



# International Covenant on Civil and Political Rights

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## Human Rights Committee 137th session

### Summary record of the 3976th meeting\*

Held at the Palais Wilson, Geneva, on Monday, 13 March 2023, at 3 p.m.

*Chair:* Ms. Abdo Rocholl

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Consideration of reports submitted by States parties under article 40 of the Covenant  
(*continued*)

*Fourth periodic report of Panama (continued)*

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\* No summary records were issued for the 3975th meeting.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Fourth periodic report of Panama (continued)* (CCPR/C/PAN/4;  
CCPR/C/PAN/Q/4; CCPR/C/PAN/RQ/4)

1. *At the invitation of the Chair, the delegation of Panama joined the meeting via video link.*
2. **Mr. Gómez Martínez** said that he would be grateful to receive a response to the questions raised in paragraph 21 of the list of issues (CCPR/C/PAN/Q/4), regarding the treatment of persons with disabilities and persons of African descent by the justice system, as well as the delegation's comments on reports of judicial bias against Indigenous Peoples. In addition, he wished to know the outcome of the criminal proceedings initiated in connection with the protests at the Barro Blanco hydroelectric dam in October 2021; how the new Office of the Prosecutor for Indigenous Affairs functioned; and what its impact had been thus far.
3. **Mr. Quezada Cabrera**, drawing the delegation's attention to paragraph 22 of the list of issues, said that he wished to know whether the State party had considered drafting a specific bill on the protection of human rights defenders. Similarly, he would welcome a more detailed response to paragraph 23 of the list of issues regarding barriers to the work of journalists and the prosecution of journalists for slander, including an update on the four investigations into cases of alleged slander mentioned in paragraph 82 of the State party's replies to the list of issues (CCPR/C/PAN/RQ/4).
4. He would appreciate a fuller response to the questions raised in paragraph 24 of the list of issues, concerning freedom of association, including a more detailed explanation of the State party's assertion in paragraph 84 of its replies that there were no obstacles to the formation of trade unions in the banking sector, the Colón free trade zone and the domestic work sector. He invited the delegation to comment on the support, if any, that the State provided to non-profit organizations, and on reports that the right of peaceful assembly of members of non-governmental organizations, including the Panamanian Association of Feminist Lawyers, had been violated during the 2021 protests.
5. **Mr. El Haiba** said that it would be useful to receive statistical data on asylum-seekers and refugees in the State party, disaggregated by sex and age, and on the outcome of their applications, especially since the expansion of the eligibility criteria for refugee status. Welcoming the fact that decisions of the National Commission for the Protection of Refugees were appealable, he asked how many asylum-seekers and refugees had availed themselves of that possibility and what the outcome had been in those cases. He encouraged the State party to consider adopting a rights-based approach to migration, especially in Darién Province, instead of its current security-oriented approach.
6. Following the death, in February 2023, of 39 migrants travelling by bus from Darién Province to immigration centres on the northern border, he would be interested to learn about any measures taken to investigate the fatal crash and guarantee access to justice and reparations for the families of the deceased. Furthermore, was it true that migrants who could not afford the cost of the bus ticket were prevented from leaving the reception centre? Lastly, he invited the delegation to comment on reports of unhygienic conditions, overcrowding and a lack of drinking water, food and medical care at migrant camps in Darién Province, on the application of the agreement between Panama and Costa Rica to protect the labour rights of migrants, and on measures taken within the framework of the Central American Integration System.
7. **The Chair** said that she would be grateful for a response to the questions raised in paragraph 27 of the list of issues, concerning corporal punishment of children. In addition, it would be helpful to know how many children and adolescents had been removed from situations of child labour; what support services they had received; how many complaints of child labour had been filed; and what investigations, prosecutions, penalties and protection measures had been initiated and ordered as a result. In view of the growing number of

vulnerable children, the Committee would welcome disaggregated data on children in street situations, those engaged in child labour and those subjected to economic or sexual exploitation. Were the provisions authorizing the issuance of work permits to children aged 12 to 14 years still in force? She invited the delegation to describe any steps taken to increase the rate of birth registration, as well as any investigations, convictions, reparations and prevention measures initiated or ordered in connection with allegations that children living in children's homes had suffered sexual, physical and psychological abuse.

8. Noting that the right of Indigenous Peoples to consultation and free, prior and informed consent was not always effectively realized, especially in relation to large investment projects, she asked what the relevant legal framework was; whether the regulations implementing Act No. 37 of 2016 had been adopted; how incursions into Indigenous lands were prevented; what the current status of Indigenous collective land demarcation and titling efforts was; what consultations had been conducted ahead of the Barro Blanco hydroelectric plant project; whether the State party had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169); and what impact the Plan for the Comprehensive Development of the Indigenous Peoples of Panama had had on health and education in particular.

*The meeting was suspended at 3.25 p.m. and resumed at 3.40 p.m.*

9. **A representative of Panama** said that, since 2015, sign language interpretation had been provided during legal proceedings on 933 occasions. To enhance access to culturally appropriate justice for the Indigenous population, the Government had increased the number of courts in Indigenous regions (*comarcas*). Three municipal judges and two Indigenous region judges had been appointed in the Ngobe-Buglé Indigenous region and one of each in the Guna Yala Indigenous region. The defendant had been represented by a public defender at over 60 per cent of the hearings held under the adversarial system in 2022. In the Guna Yala Indigenous region, public defenders had been present at 45 proceedings involving Indigenous persons held before mixed municipal courts in 2019 and 2020, and legal advice had been provided. During the same period, itinerant legal services had been provided in the Ngobe-Buglé Indigenous region.

10. **A representative of Panama** said that, while the use of social media was an aggravating circumstance in offences against the honour of individuals, debate and criticism of acts or omissions by public officials in the exercise of their functions did not constitute such an offence. Criminal proceedings in such cases could be initiated only by the filing of a complaint. The four previously mentioned cases against journalists had been dismissed owing to a failure to prove an intent to slander. Six cases of slander had been brought against journalists in 2022; four had been dismissed and two were in the preliminary investigation phase.

11. **A representative of Panama** said that freedom of association was regulated by Decree No. 62 of 30 March 2017. The legal personality of a total of 1,884 non-profit organizations and associations, including churches and religious congregations and communities, had been recognized by the Ministry of the Interior since 2016.

12. **A representative of Panama** said that the Government supported the International Decade for People of African Descent and its three key themes of recognition, justice and development. In accordance with Executive Decree No. 116 of 29 May 2007, the National Council of the Black Ethnic Community had been created to address the challenges faced by persons of African descent. Pursuant to Act No. 64 of 6 December 2016, the National Secretariat for the Development of Panamanians of African Descent had been formed to implement policies in support of the country's black ethnic community, whose heritage was celebrated on 30 May each year. Under Executive Decree No. 15 of 5 December 2022, the Order of Cecil Haynes had been established as a way of recognizing those who had contributed to the black ethnic community in Panama. The Ministry of Education was taking steps to ensure that the important contribution of Panamanians of African descent was covered in school curricula. In the most recent national census, 34 per cent of the population had self-identified as being of African descent. The Ministry of Foreign Affairs had put forward a proposal for ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

13. **A representative of Panama** said that his country had ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) in 1967 and that chapter 2 of the Labour Code included provisions on trade union freedoms. More than half of the 912 registered train unions in Panama were currently active. There were 37 registered federations of workers, 47 registered confederations of workers and 4 registered groupings of trade unions, which represented over 250,000 workers, and the current Administration had authorized the establishment of 13 trade unions for workers in the public sector. In the Colón Free Zone, there were trade unions for workers in the transport and commercial sectors but no general trade union open to all those who worked there. The establishment of trade unions in the banking sector was not prohibited and no trade unions had been shut down by the Government in recent years.

14. **A representative of Panama** said that various measures had been taken to expedite the consideration of applications for recognition of refugee status, leading to a significant reduction in the backlog. For example, international capacity had been strengthened, internal processes had been restructured, and human resources had been increased. Since the entry into force of Executive Decree No. 5 of 2018, over 21,000 applications had been received, of which approximately 8,000 remained pending, and some 240 applications had been received between September 2022 and February 2023. Most of the applicants were nationals of Nicaragua, Venezuela, Colombia, Cuba and States in northern Central America. Cooperation with international organizations had been strengthened, particularly in hard-to-reach border areas and, since 2018, approximately 1,500 public officials had received training in that context.

15. **A representative of Panama** said that the police had been involved in carrying out an eviction near the Barro Blanco dam on 29 October 2021. As those being evicted had put up active resistance, throwing various objects, including stones, bottles and homemade bombs, the police had been left with no choice but to use force, including non-lethal weapons, in a limited way. Following the events, the Public Prosecution Service had opened three investigations. Two had since been closed, but the third was being handled by the prosecutor's office responsible for combating corruption.

16. **A representative of Panama** said that the Darién region had not been militarized. Indeed, the Government took a humanitarian approach to migration issues. Furthermore, the International Organization for Migration (IOM) had recognized the key role played by the National Border Service in migration management and the protection of migrants in Panama. The Humanitarian Border Security Unit had recently been established to protect and assist vulnerable persons. Hundreds of Panamanians were involved in community efforts to host migrants, who were often in need of medical care after spending days crossing the jungle, and many international and civil society organizations were present in the Darién region to ensure that migrants were treated in accordance with humanitarian principles. Under the Constitution, migrants in Panama had the same rights as Panamanian citizens and, in three and a half years, the Government had spent over \$60 million on migration management. The competent authorities were working to prevent accidents such as the recent bus crash that had tragically resulted in 39 deaths; however, all applicable road safety requirements were already being met. Together with Costa Rica, Panama strove to ensure that migration was an orderly process and that migrants did not fall prey to organized crime groups.

17. **A representative of Panama** said that the Government had organized consultations with the country's seven Indigenous Peoples, as represented by their 12 traditional bodies. The current focus was on illegal logging and encroachment by peasant farmers in the Nusagandi area of the Guna Yala Indigenous region. Displacement in Bocas del Toro Province in the Ngobe-Buglé Indigenous region would be addressed at a later stage.

18. **A representative of Panama** said that the Office of the Deputy Minister for Indigenous Affairs had prepared 22 expert reports on the traditional land use of Indigenous Peoples and had a further 7 such reports in the pipeline. In addition, 5 applications for collective land titles had been approved and a further 29 remained pending.

19. **A representative of Panama** said that the Government had made great progress in working with Indigenous Peoples to address the impact of hydropower projects. As provided for in the 2023 budget, the Government was implementing initiatives in the areas of

education, road construction, rural electrification and preventive and community health. Training schemes financed by the Micro-, Small and Medium-sized Enterprise Authority and the Ministry of Social Development had been carried out to promote entrepreneurial activity among the Indigenous communities affected by hydroelectric power projects.

20. **A representative of Panama** said that hundreds of children had been interviewed in connection with allegations of child abuse at shelters and charges had been brought against the alleged perpetrators, leading to six convictions. The Government was working to deinstitutionalize care arrangements with a view to upholding children's right to live in a family. To that end, a committee had been established to work towards deinstitutionalization and strengthen the foster care programme in cooperation with the United Nations Children's Fund (UNICEF) and Red Latinoamericana de Acogimiento Familiar (the Latin American fostering network).

21. A system of safeguards and comprehensive protection for children's rights had been created under Act No. 285 of 15 February 2022. Article 64 of the Act established the right of all children to a life free of violence while article 195 provided for administrative measures to be taken to protect children who had been subjected to corporal punishment. In addition, the National Secretariat for Children, Adolescents and the Family had strengthened mechanisms for raising awareness of the importance of violence prevention. Children's rights issues, including the provisions of the Convention on the Rights of the Child, family strengthening and positive parenting, had also been addressed in awareness-raising efforts and a counselling and information hotline was available that had received over 5,000 calls.

22. Pursuant to Executive Decree No. 14 of November 2022, the Government had adopted a road map for the comprehensive protection of early childhood entitled "With you in early childhood" (*Contigo en la primera infancia*). Act No. 171 of 15 October 2020 had established an interinstitutional framework for initiatives to strengthen positive parenting, while Act No. 29 of 1 August 2005 stipulated that the functions of the Ministry of Social Development included serving as a forum for consultation between the Government and civil society to promote the human and social development of priority groups in the context of the family and the community. The Ministry had made funding available to develop and strengthen non-governmental organizations (NGOs) that worked with vulnerable groups and had supported over 95 projects carried out by such NGOs.

23. **Mr. Tejada** (Panama) said that the Government was committed to eradicating child labour. According to the most recent figures, approximately 33,000 children were involved in labour in Panama, but the prevalence of child labour was on a downward trend thanks to intensified government efforts on plantations and in the interior of the country.

24. The Secretary-General of the Ministry of the Interior had been ordered to conduct a prison census to identify the number of prisoners belonging to specific categories, such as, for example, persons of African descent and persons with disabilities.

25. In the current week, the Government was launching an initiative to address the issues faced by Indigenous Peoples, in particular their land rights. An extraordinary council of Indigenous Peoples was discussing regulations for the implementation of Act No. 37 of August 2016, which provided for the free, prior and informed consultation and consent of Indigenous Peoples and established a road map for their development.

26. **Mr. Gómez Martínez** said that he would appreciate more information on the activities of the municipal and Indigenous region judges, including details of how they were appointed. He would be grateful for confirmation that only three investigations had been opened in connection with the events of 29 October 2021 near the Barro Blanco dam and would like to know whether the Government had responded to the report of the Ombudsman's Office issued in May 2022. In addition, he had yet to receive replies to his questions regarding the activities of the Office of the Prosecutor for Indigenous Affairs.

27. **Mr. El Haiba** said that the Committee was concerned about reports of excessively slow procedures for processing applications for asylum, which had resulted in a large backlog. It would welcome information on the average duration of such procedures. It appreciated the legislative action taken to protect migrants but would like to know what concrete measures had been taken to ensure their safety, especially in the tropical forests of

Darién Province. It would also be grateful for information on action taken to investigate offences and guarantee access to justice for victims, including women victims of gender-based violence, on the registration of migrant deaths and the alleged existence of mass graves, and on guarantees of due process for migrants who were the subject of an international alert and would be prosecuted in other countries. As migrants were frequently exposed to the risk of homicide and physical violence, including sexual violence and human trafficking, by criminal groups, information about measures taken to bring such groups to justice would also be helpful.

28. **Mr. Quezada Cabrera**, referring to the right to freedom of association, asked whether information brought to the Committee's attention which indicated that a minimum of 40 persons was required for the formation of a trade union in the private sector was correct; whether employees in the public sector also enjoyed the right to freedom of association in order to defend their interests; and how the State party ensured that the right to peaceful assembly could be enjoyed without hindrance or barriers.

29. **The Chair**, noting that about 1,200 children and adolescents were currently living in shelters, said that, while the deinstitutionalization measures aimed at placing them with foster families were a welcome development, the procedure appeared very slow. She wished to know how many families were registered in the foster care system and, given the temporary status of foster care, would appreciate information on the State party's long-term plans for such children and adolescents.

30. She was also interested in hearing whether steps had been taken to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

31. **A representative of Panama** said that judges competing for posts in Indigenous region courts were required to speak the language of the Indigenous Peoples that they would be serving. As in municipal courts, the courts were composed of judges, secretaries and senior officials and judges who considered criminal cases had the status of due process judges. With a view to enabling lawyers from Indigenous ethnic groups to work within the adversarial system of justice, an introductory training course had recently been organized for them so as to ensure that they had the best possible preparation for the competitive recruitment process.

32. **A representative of Panama** said that the Public Prosecution Service had appointed two legal representatives to investigate crimes in the districts of Nürüm and Kankintú in the Ngobe-Buglé Indigenous region. There was also a high-level Office of the Prosecutor for Indigenous Affairs in the Ngobe-Buglé and Naso regions and a regional prosecutor's office in Darién Province. The offices were mandated to receive complaints and to implement protective measures on behalf of victims. A total of 239 cases of domestic violence and 64 cases of child abuse had been reported in 2022. The public prosecutors also provided assistance in cases in remote areas where no offices had been established.

33. **A representative of Panama** said that the Government of Panama had been highly critical of the risks faced by persons who crossed Darién National Park, which had been declared a World Heritage site by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1981. About 63,000 persons had entered Panama through the Park since the beginning of 2023, but it had been possible to identify only around a third of them on the list provided by the Colombian authorities. More than 100 rescue missions had been undertaken by the National Aeronaval Service and assistance had been provided by paramedics from the National Border Service. On 13 July 2021, the Ministry of Public Security had signed a letter of intent with the United Nations primarily with a view to facilitating mobility through cooperation with IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR). It was hoped that international organizations would add to the sum of more than 60 million balboas that Panama had already invested in human mobility, but their response had been minimal to date.

34. **A representative of Panama** said that investigations into two of the three complaints lodged in connection with the Barro Blanco events in 2021 had been closed. The case concerning the alleged injury of three children had been closed because the persons who had made the allegations had failed to appear at the hearing. The second case had been closed because it had proved impossible to identify the person who had injured the police officer.

The third case, concerning alleged abuse of authority, was still being investigated by the office of the prosecutor responsible for combating corruption in Chiriquí Province.

35. **A representative of Panama** said that national legislation did not establish specific deadlines for processing cases involving refugees. However, the National Office for the Attention of Refugees had responded to recent cases within a six-month period, since that was the deadline specified in the identification documents issued by the National Migration Service, following which a status decision was taken by the National Commission for the Protection of Refugees. The Commission held regular meetings every two months, and extraordinary meetings had increased the number of annual meetings from six to nine. Applications received in border areas and at the airport were processed promptly, especially those involving children and adolescents.

36. **A representative of Panama** said that a minimum of 40 workers was required by law for the establishment of a trade union. However, various types of trade unions were permissible and some large companies had three, four or even five different trade unions. Trade unions could also be established in the public sector. For example, there were trade unions at all levels of the Panama Canal Authority, which was a public entity. However, as strikes were prohibited for Canal Authority workers pursuant to a constitutional decree, disagreements were addressed by means of a labour relations commission and an arbitration system.

37. The Minister of Labour had arrived in Geneva the previous day to consider the possibility of the country ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

38. **A representative of Panama** said that the Government of Panama was committed to the deinstitutionalization of children and adolescents, to the provision of high-quality protection services and to the achievement of tangible results through the provision of alternative care, and that it had been working with UNICEF, Save the Children and other institutions to that end. An expert deinstitutionalization unit composed of representatives of various organizations had been established to drive the overhaul of the system and enable children to leave institutional care and live with their nuclear or extended family. There were numerous State-run shelters and a further nine privately run shelters but inter-agency committees had been set up to ensure that institutionalization was a last resort. A total of 345 children and adolescents had benefited from the family reunion programme and the foster family programme had also been expanded. More than 1,000 families throughout the country had provided care for children and adolescents while their legal family situation was being investigated and a further 27 fully approved families had recently been added to the register. All foster families were required to comply with certain legal standards. Technical assistance for the foster family programme was provided by UNICEF and the Lumos association, mainly through awareness-raising and training activities. Lumos had also published a book containing operational guidelines for care within the family, and training courses had been run for foster families.

39. **Mr. Tejada** (Panama), thanking the Committee for the frank and open interactive dialogue, said that additional information and statistical data would be provided within 48 hours. The Committee had played a key role in identifying existing challenges and the obstacles to be addressed in order to comply fully with the provisions of the Covenant. It was essential to promote a continuous dialogue with communities in order to improve policies and actions aimed at protecting and promoting the human rights of both Panamanian citizens and foreign national.

*The meeting rose at 4.50 p.m.*