

Distr.: General
15 May 2025
Arabic
Original: English

الجمعية العامة



مجلس حقوق الإنسان

الدورة التاسعة والخمسون

16 حزيران/يونيه - 11 تموز/يوليه 2025

البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان والحقوق المدنية والسياسية والاقتصادية

والاجتماعية والثقافية، بما في ذلك الحق في التنمية

زيارة بنما

تقرير المقرر الخاص المعني بحقوق الإنسان للمهاجرين، جهاد ماضي * *

موجز

يتضمن هذا التقرير الذي أعده المقرر الخاص المعني بحقوق الإنسان للمهاجرين، جهاد ماضي، نتائج زيارته إلى بنما في الفترة من 13 إلى 19 شباط/فبراير 2025.

وكان الهدف الرئيسي من زيارة المقرر الخاص هو تقييم حالة حقوق الإنسان للمهاجرين في منطقة داريان، على الحدود بين بنما وكولومبيا. واغتنم المقرر الخاص الفرصة لدراسة المعلومات التي تلقاها بشأن استجابة بنما بشكل عام للتحركات المختلطة للمهاجرين واللاجئين في البلد، وكذلك التحديات والفرص في ضمان حماية حقوق الإنسان للمهاجرين واللاجئين المقيمين في بنما أو العابرين منها وتعزيزها، بما في ذلك حركات الهجرة الأخيرة من الشمال إلى الجنوب.

والتقى المقرر الخاص خلال زيارته بالسلطات الحكومية المعنية وممثلي المجتمع المدني والجماعات الدينية وأعضاء فريق الأمم المتحدة القطري وأعضاء من فئة المهاجرين واللاجئين المقيمين في البلاد.

وستتاح النتائج المتعلقة بزيارة المقرر الخاص الرسمية إلى كولومبيا، في الفترة من 6 إلى 12 شباط/فبراير 2025، في تقرير منفصل.

* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، المرفق بهذا الموجز، فيُعَمَّم باللغة التي قُدِّم بها وبالإسبانية فقط.

** اُنْتُقِ على نشر هذه الوثيقة بعد تاريخ النشر المعتاد لظروف خارجة عن سيطرة الجهة التي قدمتها.



الرجاء إعادة الاستعمال

المرفق

تقرير المقرر الخاص المعني بحقوق الإنسان للمهاجرين، جهاد ماضي، عن زيارته إلى بنما

I. Introduction

1. At the invitation of the Government of Panama, the Special Rapporteur on the human rights of migrants, Gehad Madi, conducted an official visit to the country from 13 to 19 February 2025. The main objectives of the visit were to examine the human rights situation of migrants in Panama, focusing on reported violations and abuses faced by those who had crossed through the jungle in the Darién region from Colombia. The Special Rapporteur took the opportunity to examine information received on the overall response of Panama to mixed movements of migrants and refugees in the country, as well as challenges and opportunities in ensuring the protection and promotion of the human rights of migrants and refugees residing in or transiting through Panama. He also assessed domestic migration and asylum policies and practices, legal frameworks, regional collaboration strategies and accountability mechanisms for addressing human rights violations and abuses against migrants.

2. During his visit, the Special Rapporteur met with representatives of relevant governmental authorities, the national human rights institution, United Nations agencies, civil society organizations, and migrants and refugees. In Panama City, the Special Rapporteur met high-level representatives of the Ministry of Foreign Affairs, the Ministry of Public Security (including representatives of the National Migration Service, the National Border Service and its Humanitarian Border Security Unit, and the National Air and Naval Service), the Ministry of Government (including the National Office for Refugee Affairs and the Office of the Deputy Minister for Indigenous Affairs), the Ministry of Health, the Ministry for Women, the National Secretariat for Children, Adolescents and the Family, the Public Prosecutor's Office, the Organized Crime Office of the Public Prosecution Service, the Ombudsperson's Office, the Institute of Forensic Medicine and Science, the National Assembly and the Access to Justice and Gender Unit of the Supreme Court of Justice.

3. In addition to the meetings held in the capital, the Special Rapporteur visited the Darién region. He visited the Emberá-Wounaan Indigenous community, meeting with Indigenous leaders and community members from Bajo Chiquito, Emberá Province. In Metetí, Darién Province, he met with the Mayor of Pinogana, representatives of Metetí Municipality and local representatives of the National Border Service, National Migration Service and the National Secretariat for Children, Adolescents and the Family.

4. In addition to meetings, the Special Rapporteur conducted visits to the temporary migrant reception centres in Lajas Blancas and San Vicente, and La Casita shelter for unaccompanied migrant children, in Metetí.

5. The Special Rapporteur expresses his appreciation the authorities in Panama for their cooperation prior to, during and after the visit. He thanks the United Nations country team in Panama for its valuable support and assistance. He also extends his gratitude to all migrants and refugees for sharing their personal experiences and for offering their personal testimonies and insightful observations, which helped him to understand the migration context in Panama.

II. Background information

6. Panama has one of the fastest growing economies in Latin America. The gross domestic product per capita in Panama was last recorded at \$18,661.77 in 2023, the highest in the region.

7. As a country of transit, origin and destination, with seasonal and cross-border movements of the Ngäbe-Buglé Indigenous community to Costa Rica, Panama is home to approximately 316,000 migrants and refugees. In recent years, over a million people, in mixed movements, have crossed the jungle in the Darién region, heading north. The movements are dynamic. The large number of new arrivals has posed significant challenges to Panama, particularly for communities living in the Darién region, where migrant and refugee populations irregularly cross the green border. The arrival of migrants and refugees in these communities has reshaped the cultural, socioeconomic and environmental realities in the Darién region, requiring adaptive responses from local communities, authorities and humanitarian and human rights actors. While mixed movement in transit presents logistical and protection challenges, it has also generated new economic activities and interactions between migrants and local populations, influencing the socioeconomic landscape of the area.

8. The mixed movement of people from south to north is influenced by multiple factors, making it premature to reach a definitive conclusion about emerging trends. However, current data indicates that the number of people crossing the Darién region has decreased significantly. According to the National Migration Service, over 520,000 individuals crossed the Darién region in 2023. In 2024, this number had dropped by 40 per cent. In January 2025, 2,229 individuals entered Panama via the Darién region, a decrease of 94 per cent compared to the same period in the previous year.

9. At the time of the visit of the Special Rapporteur, the phenomenon of migrants and refugees travelling north to south reaching the border between Costa Rica and Panama had become evident. Another trend that caught the attention of the Special Rapporteur was that of the flights carrying deported individuals from the United States of America to Panama. The Special Rapporteur was informed that there were 299 individuals in those flights, including women and children. New dimensions had consequently been added to the already complex dynamics of human mobility in the country.

III. Normative and institutional framework for the protection of the human rights of migrants

A. International legal framework

10. Panama is a signatory to a number of core international instruments relating to the human rights of migrants. It is party to the Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless Persons, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the United Nations Convention against Transnational Organized Crime, with reservations, and the Protocols thereto.

11. Panama has acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to the abolition of the death penalty. It has also acceded the Convention on the Reduction of Statelessness. However, Panama is not party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. In the 2030 Agenda for Sustainable Development, adopted in 2015, States recognized the contribution of migration to sustainable development. In 2018, the General Assembly adopted the Global Compact for Safe, Orderly and Regular Migration, which covered all dimensions of international migration in a holistic manner. The Global Compact for Migration is consistent with target 10.7 of the Sustainable Development Goals, on

facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. Panama was not present during the voting on the Global Compact for Migration, but subsequently informed the Secretariat that it had intended to vote in favour.¹ Panama voted in favour of the Global Compact on Refugees.² Panama serves as a “champion country” for the implementation of the Global Compact for Migration.

B. Regional legal framework and relevant proceedings

13. Panama is a founding member of the Organization of American States (OAS), created in 1948. With the members of OAS, Panama adopted the American Declaration on the Rights and Duties of Man and is subject to the decisions of the Inter-American Commission on Human Rights and the jurisprudence of the Inter-American Court of Human Rights. In the context of migration, the Inter-American Court has developed guidelines on the rights of migrants, establishing, among other principles, the prohibition of criminalization of irregular migration and the right not to be arbitrarily expelled. Panama has ratified the American Convention on Human Rights and the Additional Protocols thereto, and the Inter-American Convention on International Traffic in Minors.

14. Panama is a State Party to the Cartagena Declaration on Refugees, which broadens the definition of refugees in Latin America to include persons fleeing generalized violence, massive human rights violations and other circumstances that seriously disturb public order.

15. Panama participates in various forums and initiatives that seek to coordinate responses to migration challenges and opportunities, including hosting the Central American Conference of the Human Rights Initiative in 2024 and participating in the Regional Conference on Migration, the Los Angeles Declaration on Migration and Protection, the Ibero-American Forum on Migration and Development and the Quito Process. Since 2021, it has been part of a working group on gender-based violence, organized by the Office of the United Nations High Commissioner for Refugees, which promotes public policies that are sensitive to gender, children and refugee populations.

C. National legal policies and institutional framework and recent progress

1. National legislation on migration

16. Under article 17 of the Constitution of Panama, adopted on 11 October 1972, the State authorities are established for the purpose of protecting the lives, honour and property of all nationals, wherever they may be, and of foreigners under its jurisdiction, ensuring the effectiveness of individual and social rights and duties, and observing and enforcing the Constitution and the law. Under article 19, the Constitution provides that there must be no privileges or discrimination on the basis of race, birth, disability, social class, gender, religion or political beliefs.

17. Executive Decree No. 5 of 16 February 2018 provides for the widest possible enjoyment of international and regional human rights standards for those who invoke refugee status upon entering the country and for refugees.

18. Executive Decree No. 23 of 10 February 1998 defines the procedure for the recognition of refugee status and regulates the rights and duties of persons with refugee status.

19. Act No. 458 of 3 December 2024, amending Act No. 79 of 9 November 2011, on trafficking in persons and related activities, provides for the prevention, investigation and criminalization of all forms of trafficking in persons and related activities, national or transnational, including in relation to organized crime, and for the care and protection of victims of such crimes.

¹ See [A/73/PV.60](#).

² See [A/73/PV.55](#).

2. Relevant institutions responsible for migration governance

20. Under Act No. 15 of 14 April 2010, the Ministry of Public Security was created and granted responsibility for determining and implementing national security policies, including coordinating and supervising the public security services, and for safeguarding national sovereignty, public order and the safety of both citizens and foreigners under the jurisdiction of Panama. Within the Ministry, the National Migration Service is the main State authority in charge of managing the migration policy, while the National Border Service is the administrative body responsible for enforcing State border policies and ensuring State border security, control and regulation, including arrangements relating to border crossings.

21. Within the Ministry of Government, the National Office for Refugee Affairs is in charge of receiving, processing and admitting or denying asylum applications. If an application is found to be admissible, it is submitted to the National Commission for the Protection of Refugees for consideration and a final decision. The National Office for Refugee Affairs is responsible for coordinating and executing the decisions reached by the National Commission for the Protection of Refugees.

22. Under Act No. 74 of 15 October 2013, persons who have been recognized by the National Commission for the Protection of Refugees as refugees or asylum-seekers for a minimum of three years may apply for permanent residency.

IV. Border management in the Darién region

23. In the Darién region, a 5,750 km² expanse of tropical rainforest separates Colombia and Panama. Once considered impassable, in the past few years, over a million individuals have risked their lives and travelled through the Darién region in search of safety and a better life.

24. In relation to the mixed movement through the Darién region, Panama considers itself a country of transit and addresses the arrivals of migrant and refugee populations crossing the jungle through a security- and humanitarian-oriented approach. Based on bilateral agreements with Colombia and Costa Rica, Panama provides a controlled corridor allowing the passage of migrants and refugees from Colombia to Costa Rica while preventing their free movement in the country. Given the vastness of the jungle and the harsh geography, there is limited presence of the National Border Service between the border with Colombia and the first State-run migrant reception centre, in Lajas Blancas.

25. After days of walking, migrants and refugees reach local communities on the Panamanian side of the jungle, and they are transported, at their own cost, by members of the Indigenous communities to the migrant reception centre in Lajas Blancas. Migrants and refugees are de facto detained at the centre until they are transported by bus, at a cost of \$60, to a State-run shelter in Costa Rica. At the border between Panama and Colombia, the Government has installed razor-wire fencing to redirect migrants and refugees to a single checkpoint, at Cañas Blancas.

26. In 2024, the Government signed a memorandum of understanding with the United States, which included provisions for the so-called repatriation of migrants, with a view to reducing the number of irregular migrants passing through the Darién region. In 2024, 1,558 migrants were deported or expelled from Panama to their country of origin under this memorandum.

27. On 18 March 2025, shortly after the visit of the Special Rapporteur, Panama announced the closure of the migrant reception centres on the Darién route.

A. Situation in the Darién region

28. After being dropped at the border between Colombia and Panama by a guide – allegedly associated with the self-proclaimed Ejército Gaitanista de Colombia, also known as the Clan del Golfo (Gulf Clan), a criminal group that controls and operates the means of

transportation on the Colombian side of the Darién region – migrants and refugees have to walk for days through dense and mountainous rainforest, often without food or water, and at risk of getting lost. Heavy rains, fast-rising rivers, dangerous wild animals and insects are among the risks that they face in the jungle. Injuries and sickness can be fatal. Some are lucky enough to be rescued: the National Border Service has doubled its infrastructure and operations since the number of migrants and refugees arriving through the Darién region has increased. Between 2021 and 2025, the Service's Humanitarian Border Security Unit rescued 1,222 individuals.

29. In addition to the harsh geography, crossing the Darién region has affected many migrants and refugees physically and mentally owing to the prevalence of crimes and widespread violence. Robbery is common. Well-informed migrants and refugees do not carry any cash in the jungle. However, failure to pay extortion may heighten the risk of women, boys and girls, and LGBTIQ+ individuals being subjected to sexual and gender-based violence, including rape.

1. Impact on local communities

30. The Special Rapporteur visited the Emberá-Wounaan Indigenous community of Bajo Chiquito, where migrants are registered by the migration authorities and guided towards the migrant reception centre in Lajas Blancas, reachable by boat. Members of the community provide transportation services to migrants at a cost of \$25 per person. They sell food and clothes rent out places to rest, and provide Wi-Fi and other products and services to migrants. Medical service are provided by medical teams from the Ministry of Health and civil society. During peak periods in 2023, approximately 2,000 to 3,000 migrants passed through the village daily. Leaders and members of the community informed the Special Rapporteur about the positive changes that migration had brought to the village, including potable water, better phone signal and Wi-Fi, enhanced access to medical services, new classrooms at local schools and other development projects and opportunities. Thanks to the income generated from migration, some youths in the village could pursue their dream studies, and a few could go to universities in the main cities.

31. Several Indigenous groups of various sizes live in the jungle in the Darién region. While some of the local population groups have benefited from migration, there are also challenges with regard to environmental, cultural and other socioeconomic aspects. Waste and garbage left by migrants in the jungle have burdened the local ecosystem and exceeded the capacity of waste management in Darién Province. Attracted by the money associated with migration, community members have abandoned traditional agricultural activities. Children have dropped out of school to assist their parents in providing transportation and other services to migrants. Following a significant decrease in the number of migrants and refugees passing through, the level of income generated from migration has dropped drastically. Having benefited from an income surge generated by migration, members of local communities are finding it difficult to adapt to the new reality as the economic bubble appears to have burst. Such difficulties are experienced particularly acutely by children and young people, who have been growing up in areas where migration has provided opportunities to make money quickly and easily. Crime prevention has become one of the biggest challenges and is a priority. Without other lucrative economic opportunities, local youths are exposed to and now tempted to get involved in criminal activities to retain their level of income. Other challenges include maintaining the positive changes, such as strengthened medical services and the provision of potable water, in a sustainable and permanent manner in the communities.

2. Sexual and gender-based violence

32. The Special Rapporteur expresses deep concern in relation to the disproportionate adverse effect of sexual and gender-based violence on women and girls in mixed movements. Data collected through surveys in February 2024 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Ombudsperson's Office revealed that one in five women had suffered sexual and gender-based violence in the jungle. Public reports by the United Nations Children's Fund (UNICEF) and a wide range of civil society organizations have similar findings. The Special Rapporteur draws

attention to the intersectional and cross-border nature of this phenomenon in the shared Darién region of Panama and Colombia. Depending on economic status, country of origin, age, gender and sexual orientation, migrants may have different experiences along the migration route, and some may be subject to heightened risks. Although a decrease has been observed in recent months in the number of people travelling from the south through the Darién region, sexual and gender-based violence against people in mixed movements, particularly women and girls, remains persistent in the jungle. The reduced number of migrants, and the consequently decreased presence of the National Border Service, may lead to even heightened risks for migrant and refugee populations and for local women and girls.

33. Between 2019 and 2024, the Regional Prosecutor's Office in Darién Province investigated 189 cases of sexual and gender-based violence, which resulted in 44 criminal convictions. Based on the information provided by relevant authorities, the 44 persons convicted included members of various Indigenous communities. However, the number of convictions in past years does not seem to correspond to the scale of the violence and crimes in the jungle. Impunity prevails and most crimes are committed without punishment.

34. While in the Darién region, the Special Rapporteur was informed that the Public Prosecutor's Office had established an office in Bajo Chiquito to receive complaints from migrants and the host community. In addition, protocols had been established between the National Border Service and medical teams present in Bajo Chiquito to refer suspected cases of sexual and gender-based violence to the Public Prosecutor's Office. However, investigations were conducted at the local level only, by prosecutors from Metetí and other local offices, with insufficient support from the Public Prosecutor's Office.

35. Victims' testimonies indicate that the perpetrators of most of the robberies and sexual and gender-based violence committed against migrants were identified as men from the local communities, sometimes in the company of men whose accents suggested that they were from Colombia or the Bolivarian Republic of Venezuela. Reports indicate a possible linkage between the increase in consumption of drugs and alcohol among the local communities and the rise in criminality in the jungle. Incidents allegedly take place not far from local communities. It is believed that some perpetrators are known to the locals.

36. Various factors – including victims' lack of trust and fear of being deported, detained or slowed down as a result of participating in any judicial investigation, cultural barriers, self-preservation interests and high tolerance of crimes among local communities, and a lack of sufficient resources and capacity among prosecutors in Darién Province – have led to near total impunity for such crimes.

3. Children and adolescents, including unaccompanied and separated children

37. According to official data, in 2023, Panama provided assistance to a total of 356 children and adolescents, aged between 0 and 17 years, of whom 149 were unaccompanied and 207 were separated. In 2024, a total of 187 children and adolescents were assisted by Panama, of whom 48 were unaccompanied and 139 were separated. Approximately one in five persons who crossed the jungle in the Darién region were children under the age of 18. It is worth noting that UNICEF provides life-saving services to children through its Water, Sanitation and Hygiene for All initiative, health and nutrition services for children and mothers, and the Child-Friendly Spaces and the Cool Zone, in Bajo Chiquito and Lajas Blancas, where psychosocial services are provided. All services provided are also available to local children.

38. In Metetí, the Special Rapporteur visited a shelter established by the National Secretariat for Children, Adolescents and the Family, with the support of UNICEF, for unaccompanied and separated children. At this shelter, migrant and Panamanian children, under child protection measures, are cared for by social workers and caretakers. The Special Rapporteur notes with pleasure that unaccompanied and separated migrant children are integrated into national protection mechanisms.

4. Biometric testing and racial profiling

39. When migrants arrive in Bajo Chiquito and Lajas Blancas, they are subject to racial profiling and selected to undergo biometric testing on the basis of their nationality, ethnicity, appearance and other physical features. Data collected is shared with the Government of the United States. At the time of the visit, owing to the significant decrease in the number of migrants crossing the Darién region, biometric testing was conducted on all migrants.

5. Disappearance of migrants

40. Migrants and refugees risk death and disappearance in the Darién region and on the various maritime routes between Colombia and Panama. Most migrants who have traversed the Darién region have encountered lifeless bodies, some already at advanced stages of decomposition. According to the International Organization for Migration, at least 537 persons died or disappeared in the Darién region between 2015 and 2024. Information on the disappearance of migrants is heavily underreported. Since 2021, the Institute of Forensic Medicine and Science has documented the disappearance of 2,151 migrants and the retrieval of 313 bodies, postmortem examinations have been conducted on the remains of 237 persons, and the remains of 187 persons have been buried, all individually. Based on the Institute's analysis, while the cause of death in some cases has seemed to be related to drowning or sickness, forensic evidence in others has indicated that the cause of death was a gunshot wound or stabbing.

41. In the absence of a unified database on missing migrants, there are discrepancies in the numbers and forensic evidence gathered by different institutions. While identity information might be recorded and stored at first, the identification of remains becomes impossible as a result of miscommunication or lack of proper protocols for the sharing and storage of information.

6. Asylum system

42. While most migrants travelling north would prefer to continue their journey once they have traversed the Darién region, some, in need of international protection, submit asylum applications at the migrant reception centre in Lajas Blancas and find themselves confined to the centre. Only in extremely exceptional cases are asylum-seekers allowed to leave the centre while awaiting a decision on the admissibility of their applications. This practice contradicts Executive Decree No. 5 of 16 January 2018, on refugees, under which freedom of movement while awaiting such a decision is guaranteed.

43. In the absence of a legally established maximum period for the consideration of an application, asylum applicants may be deprived of liberty and kept in migrant reception centres for months until they receive any decision on the admissibility of their applications. In case of rejection, applicants have five days to submit an appeal. The combination of restriction of movement, lengthy and indefinite waiting times, insufficient conditions in the migrant reception centres and the lack of alternative placement has the effect of turning asylum-seekers away.

44. Recognizing the lack of efficiency in the process, the Government is committed to accelerating the process. According to the information received, waiting times for the decision on admissibility have improved. Recent asylum applicants in the Darién region have received a decision on admissibility within approximately two weeks. The National Office for Refugee Affairs reports that it has one social worker in the Darién region, and that there are plans to hire an attorney. Nationally, most asylum applications are not submitted from the Darién region. In 2024, the National Office for Refugee Affairs received 461 applications in total, of which 58 were from the Darién region. Among the 22 recognized refugees, seven were from the Darién region. There remains one admissible case pending consideration by the National Commission for the Protection of Refugees, which meets every two months.

B. Reverse movement

45. While migration movement from south to north through the Darién region is decreasing, communities living at the border with Costa Rica have started witnessing the return of migrants who were travelling to the United States, Mexico and other countries in Central America. This reverse movement of individuals is gradually increasing. While most seek alternate and safe routes, some migrants and refugees on the move have travelled back to Colombia through the Darién region. Women and girls in reverse movements are often more exposed to risks such as trafficking in persons and smuggling, sexual exploitation and abuse.

46. During the visit, the Special Rapporteur was informed that hundreds of migrants and refugees were in Paso Canoas, a city on the border between Costa Rica and Panama, having reportedly been refused entry by the Panamanian authorities. A small group of individuals that had crossed the border irregularly was later identified by the national police and the National Border Service at a subsequent checkpoint, and returned to the Costa Rican side of the border. The lack of legal pathways has forced individuals to use alternative, and often more perilous, routes to enter Panama to avoid detection by the migration authorities.

47. To address the phenomenon of reverse movement, Panama and Costa Rica recently established a protocol for the return of persons by bus from the temporary stay centre for migrants in Costa Rica to one of the migrant reception centres in the Darién region. Reportedly, these individuals would subsequently be deported to their countries of origin. In the absence of diplomatic relations between Panama and the Bolivarian Republic of Venezuela, migrants and refugees from the latter would be deported to Colombia via a maritime route. This agreement appears to be part of an expanded version of the memorandum of understanding with the United States. It is believed that an airstrip in Nicanor, in the Darién region, would be used for repatriation and/or deportation flights.

C. Deportation flights

48. In the meantime, since 12 February 2025, Panama has started receiving flights, transporting third-country nationals, from the United States. Between 12 and 15 February, Panama received three deportation flights with 299 such individuals, including women and children. These individuals were first confined to a hotel in Panama City. During the visit, the Special Rapporteur received very little information on these individuals and their situation. Their profile and legal status were unclear, and the time frame for deportations under the expanded memorandum of understanding was unknown. The Special Rapporteur raised concerns in relation to the lack of procedural safeguards, including independent monitoring in the deportation process, and the inadequate material conditions in the facilities to be used to detain migrants prior to their deportation.

49. Overall, the Special Rapporteur raised concerns about uncertainty regarding the following issues: due process and procedural safeguards of such arrangements; the legal and migration status of these individuals; the legal basis for their detention; their access to information about their rights, in a language that they understand; safeguards in place to ensure their right to challenge the lawfulness of their detention; their access to asylum procedures; and safeguards to uphold the principle of non-refoulement, including individualized assessment of protection needs.

50. According to updates received after the visit, the Special Rapporteur learned that among the 299 individuals, those agreed to be repatriated stayed at the hotel in Panama City prior to their repatriation, while those who expressed fear about returning were brought to the migrant reception centre in San Vicente and detained there. On 8 March 2025, Panama released 112 individuals from the centre, giving them 30 days to leave the country, with the possibility of applying for a temporary humanitarian permit to extending their stay to up to 90 days.

V. Conclusions and recommendations

A. Conclusions

51. The visit of the Special Rapporteur took place amid fast-changing dynamics of human mobility in Panama and the region. The Special Rapporteur observed the significant decrease in the number of migrants and refugees travelling north through the Darién region. He also noted the gradual increase in reverse movements from the north and the arrival of deportation flights from the United States, which added new dimensions to the already complex realities of domestic and regional mixed movements.

52. The Special Rapporteur recognizes efforts made by Panama to address the humanitarian needs of people on the move through a controlled corridor and to register, retrieve and identify migrant victims of disappearance. The Special Rapporteur nevertheless notes with concern the limitations of a security-oriented approach to migration and border governance and its negative impact on the human rights of migrants and refugees.

53. The Special Rapporteur is saddened by testimonies shared by migrants and refugees about the crimes and violence, including sexual and gender-based violence, that they experienced in the jungle and the pervasive culture of impunity. In view of a significant decrease in the number of migrants and refugees transiting through the jungle, migrants and refugees may be targeted further and face heightened risks. The same would apply to local women and girls.

54. Noting the commitment made by the asylum authorities to improving the system, the Special Rapporteur stresses that all countries have a responsibility to ensure robust and fair asylum procedures. This responsibility includes the provision of adequate protection and support to asylum-seekers and refugees, regardless of their intended destination. Self-identification as a country of transit does not justify a deficient asylum system.

55. It is imperative that countries uphold their international obligations to prevent refoulement and ensure the rights and safety of all individuals seeking asylum within their borders. Such obligations are extremely relevant in the context of Panama receiving deportation flights from the United States.

56. The suspension of foreign aid by the United States has had a negative impact on the capacity of the State and of the relevant United Nations entities and civil society organizations to deliver services and carry out protection work. Concerns were raised with the Special Rapporteur in relation to funding shortfalls and the negative impact that they could have, leading to serious gaps in services and protection.

B. Recommendations

57. The phenomenon of mixed movements is a shared and common challenge among States in the region. The Special Rapporteur recommends that Panama collaborate closely with Colombia and Costa Rica, and other stakeholders, to ensure the protection of the human rights of migrants and refugees and their safe passage through the country. The State authorities should consult and collaborate with provincial, municipal and local authorities and communities.

58. The Special Rapporteur encourages Panama to address the limitations of its security-oriented approach to migration and border governance and enhance protection of the human rights of migrants and refugees.

59. Regarding the violence and crimes committed against migrants in the jungle in the Darién region, the Special Rapporteur urges Panama to intensify efforts to investigate and punish perpetrators, particularly perpetrators of sexual and gender-based violence. Given the prevalence of these crimes, Panama should consider

establishing a mechanism within the criminal justice system to address complaints of sexual and gender-based violence against migrant and refugee women and girls, recognizing all types of sexual and gender-based violence, in accordance with the Penal Code.

60. The Attorney General and public prosecutors should, as a matter of priority, address the issue of impunity for crimes committed in the jungle, and ensure that suspected perpetrators are brought to justice. In doing so, they should work with the relevant authorities and Indigenous community leaders. Awareness-raising campaigns should be conducted in local communities to enhance understanding of the seriousness of these crimes. In the meantime, measures should be taken within the local communities to ensure the safety of migrants and refugees and the non-recurrence of crimes, especially sexual and gender-based violence. In this regard, the National Border Service could enhance patrols in areas where reported incidents have occurred. The Special Rapporteur encourages Panama to adopt and implement a protocol on access to justice for migrants and refugee victims of all types of crimes in the jungle and in the migration corridor, integrating technical cooperation with OHCHR for its implementation.

61. Given the challenges in providing effective protection and ensuring the safety of women and girls on the move, Panama should consider increasing the presence of female officers in the National Border Service, the National Migration Service and the Public Prosecutor's Office, especially in outposts in the communities.

62. Panama should strengthen technical capacities with regard to gender, particularly the prevention of gender-based violence against women, girls and LGBTIQ+ individuals, within the National Border Service and the National Migration Service, and promote the establishment of a unit specialized in the prevention and management of gender-based violence that coordinates action with the Ministry for Women. It is also imperative to enhance cross-border collaboration among neighbouring and other States in the region. In this regard, the Special Rapporteur invites Panama to consult the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders.

63. In the context of biometric screening processes, the Special Rapporteur recommends that Panama uphold the rights to privacy and data protection and guarantee rigorous safeguards in the collection, processing and storing of data at borders, particularly biometric data, ensuring that such action is necessary and proportionate to a legitimate aim and that the data are obtained lawfully, are accurate and up to date, are stored for a limited period of time and are disposed of safely and securely.

64. Considering that the context of mixed movement in Panama is more complex than ever – in addition to the continuation of mixed movement from south to north, Panama is now receiving returning migrant and refugee populations, and deportation flights under the memorandum of understanding with the United States – it is crucial that Panama adjust its asylum system and migration policies to the new realities and reinforce protection mechanisms, in accordance with its human rights obligations, including the principle of non-refoulement.

65. Many individuals in mixed movements need international refugee and human rights protection and/or humanitarian assistance. To fulfil its obligations under international human rights and refugee laws and to show solidarity with countries in the region facing similar challenges, Panama should address the protection needs of such individuals. Measures to be taken include enhancing the efficiency of its asylum system and screening individuals with vulnerabilities to assess whether to extend humanitarian visas or other legal stay arrangements or arrange humanitarian returns on the basis of fully informed consent and on a voluntary basis, without any form of coercion.

66. The Special Rapporteur recommends that Panama guarantee the presence of the National Office for Refugee Affairs at key points along the transit route of migrants. The Special Rapporteur recommends that Panama consider applying the expanded definition of refugees under the Cartagena Declaration in its domestic refugee law, as has already been done by most countries in the region.

67. To address the phenomenon of the disappearance of migrants, cooperation with Colombia and other countries in the region should be strengthened to promote the search for missing migrants and investigations into their disappearance with a regional perspective. The Special Rapporteur calls on Panama to redouble efforts to prevent and investigate the disappearance of migrants and prosecute those responsible, and to create a collaborative mechanism with Colombia for cross-border search for disappeared migrants in the Darién region.

68. Panama should ensure that the relatives and close contacts of missing persons, whether in the country or abroad, have the possibility of obtaining information and participating in investigations and searches.

69. There is no safe path through the Darién region. When conducting strategic planning and identifying alternative migratory routes to Colombia, primary consideration should be given to ensuring the safety and dignity of people and preventing perilous journeys. Maritime routes that lack safety, security and reliable transit through countries may increase the risk of death or disappearance and must be avoided. Finding a sustainable solution and taking joint responsibility is key.

70. Protection of the human rights of unaccompanied and separated children remains a priority. Panama should disseminate and implement, across all relevant institutions, the Inter-Agency Guiding Principles on Unaccompanied and Separated Children in the context of mixed movements in the country.

71. It is essential to ensure the presence of child protection entities – including State entities, in particular the National Secretariat for Children, Adolescents and the Family, and those of the United Nations and civil society – in all migrant reception centres to verify family ties, avoid family separation, analyse cases involving families of various nationalities and ensure that procedures are conducted in the best interests of the child. Children, including those travelling with their families, should never be subjected to detention owing merely to their migration status or to that of their parents or guardians.

72. The importance of ensuring adequate presence of child protection entities is particularly relevant in the context of processes for the return, deportation, expulsion and repatriation of migrants, including deportations under the memorandum of understanding signed between Panama and the United States, through which Panama has been receiving deportation flights, transporting third-country nationals, from the United States, in order to send them back to their countries of origin.

73. The Special Rapporteur calls on Panama to ensure transparency with regard to such deportation arrangements, and to share information with the relevant United Nations agencies and the Ombudsperson's Office on the profile of the individuals concerned and the action taken in their cases. Due process should be ensured and procedural safeguards put in place. Panama should grant the relevant United Nations agencies and the Ombudsperson's Office access to any and all facilities to be used in the processes, such as hotels, airports and migrant reception centres, including the centre in San Vicente. Their presence is essential to identify protection needs, ensure accountability and strengthen safeguards. In addition, the presence of the National Office for Refugee Affairs is crucial to guarantee access to asylum for these individuals.

74. In relation to the suspension of aid by the United States, the Special Rapporteur calls on Panama to negotiate with the United States to secure waivers with regard to the pause in foreign assistance, and to ensure that such waivers are broad enough to enable United Nations agencies and civil society organizations to extend services to all migrants and refugees, without discrimination. In this context, granting access to

non-governmental organizations willing to support such endeavours could be more important than ever. The Special Rapporteur also calls on Panama to redouble its efforts to fill the void left by the suspension of aid and provide basic and life-saving services in water, sanitation and hygiene, food, health and nutrition for migrants, refugees and communities affected by mixed movement.
