip while encountering Panama's public officers at reception camps.<sup>7</sup> Testimonies also exhibited insufficient access to mechanisms for reporting the disappearance or death of individuals who were transiting the Darien region.<sup>8</sup> Journalist reports observed in the matter that "For those who have lost a loved one, these shelters become a bureaucratic limbo. Here, the American dream is transfigured and the desire for a better life becomes a single desire for a miracle, to

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<sup>3</sup> Human Rights Committee, *Fourth periodic report submitted by Panama under article 40 of the Covenant, due in 2012* (Aug. 19, 2019), U.N. Doc. CCPR/C/PAN/4, ¶ 28.

<sup>4</sup> Human Rights Committee, *Fourth periodic report submitted by Panama under article 40 of the Covenant, due in 2012* (Aug. 19, 2019), U.N. Doc. CCPR/C/PAN/4, ¶ 27.

<sup>5</sup> Human Rights Committee, *Fourth periodic report submitted by Panama under article 40 of the Covenant, due in 2012* (Aug. 19, 2019), U.N. Doc. CCPR/C/PAN/4, ¶ 28.

<sup>6</sup> Interviews performed by The Advocates, January 2023.

<sup>7</sup> Interviews performed by The Advocates, January 2023.

<sup>8</sup> Interviews performed by The Advocates, January 2023.

see their relatives alive again or at least to recover their bodies and give them a dignified burial.”<sup>9</sup>

***Panama fails to fulfill basic needs and decent conditions of migrants and individuals in need of international protection.***

12. Reports from the Panamanian border in September 2002 suggest that hundreds of people were in need of medical assistance and arrived to refugee camps dehydrated, in poor health, and having been assaulted or sexually abused by gangs along the migration route.<sup>10</sup> Despite this, migrants who arrived in Panama did not have access to doctors or other medical assistance.<sup>11</sup> Instead, According to Human Rights Watch, border patrol agents rely on Cuban migrants with medical training to assist other migrants.<sup>12</sup> Reports observed that while there is a public health center in Canaan Membrillo, it does not contain medical supplies or medical staff.<sup>13</sup> Testimonies by the Advocates’ clients exhibited a lack of psychological attention to women and individuals that have suffered sexual abuse or/and assault in their transit through the Darien region.<sup>14</sup>
13. Likewise, The Advocates’ clients noted that medical attention in migrant camps is reactive and commonly provided by humanitarian assistance.<sup>15</sup> Medecins sans Frontières and the Panamanian Red Cross provide medical attention to migrants in the receptions center, but these organizations do not have sufficient resources or capacity to address the needs of all migrants.<sup>16</sup>
14. When migrants arrive in Panama, border control agents transport them to migrant reception centers such as the San Vicente.<sup>17</sup> Reports from San Vicente revealed poor living conditions, unsanitary bathrooms, and limited screening for asylum.<sup>18</sup> Moreover, according to testimonies, some of the reception centers lack spaces to sleep —and consequently, individuals sleep outdoors —, enough portions of food for numerous families and families

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<sup>9</sup> Claudia Nuñez, “It would have been better to let me die”, on the other side of the Darien, hundreds survive the nightmare of death, L.A. Times (Mar. 4, 2022), <https://www.latimes.com/espanol/internacional/articulo/2022-03-04/al-otro-lado-del-darien-cientos-sobreviven-la-pesadilla-de-la-muerte>.

<sup>10</sup> Interview performed by The Advocates, January 2023. Human Rights Watch, *Migrants Crossing a Dangerous Area Need Panama’s Help*, (Sept. 27, 2022), <https://www.hrw.org/news/2022/09/27/migrants-crossing-dangerous-area-need-panamas-help>.

<sup>11</sup> Human Rights Watch, *Migrants Crossing a Dangerous Area Need Panama’s Help*, (Sept. 27, 2022), <https://www.hrw.org/news/2022/09/27/migrants-crossing-dangerous-area-need-panamas-help>.

<sup>12</sup> Human Rights Watch, *Migrants Crossing a Dangerous Area Need Panama’s Help*, (Sept. 27, 2022), <https://www.hrw.org/news/2022/09/27/migrants-crossing-dangerous-area-need-panamas-help>.

<sup>13</sup> Human Rights Watch, *Migrants Crossing a Dangerous Area Need Panama’s Help*, (Sept. 27, 2022), <https://www.hrw.org/news/2022/09/27/migrants-crossing-dangerous-area-need-panamas-help>.

<sup>14</sup> Interview performed by The Advocates, January 2023.

<sup>15</sup> Interview performed by The Advocates, January 2023.

<sup>16</sup> Human Rights Watch, *Migrants Crossing a Dangerous Area Need Panama’s Help*, (Sept. 27, 2022), <https://www.hrw.org/news/2022/09/27/migrants-crossing-dangerous-area-need-panamas-help>.

<sup>17</sup> Human Rights Watch, *Migrants Crossing a Dangerous Area Need Panama’s Help*, (Sept. 27, 2022), <https://www.hrw.org/news/2022/09/27/migrants-crossing-dangerous-area-need-panamas-help>.

<sup>18</sup> Human Rights Watch, *Migrants Crossing a Dangerous Area Need Panama’s Help*, (Sept. 27, 2022), <https://www.hrw.org/news/2022/09/27/migrants-crossing-dangerous-area-need-panamas-help>.

with children, non-potable water, and unsanitary bathrooms and showers—in many instances having only the river for those purposes—. <sup>19</sup> An interviewed client said, “the reception centers have only the provision and facilities that the migrants themselves and the humanitarian organization have built.”<sup>20</sup>

15. Interviewees observed that State actors in different reception camps collect in multiple times migrants’ identification information, and sometimes, border officials take pictures of these migrants in transit, however, according to interviewees, these government officials did not provide information about the purpose or destination of the records.<sup>21</sup>
16. Testimonies present that migrants are transported to multiple camps while transiting Panama. According to interviewees, migrants must provide a fee in dollars, ranging from \$5 USD to \$40 USD, to be transported by border personnel or security forces. Testimonies reported that allegedly those migrants who cannot pay the requested fee—see paragraph 9—are restricted from leaving the reception center.<sup>22</sup> Migrants are transported to different reception centers and, ultimately, are carried close to the border with Costa Rica.<sup>23</sup>

### **III. Suggested recommendations for the Government of Panama:**

1. The Advocates for Human Rights respectfully suggest the Committee should pose the following recommendations to the Government of Panama:
  - Take steps to prevent and address potential human rights abuses and dangerous conditions throughout the transit in the Darien Region.
  - Take steps to assess and improve the State’s procedures and measures regarding the reception and protection of migrants, including asylum screening, medical attention, and psycho-social attention and evaluation.
  - Provide funding and human resources for service provision and humanitarian assistance in Darien, border controls, and reception camps. Particularly, improve the conditions of reception camps to fulfill the standards of human dignity and well-being.
  - Ensure due process and transparency on border controls and reception camps.
  - Monitor, investigate and prosecute human rights abuses committed against migrants by illegal armed groups and/or gangs.

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<sup>19</sup> Interviews performed by The Advocates, January 2023.

<sup>20</sup> Interviews performed by The Advocates, January 2023.

<sup>21</sup> Interviews performed by The Advocates, January 2023.

<sup>22</sup> Interviews performed by The Advocates, January 2023.

<sup>23</sup> Interviews performed by The Advocates, January 2023.