



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture Sixty-first session

Summary record of the 1556th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 3 August 2017, at 10 a.m.

Chair: Mr. Modvig

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* No summary record was issued for the 1555th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Fourth periodic report of Panama (CAT/C/PAN/4; CAT/C/PAN/Q/4)

1. *At the invitation of the Chair, the delegation of Panama took places at the Committee table.*
2. **Mr. Gómez Ruiloba** (Panama) introduced the members of the delegation of Panama.
3. **Mr. Medina Marín** (Panama), introducing the fourth periodic report of Panama (CAT/C/PAN/4), said that the use of the simplified reporting procedure by the Committee against Torture had helped the Government to harmonize its legal instruments in the field of human rights.
4. The Government was aware that the absence of suitable prevention and control mechanisms could create an environment conducive to torture. Accordingly, it was making efforts to strengthen public safety and access to justice, on the basis of the rule of law.
5. Since 2011, the Government had been harmonizing its definition of torture with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and international humanitarian law. Any commission, attempt to commit or complicity in the commission of acts of torture were subject to criminal prosecution, and the Code of Criminal Procedure established that evidence obtained by means of torture or ill-treatment had no legal value. Victims of torture were able to seek reparations and had access to free legal aid.
6. Since 2015, the Government had been implementing a national strategy to prevent and combat torture through the coordinated efforts of the security services, use of the media and activities carried out by the public relations agencies linked to the National Commission to Combat Trafficking in Persons. As a result, 183 victims of trafficking had been rescued as at April 2017.
7. The Government had voluntarily asked the Inter-American Court of Human Rights to monitor all pending cases and rulings in the country, thus demonstrating its willingness to comply with the recommendations of the inter-American human rights system.
8. The human rights-based approach to the ongoing reform of the prison system was geared to the rehabilitation of persons deprived of their liberty. Moreover, in order to reduce the prison population, alternative measures to pretrial detention had been introduced, and with the gradual implementation of the adversarial system of justice, the average time taken to reach judicial decisions had decreased dramatically. The Ombudsman's Office played a vital role by handling approximately 75 per cent of criminal cases.
9. In order to address the delays in all areas of the legal system, a programme had been implemented to accelerate the resolution of cases and reduce the number of persons deprived of their liberty awaiting trial or sentencing. In addition, in order to improve living conditions in prisons, efforts were being made to guarantee respect for the human rights of detainees, strengthen health-care services, build or improve infrastructure and reduce overcrowding.
10. The Gender and Access to Justice Unit had been established to promote, guide, strengthen and monitor processes aimed at incorporating a gender perspective in the judiciary, and increasing inclusion and equal opportunities. Efforts had also been made to raise public awareness of the situation of women deprived of their liberty, and of their children. A recently published study had examined the situation of persons deprived of their liberty for drug-related offences from a gender perspective, including their experiences in the criminal justice system.
11. The conditions for adolescents in the prison system had also improved. In that regard, the Institute for Interdisciplinary Studies was strengthening its institutional capacities and aiming to increase the study or work opportunities it could offer to adolescents deprived of their liberty.

12. Through a broad consultation process, a preliminary legislative model for a national preventive mechanism had been developed and adopted, following amendment, by the National Assembly. In order for the work of the mechanism to begin, an inter-institutional group under the leadership of the Ombudsman's Office was working to develop criteria for the selection of staff for the mechanism and the allocation of appropriate financial resources.

13. The Government looked forward to the first visit of the Subcommittee on Prevention of Torture to the country. Accordingly, it had introduced training to strengthen the institutional capacities of civil servants working in the administration of detention centres, including psychiatric hospitals and social protection centres.

14. **The Chair** (Country Rapporteur) said that, while he welcomed the State party's periodic report, he regretted its lateness and asked why it had been delayed. In order to understand the relationship between the Government and civil society, he also wished to know how civil society organizations had contributed to drafting the report.

15. Although the State party had incorporated articles 156 and 156-A prohibiting torture into its Criminal Code in 2011, the definition of torture was not fully consistent with article 1 of the Convention as it did not refer to torture instigated by or occurring with the consent or acquiescence of a public official or other person acting in an official capacity. In that regard, he wished to know whether the State party planned to bring its definition into line with the Convention, and whether the reference in article 156-A to "whosoever" inflicted torture explicitly included public officials and private actors.

16. Article 156-A also stated that a person convicted of committing torture would face imprisonment of 10 to 15 years. Referring to paragraph 16 of the periodic report, he asked whether the six cases investigated under that article constituted all the cases of torture or ill-treatment investigated during the reporting period; if not, the delegation should indicate how many cases had been investigated and how many had resulted in convictions. He would also like to know the precise offences and circumstances of the six cases; why all six investigations had resulted in a temporary stay of proceedings; what was the current status of the cases or what their outcome had been; and whether the cases had occurred before or after the enactment of article 156-A.

17. As the State party had no statute of limitations for criminal proceedings or sentencing in cases of widespread or systematic torture committed against the civilian population, he asked whether a statute of limitations therefore applied in cases where torture had been committed in single cases or sporadically. If so, he strongly recommended that any such provision be changed, as there could be no statute of limitations in torture cases.

18. Regarding the incorporation of the main provisions of the Convention into domestic law, he asked whether justice officers had ever made reference to the Convention in their decisions and, if so, whether the delegation could provide information on the cases where that had happened.

19. Although the State party had successfully reduced the number of pretrial detainees, both prison overcrowding and the liberal use of pretrial detention remained matters of concern. While paragraph 30 of the periodic report indicated that the duration of pretrial detention had reduced dramatically, he would appreciate national statistics on the length of pretrial detention, including the average duration, the number of cases of pretrial detention lasting less and more than one year, and the breakdown of cases among minors and adults for each year of the reporting period. He also wished to know the annual number of cases in which pretrial detention could be extended to up to 3 years, and he requested an outline, with examples, of the principles and guarantees applied in the juvenile justice system.

20. Regarding deprivation of liberty, he asked about the number of arrests made on the basis of arrest warrants compared with the number involving individuals caught in flagrante delicto; who made the flagrante delicto arrests; and how many flagrante delicto arrests had been made within prisons.

21. According to the Code of Criminal Procedure, persons placed under arrest had the right to be defended by a lawyer of their choice or to have a public defender assigned to them. Was that right applied from the moment of the arrest, so that the lawyer could be

present during all interrogations? If so, in how many cases had it been applied in practice? He also asked whether the right applied to persons represented by a public defender; whether it was possible for a public defender's services to be secured in time for the initial interrogation; or whether the interrogation process sometimes began without the public defender.

22. Under the Code of Criminal Procedure, an arrestee had the right to communicate with a person of their choice. He wished to know whether that meant that the arrestee was able to inform someone of their arrest and location; and, if so, whether the right applied from the moment of arrest.

23. Regarding the right to receive medical assistance, he requested clarification as to whether arrestees could be examined by a medical professional once only or on multiple occasions. He also wished to know who chose the doctor to examine the arrestee; whether the doctor was usually a police doctor; whether the arrestee was able to choose a doctor; and whether medical examinations requested by the arrestee were conducted free of charge.

24. Moreover, as persons arrested by the Criminal Investigation Department of the National Police were taken for a compulsory medical examination, he wished to know whether those examinations were conducted by doctors reporting to the Ministry of Health, the Ministry of Justice, the police authorities or another body. He asked whether such an examination was considered to fulfil the arrestee's right to prompt medical attention; whether the examination was conducted before or after the initial interrogation; and whether the State party systematically collected information on symptoms of disease or signs of ill-treatment or injury found during the examinations.

25. In addition, he requested further information on the requirement for police officers to submit reports confirming the results of the above-mentioned compulsory medical examinations and that detainees had been informed of their rights, had eaten during their period of detention and had not been ill-treated by police officers. He recommended that the State party find a more reliable method of obtaining information about the treatment of detainees, and asked whether the Government could instead request confirmation from a detainee that he or she had not been ill-treated, or whether the detainee's lawyer could corroborate the police officer's report, if present from the beginning of the interrogation. He also wished to know the circumstances under which detainees signed the official notice of their rights; what happened if a detainee could not read; and whether the notice had been translated into indigenous languages.

26. He wished to know what human and financial resources were allocated to legal aid and how effective and widely used the service was. In what languages were signs in prisons outlining the rights and obligations of inmates written? According to Annex 35 to the State party's report, out of 70 disciplinary cases between 2011 and 2015, only 8 had involved excessive use of force, and all 8 were marked with the letters "JDL". Did that mean that the outcome of appeal proceedings was still pending? Was 70 the total number of disciplinary cases against police officers during that period? If not, could the delegation provide the correct figures, including how many cases involved ill-treatment and excessive use of force?

27. He would also like to know how often interim measures such as suspension or pretrial detention had been imposed against police officers charged with disciplinary offences and whether such measures had been used in the 8 cases in question. He was concerned that the statistics might point to massive underreporting of cases of excessive use of force and he wondered if the delegation found the figures acceptable and reliable. What training was available to ensure compliance with the principles of necessity and proportionality, in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials?

28. He looked forward to hearing how many complaints had actually been received from prisoners through the various channels open to them — including the prison mailbox, the 311 hotline, the Department of Human Rights and the Dignity of Public Officials and Consumers, and the Ombudsman's Office — and how many concerned ill-treatment, excessive use of force and torture. While welcoming Act No. 42 of 2016, which reformed the prison staffing system, he remained concerned that there seemed to be no mechanism in place for reporting complaints of acts of ill-treatment or torture committed by prison

officials, particularly in the light of the fact that pretrial detainees, who were particularly exposed to the risk of torture, made up such a large proportion of the prison population. He would be interested to hear more about the training on interviewing skills offered to police officers. Did it include training in the provisions of the Convention and non-coercive interviewing techniques?

29. The Committee wished to know if persons admitted to detention facilities routinely underwent a medical examination shortly after their arrival, in line with the Nelson Mandela Rules, and if the doctors who carried out such examinations were trained in the identification and documentation of signs of torture and ill-treatment. If the doctor identified a suspected case of torture or ill-treatment, to whom could he or she report it and how was the matter then pursued? While welcoming the fact that health professionals working in prisons were all employed by the Ministry of Health, he was concerned that access to health care and medicines was very limited. According to information available to the Committee, a total of just 70 health professionals provided care to the entire prison population of more than 16,000 individuals. Could the delegation tell the Committee how many of those professionals were full-time medical doctors and did it believe that such numbers of staff were enough to provide prisoners with adequate health care?

30. He looked forward to hearing more about a new procedure for investigating deaths in custody and to learning whether it took account of the Model Protocol for a Legal Investigation of Extra-legal, Arbitrary and Summary Executions (the Minnesota Protocol). Were investigations undertaken by an independent body? Was an autopsy always performed? How was it determined whether or not to initiate criminal or disciplinary proceedings? The Committee hoped to receive more detailed statistics about persons who had died in custody, including both place and cause of death, and to hear about the outcomes of any investigations.

31. He acknowledged the initiatives the Government had taken to combat domestic violence. However, he was deeply concerned by the dramatic rise in cases between 2012 and 2016 and would be interested to know what the authorities believed to be the cause. The Committee reiterated its request for statistical data on types of violence recorded, numbers of complaints received and investigated, numbers of prosecutions and convictions, and types of sentences. What steps were being taken to ensure that Act No. 82 of 2013, which criminalized femicide, was duly implemented, and how many women had made use of the special care centres set up around the country? Also in the context of domestic violence, he hoped that the delegation could provide statistics on how many persons had used the services of the Secretariat for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings. Did the indigenous people of Panama have the same access to such support as other members of the population?

32. The Committee remained concerned that only a very small proportion, perhaps as few as 5 per cent, of foreign nationals entering the country went through a refugee status determination procedure. That had serious potential implications for the fulfilment of the State party's obligations under article 3 of the Convention. According to the State party report, persons who had previously enjoyed temporary humanitarian protection were now granted permanent residence. Did that mean that Panama had ceased granting any protection status other than refugee status under the 1951 Convention relating to the Status of Refugees? Would it consider revising its asylum legislation to enable permanent residence to be granted for reasons similar to but not covered by the 1951 Convention?

33. He would welcome the provision of statistics on asylum seekers, particularly the number of applicants whose requests had been granted because they risked torture in their country of origin and the number of forced deportations. Could the delegation explain how the State party ensured that victims of torture among asylum seekers were identified and catered for?

34. He understood that Panamanian law applied even when crimes had been committed abroad. However, he was concerned that, in cases of torture, that provision only applied when the offences had been committed in a widespread and systematic manner. The law also prohibited security forces from using lead, plastic or rubber pellets against peaceful

demonstrators. Could the delegation tell the Committee which pellets were permitted and under what circumstances they could be used if demonstrations were not entirely peaceful?

35. **Mr. Heller Rouassant** (Country Rapporteur) said that he wished to commend the authorities of the State party for having shown the political will to fulfil their obligations under the Convention and for having introduced important new legislation to that end. He welcomed the long-delayed State party report which, he noted, had been drafted by an inter-institutional mechanism created in 2012: the National Standing Committee responsible for ensuring compliance with and follow-up to the national and international human rights commitments of Panama.

36. Although the prison population had fallen in recent years, Panama still had one of the highest levels of imprisonment in Latin America, with 421 persons in detention per 100,000 inhabitants. The Association for the Prevention of Torture (APT) had drawn attention to a number of areas of concern, among them overcrowding; living conditions including, in some cases, access to drinking water; excessive use of pretrial detention; violence and the disproportionate use of force. A 2015 study had shown that female inmates faced specific problems such as access to appropriate health care, inadequate nutrition, loss of contact with their families and poor facilities for pregnancy and childcare. A mechanism for female prisoners had been created in 2011 with the involvement of civil society and international organizations; however, it did not seem to have met in recent months and he hoped that the delegation could provide updated information on its activities.

37. One of the main problems facing the prison system was the large number of persons who were deprived of liberty while awaiting trial and, although those numbers had fallen, persons in pretrial detention still accounted for 47.7 per cent of the total prison population. Nonetheless, he wished to welcome a number of positive developments highlighted in the State party report. They included the introduction of a code of conduct for prison officials who were first at the scene of possible offences committed within the confines of a prison; the Organic Act on the National Police, which imposed limits on the use of force by police officers; provisions in the Criminal Code establishing severe penalties against persons responsible for widespread or systematic acts of torture; and the police internal disciplinary code, which sanctioned officials who imposed any form of cruel or degrading punishment on persons deprived of liberty.

38. He had been pleased to learn that prison officers received basic training at the Prison Training Academy. However, he remained concerned that the police — despite legal provisions to the contrary — apparently continued to play an important role in internal security in a number of prison establishments. Could the delegation provide updated information on that subject? Furthermore, could it confirm that the system for prisoners to report complaints and grievances was reliable and effective, particularly in view of the fact that, according to the State party, the system had not yet received any complaints of acts of ill-treatment or torture committed by prison officials.

39. The national preventive mechanism envisaged under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been formally established under Act No. 6 of 2017. Although the mechanism, rather than being fully autonomous, seemed to be part of the Ombudsman's Office, the Act did contain a number of commendable features designed to guarantee its independence, such as the provision whereby its directors had to have had no ties to any political party in the five years prior to their appointment. The directors were to be chosen by a selection committee that included representatives from civil society and the authorities were to be commended for their openness in that regard and for having made the creation of the national preventive mechanism such a transparent and inclusive process. He hoped that the delegation could inform the Committee about the current status of the national preventive mechanism. Had all the members of the selection committee been chosen? When would the directors be appointed? How would the mechanism organize its activities to cover the whole of the national territory? What economic and human resources would it have for the period 2017-2018?

40. He was concerned that the reduction of the budget for the Ombudsman's Office from US\$7 million to US\$5 million would affect both the Office's operations and the

national preventive mechanism. He wished to know whether the Office for Persons Deprived of their Liberty was actually fulfilling its duties, in particular whether it was paying weekly visits to prisons and performing inspections of temporary detention centres. There had reportedly been very few non-judicial complaints, which the Ombudsman's Office was responsible for handling. Could the Government confirm exactly how many such complaints had been received and what they concerned?

41. There had been reports of deplorable conditions in homes for older persons and persons with disabilities who had been subjected to torture and ill-treatment, and even of several deaths in one such home. He would welcome further information on the legal status of those homes, and what policy, if any, the State party followed to certify them. Similarly, inmates with disabilities were reportedly being mistreated in prisons and in some cases deprived of walking aids on the basis that they could be used as weapons. He wished to have more information, in the form of disaggregated data if possible, on persons detained in psychiatric hospitals and on complaints of ill-treatment of persons with disabilities in general.

42. While Panama was party to international conventions that covered the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, it appeared to lack the national legislation to protect them. He would be grateful for further information on the situation of LGBTI persons in Panama, including in prisons, and on the measures taken to prevent their alleged torture and inhuman treatment. There had also been reports of sex workers being detained, raped and beaten by police without any effort being made to curb such acts. In that connection, he would like to know whether any investigation had been launched into the allegedly excessive use of force by the authorities and the detention of 15 human rights activists during a sex workers' march on 2 June 2017.

43. Notwithstanding the President's condemnation of a traditional punishment of *cepo* imposed by the Ngobe-Bugle indigenous group, which involved tying victims to a tree stump by their hands and feet, he wondered what other measures the State party would take to address that issue.

44. There appeared to be a need to protect asylum seekers, particularly in light of reports that some were choosing not to seek refugee status for fear of being deported. He would welcome information on the recent refusal to grant asylum to a number of Venezuelans, and on the 300 or so Cuban citizens left in legal limbo in Panama City owing to changes in migration policy between Cuba and the United States of America. Furthermore, he was concerned at the lack of disaggregated data on the grounds of persecution relied upon for the granting of refugee status.

45. The State party had noted in its report that, following the training of prison staff on human rights and the implementation of the Prison Service Act, which established a merit-based system for entry into and promotion within the prison service, there had been few cases of security forces violating human rights or using excessive force. He would appreciate information on precisely how many such cases there had been and when they had occurred so that the Committee could determine whether the number of complaints in that regard was falling year on year. What measures were being taken to ensure that new prison staff received adequate training on human rights? Moreover, given that the police continued to be responsible for monitoring some prisons, he wished to know what timeline had been established to ensure that duly trained prison staff were given sole responsibility for prison security.

46. It was encouraging that the Directorate General of the Prison System was drafting procedural protocols to ensure fair treatment of persons deprived of their liberty. With regard to the protocol to be followed in the event of the death of a prisoner, he wished to have more information on the number and causes of such deaths. With regard to the protocol on the entry of human rights organizations into prisons, he wished to know whether — and, if so, how — NGOs were also granted entry. Did they coordinate with the Ombudsman's Office? Lastly, he would appreciate information on how much progress had been made in drafting the protocols.

47. He would like to know how many people had benefited from the measures established under the Code of Criminal Procedure to protect victims of crimes against the

integrity of the person, which included the placement of victims in official safe houses and the omission of their personal details from proceedings. He also wondered on how many occasions the sanctions provided for under the Code had been imposed on police officers found to have used excessive force, and what those sanctions entailed. With particular reference to the death of five minors at the Tocumen youth detention centre, he wished to have more information on the status of the appeal against the sentences handed down for the excessive use of force.

48. With respect to the cases brought by relatives of victims of the military dictatorship that had ended in 1989, he would like to know what progress had been made by the State party in meeting its commitments vis-à-vis the Truth Commission, which had been established to expose violations of the fundamental right to life, including enforced disappearances, during that era. In the particular case of the enforced disappearance of Heliodoro Portugal, he wondered whether the case against former President Manuel Noriega had been abandoned following the latter's death.

49. Noting the lack of any statute of limitations for either criminal proceedings or sentencing in cases of widespread and systematic torture against civilians, he wished to know on what basis the State party concluded that torture was widespread and systematic. Furthermore, he would like to know whether there had been any complaints of alleged non-compliance with the clause of the Code of Criminal Procedure providing for the invalidity of evidence obtained by means of threats, torture or human rights violations, and of information obtained via illicit procedures.

50. Acknowledging the State party's prison reform programme, in particular the efforts made to reduce overcrowding, he was nonetheless concerned about the lack of health-care staff and medication for prisoners. He would like to know to what extent the State party had implemented the programme developed for the benefit of women prisoners. He also wished to have more information on the status of the maximum security prison on Punta Coco island, which according to various civil society organizations and United Nations bodies was operating outside the official prison system and was particularly unsanitary. Moreover, he would appreciate further information on the case against the former Minister of Security, Minister of Employment, Minister of Labour Development and Director of the National Police for alleged abuse of authority in Bocas del Toro province in 2010, which had been pending before the case-transfer court since May 2016.

51. The delegation should comment on reports of police brutality towards indigenous communities in connection with land conflicts, including in relation to the Petaquilla mining operations and the construction of the Barro Blanco dam.

52. He was concerned that not all forms of corporal punishment of children and adolescents were explicitly prohibited in the State party's legislation, and that more than 1 million minors under the age of 14 had reportedly been subjected to some form of violent discipline in the month prior to a survey on domestic disciplinary methods.

53. In July 2016, the Government had informed the Committee on the Rights of the Child that consultations were under way on a bill that would provide comprehensive legal protection for children. He would welcome an update on the status of the bill, which should be adopted and implemented as a matter of priority. The Committee recommended that the bill should prohibit the use of all forms of corporal punishment on children and adolescents, and that the Civil Code and the Family Code should also be amended as appropriate.

54. Noting the reference in paragraph 268 of the State party's report (CAT/C/PAN/4) to the establishment of the Commission of 20 December 1989 to investigate human rights violations committed in Panama during the period between 19 December 1989 and the withdrawal of United States forces, he said that he would welcome further details on the work of the Commission, and asked why it had taken so long for it to be set up.

55. What progress had been made by the National Standing Committee in drafting and implementing a national human rights action plan?

56. It had recently come to light that there was a shortage of medical staff in Panamanian prisons, chiefly owing to the reluctance of doctors to work in the penitentiary system. As part of its efforts to make its prisons more professional and operational, the

State party should take action to ensure that it attracted the right number of adequately trained medical staff.

57. **Mr. Bruni** said that information received from NGOs indicated that, despite reforms in the prison system, there was serious overcrowding, conditions of detention were poor, access to health care was lacking, and the provision of drinking water was insufficient. He asked what measures other than those described in the delegation's introductory statement would be taken to decrease the rate of overcrowding and improve the living conditions of prisoners.

58. An article published in a Panamanian newspaper in March 2016 had stated that the construction of the new David Penitentiary Centre in Chiriquí province would be completed in early 2017. He wished to know whether the new prison was already operational and, if so, how many detainees were being held there and in what conditions.

59. On 20 August 2015, the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment had concluded that the treatment of inmates in the Punta Coco prison was inhuman and degrading. The Inter-American Commission on Human Rights had reached the same conclusion in February 2016. In July 2017, the Ombudsman's Office had recommended the closure of the prison and the transfer of its inmates. Nevertheless, according to newspaper reports, other prisoners had recently been transferred to the prison. Did the State party plan to close the Punta Coco prison, as recommended by the Ombudsman's Office? What were the current conditions of detention there? Had the Government already initiated action to improve conditions?

60. **Ms. Racu** said that, according to some reports, juveniles held in Panamanian detention facilities were deprived of water, fresh air and light, crowded into small cells, and only permitted a few hours of schooling and recreation per week. In one incident at the Tocumen detention centre, police had used tear gas against detainees and seven boys had burned in their cells while guards watched; five boys had been killed. The State party must take action to prevent other incidents of that type. She wished to know what steps the State party would be taking to improve the situation in juvenile facilities, including material conditions and extra-regime activities.

61. Low pay was one of the reasons most commonly cited for the serious shortage of prison guards in the State party. Such a lack of resources often fostered corruption. The Committee would appreciate more information on the State party's plans to increase the number of staff in its prisons, and more specifically, on the concrete measures envisaged to enhance the professional level of staff.

62. **Ms. Gaer** said that she would like to know whether the Government of Panama had given any consideration to accepting article 22 of the Convention against Torture, which would allow individuals subject to its jurisdiction to submit complaints to the Committee.

63. In relation to paragraph 167 of the State party report, she would welcome further information on the protocol on female prisoners and their families bringing items into women's prisons. Specifically, she would like to know why a separate protocol was required for that purpose, and what items it covered. Had any progress been made with regard to the introduction of non-invasive body searches for visitors to prisons?

64. The Working Group of Experts on People of African Descent, which had visited Panama in 2002 and 2013, had said that the most striking feature of prison life in Panama was its violence: there was an elaborate gang structure throughout the prison system which led to frequent acts of violence between rivals. The Working Group had also found that prisoners had access to firearms. Had any progress been made in tackling the problem of prison violence?

65. Regarding deaths in custody, the United States Department of State 2016 Human Rights Report on Panama indicated that four inmates had died from "inmate-on-inmate violence". Had their deaths been investigated, and if so, what were the results of those investigations and what action had been taken? Had any sanctions been imposed on prisoners or prison staff for allowing those deaths to occur?

66. The Working Group of Experts on People of African Descent had reported a disproportionate percentage of Afro-Panamanian men, women and juveniles in prisons in Panama. Furthermore, Afro-Panamanian detainees claimed that their conditions of detention were worse than those of other detainees. She would like the State party to comment on those findings.

67. The State party referred, in its report, to five convictions for femicide and five for attempted femicide. She would be grateful for further information on the penalties imposed and on whether those found guilty came disproportionately from any particular racial, ethnic or cultural community.

68. **Mr. Zhang** said that adult detainees in Panamanian prisons complained of limited exercise time and limited access to visitors. He asked what measures the State party was taking to remedy the lack of prison guards in juvenile and adult facilities. What training had been provided to newly recruited guards, and did it include information on human rights instruments, including the Convention against Torture?

69. **Ms. Belmir** said that the State party had laws relating to two grades of torture, one of which was subject to a statute of limitations. However, neither the Convention against Torture nor the general comments of the Committee provided for the use of a statute of limitations for acts of torture.

70. Paragraph 213 of the State party report indicated that the Government of Panama believed that the proper functioning of prisons depended on the people in them, namely the prison staff and the persons deprived of their liberty, and the relationship between them. The State party should be aware that such an approach was erroneous both in law and in fact, since it overlooked the fact that detainees were not there of their own free will.

71. With regard to children, she asked why the minimum age of criminal responsibility in Panama had been reduced from 14 to 12 years. While it was commendable that the State party had taken measures to improve the situation of children in conflict with the law, 12 was a young age and she encouraged the Government to reconsider its position. The State party should also comment on why nothing was being done to identify refugee children as asylum seekers, and why they were very often repatriated without their situation being assessed.

72. **Mr. Hani** said that he would welcome clarifications regarding the system that provided free access to justice for victims of torture. Did it provide free access exclusively for criminal proceedings, or also for civil proceedings and redress?

73. With regard to the cases brought by relatives of victims of the military dictatorship that had ended in 1989, he had been unable to find precise statistics, either in the State party report or in its annexes, on cases of compensation awarded to victims of torture and their families. The provision of such statistics would better equip the Committee to assist the State party to fulfil its international obligations with respect to the rehabilitation of victims of torture.

74. As the hearing on the actions of the former dictator of Panama, Mr. Manuel Antonio Noriega, had been scheduled for July 2016 but suspended because of the accused's ill health, could the Government provide any information about the current status of the investigation into the mass human rights violations alleged to have occurred under the military dictatorship.

75. Whether torture was widespread and systematic or not, the physical and psychological effects on victims were equally devastating. Making some acts of torture subject to a statute of limitations deprived certain victims of the opportunity to bring their cases to civil courts to receive compensation. He would like the State party to provide information on the implications of the statute of limitations, mentioned in paragraphs 209 and 210 of the State party report, for victims' access to redress.

The meeting rose at 12.45 p.m.