



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the fourth periodic report of Panama*

1. The Committee considered the fourth periodic report of Panama¹ at its 3972nd, 3974th and 3976th meetings,² held in hybrid format on 9, 10 and 13 March 2023. At its 3988th meeting, held on 21 March 2023, the Committee adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Panama and the information presented therein. It expresses appreciation for the opportunity to renew its open and constructive dialogue with the State party's high-level delegation. The Committee is grateful to the State party for the information provided on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is also grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party during the reporting period in the area of civil and political rights:

(a) Act No. 375 of 8 March 2023, which establishes the Ministry of Women's Affairs;

(b) Act No. 7 of 14 February 2018, which adopts measures to prevent, prohibit and punish discriminatory acts;

(c) Executive Decree No. 5 of 16 January 2018, which sets out new provisions for the protection of refugees;

(d) Act No. 56 of 11 July 2017, which stipulates that women must account for at least 30 per cent of board members of State companies, and Executive Decree No. 241-A of 11 July 2018, which regulates it;

(e) Act No. 6 of 22 February 2017, which establishes the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

* Adopted by the Committee at its 137th session (27 February–24 March 2023).

¹ [CCPR/C/PAN/4](#).

² See [CCPR/C/SR.3972](#), [CCPR/C/SR.3974](#) and [CCPR/C/SR.3976](#).

³ [CCPR/C/PAN/RQ/4](#).

⁴ [CCPR/C/PAN/Q/4](#).



(f) Act No. 55 of 30 November 2016, which defines the crime of enforced disappearance;

(g) Executive Decree No. 121 of 19 July 2016, which establishes the “Commission of 20 December 1989”;

(h) Act No. 82 of 24 October 2013, which criminalizes femicide, and Executive Decree No. 100 of 20 April 2017, which regulates it.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 16 February 2017;

(b) The Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization, on 15 June 2015;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance, on 24 June 2011;

(d) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 2 June 2011.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

5. The Committee takes note of articles 4 and 17 of the Constitution and the case law of the Supreme Court of the State party, according to which human rights treaties in force have constitutional rank. However, the Committee regrets the paucity of information on cases in which the provisions of the Covenant have been invoked or applied by judicial officials and on training and awareness-raising activities for those officials and the general public focusing on the Covenant and its applicability in domestic law (art. 2).

6. The State party should strengthen measures to provide ongoing training on the Covenant and the first Optional Protocol thereto to judges, prosecutors and lawyers, with a view to ensuring that the national courts take into account and apply its provisions, and to raise public awareness of the Covenant and its applicability in domestic law.

National human rights institution

7. The Committee notes with concern that, in October 2021, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions recommended that the Ombudsman’s Office be downgraded to B status. In particular, the Committee is concerned about reports that the current procedure for removing the Ombudsman from office does not sufficiently guarantee the independence of the institution; that the process of appointing the Ombudsman is not sufficiently inclusive or transparent; and that the financial and human resources allocated to the Ombudsman’s Office are not sufficient for it to carry out its mandate, despite those resources having been increased in recent years (art. 2).

8. The State party should take the measures necessary to ensure that the Ombudsman’s Office fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In particular, the State should review the current procedure for removing the Ombudsman from his or her post in order to guarantee the independence of the Ombudsman’s Office; ensure that the process of appointing the Ombudsman is sufficiently inclusive and transparent; and allocate sufficient financial and human resources to enable the institution to carry out its mandate effectively.

Combating impunity and past human rights violations

9. The Committee takes note of the information provided by the State party on the number of cases of enforced disappearance committed during the military dictatorship that have been brought to trial and on the number of cases corresponding to the period known as the “invasion of 20 December 1989” that have been reopened. The Committee regrets the lack of sufficient and precise information on the outcome of the investigations opened into serious human rights violations committed during these periods, the sentences imposed on those responsible and the reparation granted to the victims and their families, including in the cases of Heliodoro Portugal and Rita Wald (arts. 2, 6 and 7).

10. In line with the Committee’s previous recommendations,⁵ and the recommendations made in September 2021 by the Committee on Enforced Disappearances⁶ and in August 2017 by the Committee against Torture,⁷ the State party should step up its efforts to ensure that all cases of serious human rights violations that occurred in the past, including those documented by the Truth Commission and by the Commission of 20 December 1989, are duly investigated, that those responsible are brought to justice and, where appropriate, punished, and that the victims or their families receive comprehensive reparation, including adequate compensation, regardless of when the related claim was filed; accelerate the search for disappeared persons and the identification of any remains found, and ensure that the necessary human, technical and financial resources are allocated to this end.

Non-discrimination

11. The Committee takes note of the State party’s efforts to combat discrimination. However, it is concerned about the persistence of discrimination in the State party against persons of African descent and Indigenous persons, persons with disabilities, migrants, asylum-seekers and refugees, and persons affected by HIV, especially in the areas of education, health and employment, in the system for the administration of justice and in the political sphere. The Committee is also concerned about reports of prejudice, stigmatization, hate speech, violence and xenophobia against persons of African descent and Indigenous persons, migrants, asylum-seekers and refugees, as well as violence and the use of racial profiling by law enforcement officials against members of these communities. Furthermore, the Committee remains concerned that, under article 12 of the Constitution, the State may reject an application for naturalization on the grounds of physical or mental disability. The Committee also regrets the lack of information on the investigation, prosecution and punishment of those responsible for acts of discrimination and on the reparation granted to the victims of such acts (arts. 2, 3, 26 and 27).

12. The State party should:

(a) Redouble its efforts to ensure comprehensive protection against discrimination, both in law and in practice, for persons of African descent and Indigenous persons, persons with disabilities, migrants, asylum-seekers and refugees, and persons affected by HIV, including through public education and awareness-raising campaigns, and training for the public, private and educational sectors in order to promote tolerance and respect for diversity;

(b) Take measures to ensure the full participation in political life of members of minority groups, including persons of African descent, Indigenous Peoples and persons with disabilities;

(c) Expressly prohibit the use of racial profiling by law enforcement officials;

(d) Adopt the measures necessary to remove the discriminatory provision from article 12 of the Constitution;

⁵ CCPR/C/PAN/CO/3, para. 7.

⁶ CED/C/PAN/CO/1, paras. 19 and 37.

⁷ CAT/C/PAN/CO/4, para. 33.

(e) **Ensure that cases of discrimination and violence committed by individuals or State officials are systematically investigated, that those held to be responsible are punished with appropriate penalties and that victims receive comprehensive reparation.**

Discrimination and violence based on sexual orientation and gender identity

13. The Committee is concerned that the national legal framework to combat discrimination does not include sexual orientation and gender identity as grounds for discrimination and that, under the regulations governing the police and the fire department, practising “lesbianism” or “homosexuality” is considered to be a serious offence. It notes with concern that same-sex couples cannot enter into any kind of legally recognized union or adopt children, and that those who have married abroad do not have access to civil registration, a situation which is perpetuated by the judgment handed down by the Supreme Court sitting in plenary session on 16 February 2023, according to the statement issued on 1 March 2023. The Committee is also concerned that persons wishing to change their legal gender are required to undergo sex reassignment surgery and a forensic medical examination. The Committee is further concerned about information according to which lesbian, gay, bisexual, transgender and intersex persons are subjected to “conversion therapy” in the State party. It is also concerned about reports of discrimination, violence, attacks and hate speech motivated by the sexual orientation or gender identity of the victims. The Committee also notes the calls issued by the Inter-American Commission on Human Rights for the State party to guarantee the rights of lesbian, gay, bisexual, transgender and intersex persons in a framework of equality and non-discrimination, and in accordance with inter-American standards, including Advisory Opinion No. OC-24/7 of the Inter-American Court of Human Rights of 24 November 2017 (arts. 2, 3, 7, 17, 23, 24 and 26).

14. **The State party should redouble its efforts to combat discrimination, stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons. In this connection, the Committee invites the State party to consider Advisory Opinion No. OC-24/17 of the Inter-American Court of Human Rights of 24 November 2017. The State party should also:**

(a) **Adopt legislation to prohibit discrimination based on sexual orientation or gender identity;**

(b) **Repeal article 133 (11) and (12) of the disciplinary regulations of the National Police, and article 156 (16) and (17) of the general regulations of the fire department;**

(c) **Revise relevant legislation with a view to recognizing fully the equality of same-sex couples and guaranteeing them the rights recognized in the Covenant;**

(d) **Adopt a specific law on changing legal gender, remove unjustified requirements for doing so and introduce simple and accessible administrative procedures that are consistent with the Covenant;**

(e) **Adopt the necessary measures with a view to prohibiting so-called “conversion therapy”;**

(f) **Ensure that offences motivated by the victim’s sexual orientation or gender identity committed by individuals or State officials are investigated promptly, that those responsible are brought to justice and appropriately punished and that the victims receive comprehensive reparation.**

Gender equality

15. The Committee welcomes the adoption of Act No. 375 of 8 March 2023, which establishes the Ministry of Women’s Affairs. While it takes note of the information provided by the State party’s delegation to the effect that women currently occupy the majority of decision-making positions in the judiciary and the Public Prosecution Service, the Committee remains concerned about the low representation of women, in particular women of African descent and Indigenous women, in publicly elected positions, including in the National Assembly and the office of mayor, and in leadership positions in the private sector. It is also concerned about reports of the existence of a gender wage gap and about the persistence of

the practice of requiring candidates to take a pregnancy test during recruitment processes in the public and private sectors, despite the measures adopted by the State party (arts. 2, 3, 25 and 26).

16. The State party should:

(a) **Allocate sufficient financial and human resources to the newly established Ministry of Women's Affairs so that it can effectively carry out its functions in the areas of gender equality and the promotion and protection of women's human rights;**

(b) **Adopt additional measures to increase the representation of women, including Indigenous women and women of African descent, in political and public life, and their representation in the public and private sectors, particularly in leadership and high-level positions, by, inter alia, applying temporary special measures and amending electoral legislation so as to ensure gender parity;**

(c) **Strengthen measures to close the gender wage gap and to enforce and monitor effective compliance with the legal provisions prohibiting the requirement for candidates to take a pregnancy test during recruitment processes.**

Violence against women

17. The Committee notes the measures taken to address violence against women, such as Act No. 82 of 2013 and the implementing regulations set out in Executive Decree No. 100 of 2017. However, the Committee remains concerned about the high incidence of femicide, domestic violence and sexual violence against women and girls, and the low number of convictions for these crimes. The Committee is also concerned that, despite the progress reported by the State party's delegation, important measures set out in the aforementioned law, such as the creation of refuges or shelters for victims in each province (art. 62), the establishment of specialized courts to hear cases of violence against women (art. 58) and the introduction of electronic bracelets (art. 50), have still not been implemented. It is further concerned about the use of plea agreements in the criminal prosecution system in cases of gender-based violence, including femicides. While the Committee notes the efforts made by the State party, it is concerned about allegations of violence against migrant women and girls, especially those of African descent, in the Darién Gap in the State party's territory, including disappearances, rapes and attacks perpetrated by criminal groups; and about information pointing to limited access to victim assistance programmes, obstacles to gaining access to justice and reparation, and the low number of convictions of perpetrators (arts. 2, 3, 6, 7, 14, 24 and 26).

18. The State party should:

(a) **Allocate the financial, technical and human resources necessary to prevent and protect against violence against women and to punish perpetrators and provide reparation to victims, including those necessary to apply the measures set out in Act No. 82 and its implementing regulations, such as the creation of shelters in each province, the establishment of specialized courts to hear related cases and the introduction of electronic bracelets;**

(b) **Ensure that cases of violence against women, including migrant women, are promptly and effectively investigated, that those responsible are punished and that the victims receive comprehensive reparation and have access to means of protection, including a sufficient number of shelters and counselling and assistance centres;**

(c) **Halt the use of plea agreements in the criminal prosecution system in cases of gender-based violence against women;**

(d) **Continue its efforts to train judicial, police and forensic medicine personnel on women's rights and gender-based violence;**

(e) **Intensify efforts to prevent and combat all forms of violence against migrant women in the Darién Gap and provide adequate protection to victims; and, in this connection, the State party is encouraged to give effect to the recommendations**

made in February 2022 by the Committee on the Elimination of Discrimination against Women.⁸

Voluntary termination of pregnancy and reproductive rights

19. The Committee remains concerned about the provisions of the Criminal Code that criminalize abortion (arts. 141–143) and about the restrictions imposed in cases where abortion is permitted (art. 144), such as the requirement for the procedure to be performed within the first two months of pregnancy in the case of rape, which must be proven by means of a preliminary investigation, or for the procedure to be authorized by a multisectoral committee if the pregnant woman's life is in danger. The Committee is further concerned that these provisions lead to the performance of unsafe abortions and that girls as young as 8 years of age are forced to carry to term a pregnancy resulting from rape, both of which endanger the lives and health of women and girls. The Committee also notes the adoption of Act No. 302 of 2020, which sets out the training programme for education on sexuality and emotional well-being, but is concerned about reports that teenage pregnancy rates remain high, despite their having decreased in recent years, and about information on the poor coverage and quality of reproductive health services. The Committee is also concerned about the reported forced sterilization of Indigenous women and women with disabilities. The Committee is further concerned that Act No. 7 of 2013 on free female sterilization requires women to be at least 23 years of age and to have two children and a medical recommendation, whereas it only requires men to be 18 years of age, a distinction which has been endorsed by the Supreme Court in a judgment of 10 September 2020 (arts. 2, 3, 6, 7, 17, 24 and 26).

20. **Bearing in mind the Committee's general comment No. 36 (2019) on the right to life, the State party should:**

(a) **Amend its legislation to guarantee safe, legal and effective access to abortion when carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or when it is not viable;**

(b) **Ensure that women and girls who have recourse to abortion and the doctors and other health workers who attend to them are not subject to criminal penalties, and lift barriers, such as those related to medical authorizations and judicial decisions, since the existence of such penalties and barriers compel women and girls to resort to unsafe abortions;**

(c) **Implement the training programme for education on sexuality and emotional well-being and increase its efforts to prevent unwanted pregnancies, especially among girls and adolescents, and to guarantee full access to adequate sexual and reproductive health services;**

(d) **Ensure that all procedures are followed to obtain the full and informed consent of Indigenous women and women with disabilities with regard to sterilization; and, in this connection, the State party is encouraged to give effect to the recommendations made in February 2022 by the Committee on the Elimination of Discrimination against Women⁹ and in February 2023 by the Committee on Economic, Social and Cultural Rights;¹⁰**

(e) **Amend Act No. 7 of 2013 to remove the differentiated requirements governing access to free sterilization in public health centres for men and women.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

21. The Committee notes the measures taken by the State party to prevent and combat torture, including the establishment in 2017 of the national mechanism for the prevention of torture, which is attached to the Ombudsman's Office. However, it is concerned that the

⁸ CEDAW/C/PAN/CO/8, para. 24.

⁹ CEDAW/C/PAN/CO/8, para. 38 (f).

¹⁰ E/C.12/PAN/CO/3, para. 49 (d).

definition of the crime of torture has still not been aligned with international standards and that the imprescriptibility of this crime applies only in cases where it is carried out in a systematic and widespread manner against the civilian population. The Committee regrets that it has not received precise information on the number of sets of judicial and disciplinary proceedings instituted for acts of torture, their outcome and the reparation granted to the victims (arts. 2, 7, 9, 14 and 26).

22. The State party should:

(a) Amend its legislation so that the definition of the crime of torture is fully consistent with international standards and repeal the statutory limitation applicable to the crime of torture;

(b) Ensure that all allegations of torture and other cruel, inhuman or degrading treatment are promptly, thoroughly and impartially investigated, that the perpetrators are prosecuted and appropriately punished, and that the victims receive comprehensive reparation;

(c) Ensure that the national mechanism for the prevention of torture has the resources necessary for it to be fully functional.

Excessive use of force

23. The Committee takes note of the information provided by the State party's delegation regarding the ongoing training that is being provided to law enforcement officials on the use of force. However, the Committee is concerned about reports of recurrent excessive use of force by law enforcement officials during the period under review, particularly in the context of demonstrations against rising fuel and food prices, and against mining and hydroelectric projects, which has, on occasion, left some protestors dead and hundreds injured, particularly Indigenous persons, as was the case in, inter alia, the protests that took place in Changuinola in 2010, in Colón and San Felix in 2012 and in Chiriquí in 2021. In this context, the Committee is concerned that, according to the information provided by the State party's delegation, to date, there have been no convictions for excessive use of force (arts. 2, 6, 7, 14, 21, 26 and 27).

24. In the light of the Committee's general comments No. 36 (2019) on the right to life and No. 37 (2020) on the right to peaceful assembly, the State party should ensure that all allegations of excessive use of force and human rights violations, including those committed in the context of demonstrations, are promptly, thoroughly, independently and impartially investigated; that the alleged perpetrators are brought to justice and those found to be responsible are appropriately punished; and that victims receive comprehensive reparation. It should also continue to take measures to effectively prevent and eliminate the excessive use of force by law enforcement officials, especially in the context of demonstrations, including by intensifying their training, particularly on the Covenant, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

Persons deprived of their liberty and conditions of detention

25. The Committee takes note of the introduction in September 2016 of the adversarial system of criminal justice in the State party and its impact in reducing recourse to pretrial detention. Nevertheless, the Committee is concerned about reports that, in practice, persons are held in pretrial detention for periods that exceed the time limits prescribed in article 12 of the Code of Criminal Procedure. It is also concerned that, according to the information provided by the State party's delegation, only 4 of the country's 17 prisons fully comply with the requirement to hold accused persons separately from convicted persons (arts. 7, 9, 10 and 14).

26. In line with the Committee's previous recommendations,¹¹ the State party should continue with its reforms and significantly reduce the use and length of pretrial

¹¹ CCPR/C/PAN/CO/3, para. 12.

detention in practice, ensuring that it is exceptional, reasonable, necessary and as short as possible; and ensure that persons in pretrial detention are held separately from convicted persons.

27. The Committee notes the efforts made by the State party to improve prisons and the announcement that new prisons will be opened in the near future. However, it is concerned about the persistence of high levels of overcrowding, precarious living conditions and overpopulation in prisons which, according to official figures from August 2022, reportedly stands at 145 per cent and, in some prisons, at more than 400 per cent, as is the case in Santiago, Chitré and Aguadulce prisons. The Committee is also concerned that the State party has not yet complied with the precautionary measures ordered by the Inter-American Commission on Human Rights (resolution 10/17 of 22 March 2017) whereby the State was requested to take, without delay, the steps necessary to transfer all detainees housed in the temporary detention centre of the National Air and Naval Service on Punta Coco island to a place that meets the applicable international standards for persons deprived of their liberty (arts. 7 and 10).

28. **In line with the Committee's previous recommendations,¹² the State party should:**

(a) **Redouble its efforts to effectively reduce overcrowding by, inter alia, ensuring that effective use is made of alternatives to deprivation of liberty;**

(b) **Improve conditions of detention in keeping with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and ensure respect for the dignity of persons deprived of their liberty, in accordance with article 10 of the Covenant, including by allocating sufficient financial and human resources;**

(c) **Take all steps necessary to comply with the precautionary measures ordered by the Inter-American Commission on Human Rights in relation to the Punta Coco temporary detention centre.**

Elimination of forced labour and trafficking in persons

29. While the Committee acknowledges the efforts made by the State party to combat trafficking in persons, it is concerned about the persistence of trafficking for the purposes of sexual exploitation and forced labour, which mainly affects migrant women and girls, and about the low number of prosecutions and convictions. It is also concerned about reports regarding the precarious working conditions of domestic workers, the majority of whom are women of African descent, Indigenous women and migrant women, including the fact that their wages are lower than the minimum wage set for other workers. It is further concerned about the prevalence of child labour, particularly in the agricultural sector, which mainly affects children of African descent and Indigenous children (arts. 3, 7, 8, 24, 26 and 27).

30. **The State party should:**

(a) **Intensify its efforts to prevent, combat and punish trafficking in persons, and ensure that trafficking offences are investigated, that perpetrators are prosecuted and punished, that victims are provided with comprehensive reparation and have access to adequate protection and assistance, including shelters with sufficient geographical coverage, particularly in border areas; and, in this connection, the State party is encouraged to give effect to the recommendations made in February 2022 by the Committee on the Elimination of Discrimination against Women;¹³**

(b) **Ensure respect for the fundamental rights of domestic workers, including migrant workers in an irregular situation, and ensure that they are protected from abuse, have effective access to justice and that any violation of their rights is investigated and punished;**

(c) **Strengthen measures to prevent, combat and punish child labour, especially in the agricultural sector, including by increasing the number of labour**

¹² CCPR/C/PAN/CO/3, para. 11.

¹³ CEDAW/C/PAN/CO/8, para. 26.

inspections, awareness-raising campaigns and education and vocational training programmes for children and adolescents from vulnerable families, and enforce the regulations on compulsory primary education as a means of preventing children from being subjected to child labour;

(d) Ensure that sufficient financial, technical and human resources are allocated to all institutions responsible for preventing, combating and punishing trafficking in persons, labour exploitation and child labour, and that adequate training and awareness-raising activities are organized for the staff of those institutions.

Independence of the judiciary

31. The Committee takes note of the adoption of Act No. 53 of 2015, which regulates careers in the judiciary, and of the competitive examinations held for judges and magistrates under this law. Notwithstanding the above, the Committee is concerned about reports that, during the period under review, despite the measures adopted, cases of political interference and corruption in the judiciary continued to occur. It is also concerned about information on the appointment of acting judges by magistrates who have themselves been appointed by the executive branch, which does not guarantee the independence of the judiciary or the competence of its officials. The Committee regrets the lack of information on cases of corruption in the judiciary, the investigations carried out and the penalties imposed on those responsible (arts. 2 and 14).

32. **The State party should:**

(a) Redouble its efforts to eliminate all forms of political interference in the judiciary, including by the executive and legislative branches; ensure the conduct of prompt, thorough, independent and impartial investigations into all complaints of interference and corruption; and prosecute and punish those responsible;

(b) Intensify its efforts to combat corruption in the judiciary by taking strong measures to prevent and punish with appropriate penalties acts of corruption and by educating judges, prosecutors and law enforcement officials about the most effective ways to fight corruption;

(c) Step up efforts to ensure that the selection and appointment of judges and magistrates are conducted by an independent, impartial and inclusive body and are based entirely on the use of objective and transparent criteria for the assessment of candidates' merits in terms of their qualifications, competence and integrity.

Freedom of expression and violence against human rights defenders

33. While the Committee notes the establishment of the Unit for the Protection of Victims, Witnesses, Experts and Other Participants in Criminal Proceedings, it is concerned about the lack of specific legislation to protect human rights defenders in the State party, and about reports of harassment and threats against them, in particular defenders of the environment and of Indigenous Peoples. It is also concerned about reports of increased recourse to legal action, based mainly on the crimes of slander and libel, against the media and journalists as a means to intimidate and threaten them, especially persons who investigate and report on issues of public interest such as corruption cases (arts. 6, 7, 9, 17, 19 and 22).

34. **The State party should take the measures necessary to guarantee the full enjoyment of freedom of expression by everyone, taking into account the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. In particular, the State party should:**

(a) Redouble its efforts to prevent acts of harassment and intimidation against human rights defenders and journalists, and ensure that they can carry out their work in appropriate conditions, including by adopting special legislative measures to protect them;

(b) Ensure that all allegations of harassment and intimidation against human rights defenders and journalists are investigated promptly, thoroughly, independently

and impartially, that the perpetrators are brought to justice and appropriately punished, and that the victims receive comprehensive reparation;

(c) Ensure that legislation on libel and slander do not serve in practice as a means to intimidate and threaten the media and journalists, and consider abolishing the penalty of imprisonment for these crimes, bearing in mind that this type of penalty is never an adequate punishment in such cases.

Migrants, asylum-seekers and refugees

35. The Committee notes the efforts made by the State party to protect the human rights of migrants, refugees and asylum-seekers. However, it is concerned about reports that these persons are killed, disappeared, kidnapped, subjected to sexual violence, trafficked, assaulted, robbed, intimidated and threatened by criminal groups along the Darién Gap migratory route. It is also concerned about the reported lack of protection measures applied and investigations conducted in this connection. While the Committee notes the explanation provided by the State party that migrant reception centres are not detention centres, it is concerned about allegations that some persons housed in those centres are de facto deprived of their liberty as they are not allowed to leave, except to be transferred by the authorities to the northern border, which can take anywhere between one day and several months. It is also concerned about the reported precarious living conditions in these centres and the limited access to basic services, despite the efforts made by the State party to improve the situation. The Committee notes the adoption of Executive Decree No. 5 of 2018, which expands the list of conditions under which it is possible to apply for refugee status, and the measures to make the process of applying for refugee status more efficient and streamlined. However, it is concerned about reports of lengthy delays in refugee status determination. It also regrets the lack of statistical data, disaggregated by sex and age, on the number of asylum-seekers and refugees in the State party and on the outcome of their applications (arts. 2, 9, 10, 12, 13 and 26).

36. **The State party should:**

(a) Adopt the protection measures necessary to safeguard the life and ensure the safety of migrants crossing the Darién Gap and to effectively prevent and combat all forms of violence against them;

(b) Step up its efforts to investigate allegations of murders, disappearances, kidnappings, sexual violence, trafficking, assaults, robberies, intimidation and threats against migrants; prosecute and punish those responsible; and provide comprehensive reparation to victims and their families;

(c) Fully respect the human rights of migrants housed in migrant reception centres, in particular the right not to be deprived of their liberty, and ensure that they have access to effective remedies against any violation of their rights;

(d) Increase efforts to improve living conditions in migrant reception centres and ensure access to basic services; and, in this connection, the State party is encouraged to give effect to the recommendations made in February 2023 by the Committee on Economic, Social and Cultural Rights;¹⁴

(e) Ensure in practice the protection of persons seeking asylum or refugee status, in accordance with the Covenant and international standards, and strengthen the capacity of the National Office of Refugee Affairs by providing it with sufficient financial and human resources so that it can process applications for refugee status in a timely manner.

Rights of the child

37. The Committee welcomes the adoption of Act No. 285 of 2022, which establishes the System of Guarantees and Comprehensive Protection of the Rights of Children and Adolescents and includes several provisions on violence against children, including physical violence and corporal punishment. However, it is concerned that the practice of corporal

¹⁴ E/C.12/PAN/CO/3, para. 43 (a) and (b).

punishment of children persists in the State party, particularly in the domestic sphere, and that the Family Code empowers parents to correct children “reasonably and moderately” (art. 319) and guardians to “moderately correct” their wards (art. 443). While the Committee notes the significant efforts made by the State party to increase birth registration, it remains concerned that most cases of underregistration of births are concentrated in Indigenous regions and in isolated rural areas. The Committee also takes note of the information provided by the State party’s delegation on investigations and convictions arising from complaints of sexual abuse and physical and psychological ill-treatment of children and adolescents in State-run centres, but regrets the lack of information on the reparation provided to the victims (arts. 16, 23 and 24).

38. The State party should take measures, including the harmonization of its legislation, to explicitly prohibit corporal punishment in all settings, including the home, and repeal the articles of the Family Code that allow for reasonable and moderate correction as a form of discipline in the family setting. It should also step up its efforts to ensure that all children born in its territory, including in Indigenous regions and isolated areas, are registered and receive an official birth certificate. It should also redouble its efforts to ensure that all cases of violence against children and adolescents in State-run centres are promptly and effectively investigated, that those responsible are punished and that the victims receive comprehensive reparation and have access to support services, including psychosocial and rehabilitation services.

Rights of Indigenous Peoples

39. The Committee notes the adoption of Act No. 37 of 2016, which provides for consultation and free, prior and informed consent of Indigenous Peoples, but regrets that its implementing regulations have not yet been adopted. It is concerned about reports that appropriate and sufficiently inclusive consultations have not been held to obtain free, prior and informed consent for projects that have a negative impact on the lands or way of life of Indigenous Peoples, such as the Barro Blanco hydroelectric project and the fourth electricity transmission line. The Committee is also concerned about the lack of information on the demarcation and titling of the collective lands of Indigenous Peoples, and about allegations regarding the slowness of these processes. While the Committee takes note of the Plan for the Comprehensive Development of the Indigenous Peoples of Panama, it is concerned about the levels of poverty in these communities and the difficulties they experience in gaining access to education and health facilities, products and services (arts. 2, 26 and 27).

40. **The State party should:**

(a) **Expedite the adoption of regulations to implement Act No. 37 of 2016 and ensure that such regulations are fully consistent with the Covenant and other relevant international standards, and ensure that Indigenous Peoples are actively involved in the drafting of those regulations and consulted on their content prior to their adoption;**

(b) **Ensure that effective and good faith consultations with Indigenous Peoples, in which they actively and effectively participate, are conducted with a view to obtaining their free, prior and informed consent before the adoption and application of any measure that may substantially affect their rights, way of life and culture, in particular infrastructure projects or projects for the exploitation of natural resources;**

(c) **Ensure that Indigenous Peoples affected by infrastructure projects or projects for the exploitation of natural resources have adequate access to justice, effective remedies and fair and adequate reparation;**

(d) **Expedite the demarcation and titling of the collective lands of Indigenous Peoples, including by developing and applying a simplified procedure to this end;**

(e) **Guarantee access to education and health facilities, products and services for Indigenous Peoples;**

(f) **Consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.**

D. Dissemination and follow-up

41. The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its fourth periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including members of minorities and Indigenous Peoples.

42. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 24 March 2026, information on the implementation of the recommendations made by the Committee in paragraphs 18 (violence against women), 34 (freedom of expression and violence against human rights defenders) and 36 (migrants, asylum-seekers and refugees) above.

43. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its fifth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.
