End of visit Statement – Panama (13 to 19 February 2025)

Mr. Gehad Madi, UN Special Rapporteur on the human rights of migrants

With great appreciation to the invitation extended to me by the Government, today I conclude my official visit to Panama, which is the second segment of a back-to-back visit in the region. I wish to extend my gratitude to Panama for the smooth cooperation.

In Panama City, my delegation had the opportunity to meet with high-level representatives of the Ministry of Foreign Affairs, the National Migration Service, the Ministry of Public Security, including representatives of the National Border Service and the Humanitarian Border Security Unit, the National Aeronaval Service, the Ministry of Government, the National Office for the Attention of Refugees and the Vice-Ministry of Indigenous Affairs, the Ministry of Health, the Ministry of Women, the National Secretariat for Children, Adolescents and Family Affairs, the Public Prosecutor's Office, the Organized Crime Prosecutor's Office, the Ombudsperson and the Institute of Legal Medicine and Forensic Sciences, the National Assembly and the Access to Justice and Gender Unit of the Supreme Court of Justice.

In addition to the meetings held in Panama City, I also went to the Darien region. I visited the Embera-Wounaan Indigenous Community, where I met with the indigenous leaders and community members from Bajo Chiquito; in Metetí I met with the Mayor of Pinogana, representatives of the Municipality of Metetí, and local representatives of the National Border Service, National Migration Service and the National Secretariat for Children, Adolescents and Family Affairs.

While I was in the Darien region, I also had the opportunity to visit Lajas Blancas and of San Vicente Migration Reception Centres where I met with migrants and refugees. In addition, I visited La Casita, a state-run shelter for unaccompanied and separated children in Metetí.

I also met with representatives from Civil Society organizations, religious groups, indigenous women organization and UN entities, both in Panama City and in Metetí.

I thank all the representatives for the discussion and the information provided. In particular, I thank migrants and refugees for sharing testimonies of their personal experience and for offering their insightful observations which helped me to understand the migration context in Panama.

Background information

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 US dollars in 2023, the highest in the region.

Panama, a country of transit, origin and destination, with a seasonal and cross-border movements of Ngabe-Bugle indigenous community to Costa Rica, is home to approximately 316,000 migrants and refugees. In recent years, over a million people in mixed movements have crossed the Darien jungle, heading north. The movements are dynamic. In recent years the large number of new arrivals has posed significant challenges to Panama, particularly for

communities living in the Darien region where migrant and refugee populations enter the green borders irregularly.

In relation to the mixed movement through the Darien 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 free movement in the country. After days of walking, migrants and refugees reach local communities on the Panamanian side of the Darien jungle, they are transported at a cost, mainly by members of the indigenous communities to state-run Migration Reception Centres (ETRMs), then directly transported to another state-run shelter on the territory of Costa Rica. In the meantime, at the Panama-Colombia border, the Government installed razor wired fences to redirect migrants and refugees to a single checkpoint at Cañas Blancas.

Last year, the new Panamanian Government signed a Memorandum of Understanding (MoU) with the United States which included provisions for the so-called "repatriation" of migrants, seeking to reduce the number of irregular migrants through the Darien region. In 2024, 2,175 migrants were deported or expelled from Panama to their country of origin under this MoU.

During my visit, the phenomenon of migrants and refugees now traveling north to south reaching the Costa Rica – Panama border has become evident. Another trend is that of deportees' flights from the U.S.A. arriving in Panama. This has added new dimensions to the already complex human mobility dynamics in the country.

The Darien

The Darien jungle is a 5,750 km2 extension of tropical rainforest that separates Colombia and Panama. Once considered impassable, in the past few years, over a million individuals have risked their lives and travelled through the Darien searching for safety and a better life. The journey was treacherous, said migrants who have survived the jungle.

While there are multiple factors in play and it is premature to reach any conclusion in relation to the trend of the South to North movement, currently the number of people crossing the Darien has considerably decreased. According to the National Migration Service of Panama (SNM), over 520,000 individuals crossed the Darien in 2023. In 2024 a 40% decrease was observed. In January 2025, 2,229 individuals entered Panama via the Darien, which represents a 94% decrease compared with the same period last year.

Violence and crimes in the Darien

After being dropped at the border between Colombia and Panama by their "guide", allegedly associated with the self-proclaimed "*Autodefensas Gaitanistas de Colombia*", a criminal group who controls and operates the means of transportation on the Colombian side of the Darien, migrants and refugees had 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 they face while in the jungle. Injuries and sickness

could become fatal. Some are lucky to be rescued. Since the increased arrivals of migrants and refugees through the Darien, the National Border Service (SENAFRONT) has doubled its infrastructure and operations. Between 2021 and 2025, the humanitarian security unit rescued 1,222 individuals.

In addition to the harsh geography, crossing the Darien has left many migrants and refugees physically and mentally affected due to the prevalent crimes and widespread violence. Robbery is common. Well-informed migrants and refugees do not carry any cash before they get into the jungle. However, failure to pay extortion may subject women, boys and girls, and LGBTIQ+ individuals to heightened risk of sexual and gender-based violence, including rape. Data collected in February 2024 by OHCHR and the Panamanian Ombudsperson's Office through surveys revealed 1 in 5 women suffered sexual and gender-based violence in the jungle. Public reports by UNICEF and a wide range of civil society organizations support similar findings.

I am extremely concerned about the disproportionate adverse effect of sexual and gender-based violence on women and girls in mixed migration movement. I also wish to draw attention to the intersectional and cross-border nature of this phenomenon in the shared Darien jungle of Panama and Colombia. Based on economic status, country of origin, age, gender, and sexual orientation, migrants may have different experiences during their migration route, some may subject to heightened risks. Although, recent months observed a decrease in the number of people traveling from the South through the Darien. Sexual and gender-based violence against people in mixed movements, particularly women and girls, remains persistent in the jungle. Some analysis indicates that reduced number of migrants crossing, and the limited presence of SENAFRONT due to the vast space of the jungle, may in fact lead to heightened risks for women and girls.

While recognizing challenges faced by local communities due to criminal activities present in their territories, I note with concern that based on victims' testimonies, perpetrators of most of the robberies and sexual and gender-based violence committed against migrants were identified as men of the local communities and sometimes in the company of men with presumed Colombian or Venezuelan accents. I am pleased to learn about the efforts made by the Prosecutors' office to establish an office in Bajo Chiquito to receive complaints from migrants and the host community. I take note that some protocols have been established between SENAFRONT, and medical teams present in Bajo Chiquito to refer suspected cases of sexual and gender-based violence to the Prosecutor's Office there, however, investigations are only conducted by prosecutors from Metetí and other offices. Research indicates a possible linkage between the increase in drug and alcohol consumption of the local communities and the rise of criminality in the jungle. Many reported places of incidents are not far from local communities. Some believe that these perpetrators are known to the locals; however, impunity prevails.

Between 2019 and 2024, the Darien regional office of the Prosecutor's Office investigated 189 cases of sexual- and gender-based violence, which resulted in 44 criminal convictions. Various factors, including lack of trust, fear of being deported, detained or slowed down as a result of participating in any judicial investigation from the victims' side; cultural barriers, self-

preservation and high tolerance of crimes among local communities; as well as the lack of sufficient resources and capacity of the prosecutors in the Darien province, have led to the nearly total impunity of these crimes in the jungle.

I am saddened by testimonies shared by migrants about the violence and crimes they experienced in the jungle. I urge Panama to intensify efforts to investigate and punish perpetrators of violations of the human rights of migrants, in particular sexual and gender-based violence and other forms of 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 women and girls, recognizing all types of sexual and gender-based violence as per Panama's penal code.

I visited the Embera-Wounaan Indigenous Community of Bajo Chiquito from where migrants pass through, get registered by the migration authorities and orientated to take a boat ride to Lajas Blancas Migration Centre. Members in the community provide transportation services to migrants at the cost of 25 USD per person. They sell food, clothes, they rent out places to rest, Wi-Fi and other products to migrants. Medical service was provided by medical teams of the Ministry of Health and civil society. During peak periods in 2023, approximately 2,000 to 3,000 migrants pass through the village daily. I was told by the leader and members of the community about the positive changes' migration has brought to the village. Potable water, better phone signal, 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 main cities.

Varying in size, several indigenous groups live in the Darien jungle. While some of the local populations 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 burdened the local ecosystem and exceeded the capacity of waste management in the province. Attracted by the quick money associated with migration, community members have abandoned traditional agricultural activities. Children dropped out of school to assist their parents in providing transportation and other services to migrants. Crime prevention is identified as one of the biggest challenges and a priority. Growing up in areas where migrants pass through, children and young people have been exposed and tempted to get involved in criminal activities to gain quick money. Other challenges include maintaining positive changes sustainable and permanent in the community, such as strengthened medical service and the provision of potable water.

I call on the Attorney General and the public prosecutors to address the issue of impunity of crimes committed in the jungle as a matter of priority and ensure that suspected perpetrators are brought to justice. In doing so, they should work with relevant authorities and indigenous community leaders. Awareness raising campaigns should be conducted in the local communities and enhance understanding of the seriousness of these crimes. In the meantime, measures should be adopted in the local communities to ensure the safety of migrants and non-recurrence of crimes, especially sexual and gender-based violence. In this regard,

SENAFRONT could enhance patrols in areas where reported incidents occurred. I encourage Panama to adopt and implement protocol on access to justice for migrants and refugee victims of all type of crimes in the jungle and in the migration corridor.

Given the challenges faced in providing effective protection and ensure safety for women and girls on the move, Panama should consider increasing the presence of female officers in the National Border and Migration Services as well as the Prosecutor's Office, especially those outposts in the communities.

Panama should also strengthen technical capacities in gender and particularly in the prevention of gender-based violence against women, girls, and LGBTIQ+ individuals in the National Border Service and the National Migration Service, as well as promote the establishment of a specialized unit in the prevention and management of gender-based violence that coordinates actions with the Ministry of Women. In this regard, it is also imperative to enhance cross-border collaboration among neighbouring and other States of the region. This should include taking into consideration the United Nations High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights at International Borders.

Children and adolescents, including unaccompanied and separated children

In 2024, approximately 1 in 5 persons who crossed the Darien jungle were children below the age of 18. Approximately 4,500 children were unaccompanied or separated (UASC). It is worth noting that UNICEF provides life-saving services to children through its WASH (water, sanitation and hygiene) services, health and nutrition services for children and mothers, Child-Friendly Spaces and the Cool Zone, which provide psychosocial services, in Bajo Chiquito and Lajas Blancas. All these services are available to local children as well.

In Metetí, I visited a shelter established by SENNIAF, with the support of UNICEF for unaccompanied and separated children where migrant children and Panamanian children, under child protection measures, are taken care of by social workers and caretakers. I note with pleasure that unaccompanied and separated migrant children are integrated into national protection mechanisms.

Biometric test and racial profiling

When migrants arrive at Bajo Chiquito and Lajas Blancas, they are subject to racial profiling and selected to go through biometric tests based on their nationality, ethnicity, appearance and other physical features. I understand that the data collected is shared with the Government of the United States. In the context of screening processes, I recommend Panama to uphold the right to privacy and data protection, and to ensure rigorous safeguards in the collection, processing and storing of data at borders, particularly biometric data, ensuring the necessity, proportionality to a legitimate aim, obtained lawfully, accurate and up to date, stored for a limited time and disposed of safely and securely.

Migrants' death and missing

Migrants and refugees also risk death and disappearance in the Darien and the various maritime routes between Colombia and Panama. Most migrants who have traversed through the Darien

have encountered lifeless bodies. According to data released by IOM, 537 persons died or went missing in the Darien between 2015 and 2024. Panama registers retrieved lifeless migrants and missing migrants. Since 2021, the Forensic Institute of Panama identified 2,151 migrants and has retrieved 313 bodies. Based on the information provided, while the cause of death for some cases seems to be relating to drowning and sickness, there are forensic evidence indicating cause of death as gunshot wound, and stabbing.

While I am pleased to learn about the efforts made by Panama to register, retrieve and identify victims, cooperation with Colombia and other countries in the region should be strengthened to promote the search for missing migrants and investigations into their disappearances with a regional perspective. I call on Panama to redouble efforts to prevent and investigate migrant disappearances and prosecute those responsible and to create a collaborative mechanism with Colombia for a cross-border search of disappeared migrants in the Darien region.

Panama should also 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 for missing persons.

Asylum system

While most migrants traveling to the North would prefer to continue their journey once they have traversed the Darien, some, in need of international refugee protection, have submitted their asylum applications from the ETRM in Lajas Blancas and find themselves confined at the centre for months until they receive any decision on the admissibility of their applications. In the case of rejection, the applicants have 5 days to appeal. In the absence of a legally established maximum period for the consideration of the applications, the combination of restriction of movement, insufficient conditions of the ETRM and lack of alternative placement turns asylum seekers away. Only in extremely exceptional cases are asylum seekers allowed to leave the ETRM while awaiting a decision on the admissibility of their applications. This practice contradicts Executive Decree No. 5 of 16 January 2018 on refugee which establishes the guarantee of freedom of movement while awaiting a decision on the admissibility of the application.

Self-identifying as a country in transit cannot serve as an excuse to justify a deficient asylum system. All countries have a responsibility to ensure robust and fair asylum procedures, this includes providing adequate protection and support to asylum seekers and refugees, regardless of their intended destination. 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. I recommend Panama to guarantee the presence of ONPAR in the key points of transit of migrants. Considering the mixed movement through Panama borders. I am encouraged to hear the asylum authorities are committed to improving the system and in this regard, I recommend Panama to consider adopting the Cartagena Declaration's expanded definition of refugee in the refugee law.

Reverse movement and deportation

While the number of South-North movement through the Darien is decreasing, communities living at the border with Costa Rica are currently witnessing returns of migrants who were travelling to the U.S.A, Mexico and other countries in Central America. This reverse movement of individuals is gradually increasing and some migrants and refugees on the move have travelled back to Colombia through the Darien while most of these individuals seek alternate and safe routes. Women and girls in reverse movement are often more exposed to risks such as human trafficking and smuggling as well as sexual exploitation and abuse.

During my visit, it was brought to my attention that hundreds of migrants and refugees were in Paso Canoas, the border between Costa Rica and Panama. They were reportedly refused entry by the Panamanian authorities. A small group of individuals crossed the border irregularly and were identified and returned to Costa Rican side of the border by the national police and SENAFRONT at a subsequent checkpoint. In the meantime, reports demonstrate that individuals use alternative, and often more perilous, routes to enter Panama to avoid control by migration authorities.

To address the phenomenon of reverse movement, Panama and Costa Rica have recently established a protocol for the return of people by bus from the Migrant Assistance Centre (CATEM) in Costa Rica to one of the ETRMs in the Darien. Reportedly, these individuals would be subsequently deported to their countries of origin. In the absence of any diplomatic relation between Panama and Venezuela, Venezuelans would be deported to Colombia via a maritime route. This agreement appears to be part of an expanded MoU with the U.S.A. It is believed that the Nicanor airport in the Darien would be used for repatriation and/or deportation flights.

In the meantime, since 12 February 2025, Panama has started receiving flights of third country nationals, from the U.S.A. These migrants are currently held at a hotel in Panama City for an undetermined period. The profile and legal status of these individuals are unclear. They are believed to be individuals from Asian and African countries, including women and children. While the timeframe of the deportations in the expanded MoU remains unknown, concerns have been raised in relation to the lack of procedural safeguards in the deportation processes and the insufficient material conditions of the facilities to be used to detain migrants prior to their deportation.

Considering the returning migrant and refugee populations and the deportation flights under the MoU with the U.S.A, in addition to the continuation of south to north mix migration movement, Panama should adjust its asylum system and migration policies to the new realities and reinforce protection mechanisms, in accordance with its human rights obligations.

Many individuals returning from the North 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 these individuals. Measures to be taken include enhancing the efficiency of its asylum system and screening individuals with vulnerabilities for the consideration of extending humanitarian visas or other legal stay

arrangements or providing humanitarian returns based on fully informed consent, and voluntary basis, without any form of coercion.

The Darien is indeed not a safe path, I understand that Panama is currently conducting strategic planning and identifying alternative migratory routes to Colombia. In this regard, alternative migratory routes should ensure safety and dignity of people and prevent perilous journeys. Maritime routes that lack safety, security, and reliable transit through countries may increases their risk of death or disappearance and must be avoided. In this process, to find a sustainable solution and taking joint responsibility is key, as I believe the phenomenon of mixed movements is a shared and common challenge among States in the region. I recommend Panama to 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. I also encourage the State authorities to consult and collaborate with provincial, municipality and local communities.

Human rights protection of unaccompanied and separated children remains a priority. I urge Panama to disseminate and implement across all relevant institutions the Protocol for identifying and caring for unaccompanied and/or separated children in the context of the mixed migration movements in Panama.

It is also essential to ensure the presence of child protection entities including from the State, the UN and civil society in all Migration Centres to verify family ties, avoid family separation, analyse cases involving families of various nationalities and carry out procedures in the best interests of the child. Children, including those travelling with their families, should never be subjected to detention merely due to their, their parents' or their guardians' migration status. This is particularly relevant in return, deportation, expulsion and repatriation processes, including those deportations under the MoU signed between Panama and the U.S.A., through which Panama has been receiving deportation flights in order to send them back to their countries of origin.

I understand that some of the individuals are currently confined to their hotel rooms and might be transported to other facilities prior to deportation. I am extremely concerned about the 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, 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 on the protection needs, etc. Moreover, I am concerned about the lack of independent monitoring of deportations.

I call on Panama to ensure transparency and to share information with relevant UN agencies and the Ombudsperson on the profile of the individuals concerned and the actions taken on their cases. Due process and procedural safeguards should be put in place. Panama should grant access to relevant UN agencies and the Ombudsperson's Office to any and all facilities to be used in the processes, such as hotels, airport areas, and ETRMs, including San Vicente. Their presence is essential to identify protection needs, ensure accountability and strengthen

safeguards. In addition, the presence of ONPAR is crucial to guarantee access to asylum for these individuals.

The situation is more complex than ever. In view of the suspension of US foreign aid and its negative impact on the state's capacity and of relevant UN entities and civil society organizations to deliver services and carry out protection work. I am concerned that the funding shortfalls may lead to a serious service and protection gaps. I call on Panama to negotiate with the United States for waivers to the foreign assistance pause and ensure that waivers are broad which enable UN agencies to extend services to all migrants and refugees, without discrimination. In this context, granting access to those NGOs willing to support these endeavours could be more important than ever. I also call on Panama to redouble efforts to fill the void and provide basic and lifesaving services in water, sanitation and hygiene, food, health and nutrition for migrants, refugees and communities affected by mixed movement.

I recognize the efforts made by Panama to address the humanitarian needs of people on the move, while implementing its security-oriented approach in migration governance at borders. I encourage Panama to redouble efforts by developing and implementing national campaigns to promote the human rights of people on the move and their integration and facilitate their contribution to host and transit communities to prevent narratives that dehumanize or criminalize them.