

# **Panama 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Panama during the year.

Significant human rights issues included credible reports of: serious government corruption; regulations prohibiting consensual same-sex sexual conduct between adults in some security forces; and crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government did not always take credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution prohibited such practices, and there were no credible reports that government officials employed them.

Impunity existed among security forces due to weak and decentralized internal conduct and enforcement mechanisms. The lack of accountability from senior officials allowed impunity to continue in the police force.

### **Prison and Detention Center Conditions**

Prison conditions were harsh due to gross overcrowding, lack of potable water, inadequate medical services, poor sanitary conditions, and insufficient internal security.

**Abusive Physical Conditions:** According to the Ministry of Government's National Directorate of the Penitentiary System (DGSP), as of September, the prison system held more than 23,000 prisoners in facilities with an intended capacity of 14,500 persons. Pretrial detainees shared cells with convicted prisoners due to space constraints.

Several facilities lacked potable water and basic supplies for personal hygiene. Medical care was inadequate due to lack of personnel, transportation, and medical resources. Authorities transferred patients with serious illnesses to public clinics, but arranging transportation was difficult due to limited availability of ambulances. The only ambulance in the prison system remained unused for the second consecutive year due to lack of paramedics.

Gang activity in prisons represented a daily threat to prisoner safety. Civil society representatives stated prison security personnel and inmates' relatives were likely complicit in smuggling weapons into prisons. Interdicting contraband cell phones was a chronic problem due to a lack of staff and the corrupting of staff by gangs.

Homosexual inmates in the Bocas del Toro prison requested to be grouped in separate cells to avoid harassment because of their sexual identity.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted prison monitoring by independent nongovernmental observers and the Ombudsman's Office. In one case, the Ombudsman's Office was denied access due to transportation problems. Human rights nongovernmental organizations (NGOs) were required to send a written access request to the DGSP 15 days in advance,

which NGO representatives believed was designed to limit access.

#### **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

The law required arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. The system was vulnerable to corruption, inefficiencies, and bureaucratic obstacles. Informality in judicial processes, such as sending documents through mobile messenger platforms instead of in official emails, was the norm for some lower-level court judges and jeopardized the integrity of the judicial process.

Bail existed but was rarely granted because courts implemented a less costly provisional release system. Detainees or their legal counsel could not initiate most bail proceedings; these proceedings occurred at the discretion of the Prosecutor's Office. Bail was often granted in high-profile corruption cases, which prompted civil society complaints that the Public Ministry (public prosecutors) administered "selective" justice.

The law prohibited police from detaining adult suspects for more than 48

hours but allowed authorities to detain child suspects for 72 hours. Arrests and detention decisions were based on probable cause.

**Arbitrary Arrest:** Transgender activists alleged instances of arbitrary detention of transgender women in Panama City.

**Pretrial Detention:** Lengthy pretrial detention was a problem. According to official statistics, as of August, approximately 35 percent of inmates in prison had not been convicted.

## **e. Denial of Fair Public Trial**

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. The lack of criminal corruption convictions reinforced widespread public opinion that the judicial system was susceptible to internal and external corruption. Most allegations of compromised judicial independence continued to be related to manipulation of the judiciary by political actors.

### **Trial Procedures**

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

Some judicial hearings were delayed by logistical and technical obstacles. The judicial branch was by law the only entity that scheduled hearings, and the penitentiary system facilitated logistics for detainees' attendance.

Detention centers faced problems with virtual hearings due to lack of sufficient equipment and reliable computer connections, which created delays. Most prisons lacked the capacity to hold several hearings simultaneously due to a shortage of computers.

The law stipulated that trials were to be completed in less than 12 months, but due to a lack of judges, some trials were delayed beyond this period. Failure to hold a hearing resulted in the affected inmates having to wait months, on average, for a rescheduled hearing. There were few, if any, simultaneous hearings.

The Public Defender's Office sometimes failed to initiate in a timely fashion the formal process for early release of inmates for good behavior, despite mandates from the judicial branch. No disciplinary actions were taken.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provided for freedom of expression, including for members of the press and other media. The government generally respected this right, but journalists and media outlets noted a continuation of civil libel and slander lawsuits, some of which included the seizure of editors' and journalists' assets. Local media considered these lawsuits as a threat to freedom of expression.

**Freedom of Expression:** The government generally respected freedom of expression.

In October and November, tens of thousands of citizens protested, largely peacefully, against the approval of a controversial mining contract. Police intervention was limited during the protests, although on several occasions, injuries were reported following clashes between protestors and security

forces. Criminal elements embedded within the peaceful protestors often contributed to or incited violence. Four individuals died during the protests but not due to direct encounters with police.

**Violence and Harassment:** Journalists reported that officials and politicians harassed or threatened them in order to hinder reporting on sensitive topics linked to corruption or criminal activities. Some journalists reported politicians called them “child molesters” as a way to retaliate against corruption-related reporting.

During the October-November mining contract protests, members of the local press reported injuries from police clashes and attacks from protesters. Freelance photographer Aubrey Baxter reported losing his right eye after he was hit with a rubber bullet fired by police on October 19. On October 25, another journalist reported police threw tear gas directly at a group of 10 reporters during demonstrations. Media associations issued three different joint statements calling for police and protesters to respect freedom of the press and the media’s responsibility to cover events.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Media associations expressed concern that the government misused a data protection law to hinder the publication of information that was in the public interest. In April, the National Transparency and Access to Information Authority fined the daily *La Prensa* \$5,000 for its publication of a photograph of Deputy Benicio Robinson as



part of its report on his alleged corruption with the Transportation Authority. Media associations issued a joint press statement decrying the fine, calling it censorship, while media outlets and journalists published photographs of Robinson, expressing their solidarity with *La Prensa*.

On October 6, the Electoral Tribunal (TE) issued a notice for journalist Alvaro Alvarado and digital outlets *Foco* and *Claramente* to take down publications on their X (formerly Twitter) and Instagram accounts related to former president and presidential candidate Ricardo Martinelli, without specifying which publications. The decision came after Martinelli's lawyers issued complaints against the outlets and the journalist for allegedly carrying out a "smear campaign" against Martinelli, breaching the campaign silence period and TE's ethical pact. The TE's ruling also ordered its Communications and Digital Departments to monitor traditional and social media to confirm if there were other reports or posts related to the complaint. Media associations and political candidates referred to this as censorship.

**Libel/Slander Laws:** The law criminalized defamation, and penalties included fines, imprisonment, or both. Media associations and outlets report civil lawsuits kept being used to financially affect outlets in order to hinder them from reporting on certain topics, with filers claiming damages from media outlets and journalists' publications.

In libel and slander civil lawsuits, a plaintiff could pay a fee to seize a defendant's assets while the legal process went forward; it generally took

years before a final ruling was issued. Media observers alleged powerful individuals increased their use of these types of lawsuits in recent years to intimidate and silence the press.

In January, former President Ricardo Martinelli filed a slander lawsuit against digital outlet *Foco* after the outlet ran corruption-related reports about Martinelli. A judge consequently ordered the seizure of assets belonging to the outlet's director and one of its reporters.

**Nongovernmental Impact:** Threats against journalists by known criminal groups were common when journalists investigated certain cases or criminal activities. In April, authorities provided temporary protection to a journalist who received a credible death threat.

During the October-November mining contract demonstrations, one labor union exhibited a banner with the faces of influential television and radio news anchors, referring to the news anchors as “information mercenaries.” Other reporters were mocked or yelled at by protesters when trying to report live from demonstrations.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

## **b. Freedoms of Peaceful Assembly and Association**

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. During the October-November protests against the Minera Panama mining contract, the government was not always able to ensure the right to free movement, given sporadic demonstrator-led road closures across the country, which blocked the movement of individuals and goods. Civil society groups and business sector associations requested government action on numerous occasions to ensure the right to free movement.

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing

protection and assistance to refugees, asylum seekers, and other persons of concern.

**Access to Asylum:** The law provided for granting of asylum or refugee status, and the government had a system for providing protection to refugees. UNHCR reported the National Refugee Office (ONPAR) had a backlog of more than 8,000 cases due to slow and complex processes. As a result, thousands of persons in the country were unable to benefit from international protection and access basic rights, according to UNHCR and its nongovernmental partners. This included asylum seekers waiting for a decision on their asylum claim, recognized refugees who had not yet been informed of the decision, and persons who did not apply for refugee status due to the complexity of the process.

ONPAR did not have a permanent presence in any of the government-run migrant reception centers across the country. Persons who wished to request asylum had to approach either the National Border Service, the National Migration Service, an international organization, or an NGO to request protection and then meet with an ONPAR representative. This process created delays and barriers to access.

**Refoulement:** As of October, UNHCR documented two confirmed cases of refoulement (one to Colombia, one to Cameroon).

**Abuse of Refugees and Asylum Seekers:** UNHCR and other NGOs reported

local criminals and other armed actors often targeted persons transiting the Darien jungle, including refugees and asylum seekers.

**Freedom of Movement:** The National Migration Service required asylum seekers to wait in government-run migrant reception centers to initiate the refugee status determination process.

**Access to Basic Services:** If refugees could not present complete, certified school records from their country of origin, education authorities sometimes denied them access to education or refused to issue diplomas.

**Durable Solutions:** Naturalization was accessible to persons who complied with legal requirements, including persons recognized as refugees. The main requirement was to have permanent residency for a certain period, which varied according to certain factors such as having Panamanian children and the nationality of the person. According to UNHCR, the primary constraint was the high cost and requirements such as income tax returns and payment of taxes.

**Temporary Protection:** The government announced a new temporary protection program in July. From August to November, approximately 9,500 undocumented migrants domiciled in the country received temporary protected status.

## **f. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **g. Stateless Persons**

According to the 2023 census, 939 persons self-declared as having no nationality. Some of these persons may be stateless or at risk of statelessness.

## **Section 3. Freedom to Participate in the Political Process**

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** International election observers considered the 2019 elections to be free, fair, and transparent.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, but the government generally did not implement the law effectively. There were

numerous reports of corruption throughout the government. The few investigations that took place were protracted and rarely led to successful prosecutions.

The law stipulated that only the Supreme Court could investigate members of the National Assembly for acts of corruption while, conversely, only the National Assembly could investigate Supreme Court members. Additionally, there were procedural impediments to investigating minister-level and other high-level members of the executive branch. Judicial observers alleged these arrangements inhibited action on corruption investigations of both the judicial and legislative branches.

**Corruption:** Corruption continued to hamper the judicial system. In addition to widespread public suspicions regarding manipulation, some observers alleged that across all levels of the judiciary, judges accepted bribes that influenced their decisions.

In July, a judge sentenced former President Ricardo Martinelli to 10 years in prison for money laundering in a case related to the purchase of Editora Panama America, S.A. with public funds.

Instances of corruption and a lack of accountability continued in the police force. Public security forces lacked an impartial investigative body for internal investigations. The absence of clear and documented standard operating procedures allowed for officials' discretion on a case-by-case

basis. To combat corruption, police renewed an initiative placing police officers in cities and regions away from their hometowns.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Officials were often cooperative and responsive to the views of these findings.

**Government Human Rights Bodies:** The ombudsperson, elected by the National Assembly, headed an office with legal but nonbinding authority. The Ombudsman's Office referred cases to the appropriate investigating authorities and filed cases with the Public Ministry. Officials from an array of NGOs attested that the ombudsperson generally acted independently and efficiently.



## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law criminalized rape of women or men, including spousal rape and domestic or intimate partner rape, and stipulated prison terms of seven to 12 years and from 12 to 18 years if the perpetrator was aware of having HIV or a sexually transmitted disease. The law stipulated stiff penalties for gender-based violence, including both physical and emotional abuse. The sentence for femicide was 25 to 30 years in prison, whereas penalties for other forms of homicide ranged from 10 to 20 years in prison. The law was not effectively enforced. Officials and civil society organizations agreed that gender-based violence was a serious problem.

**Other Forms of Gender-based Violence or Harassment:** The extent of the problem was difficult to determine because convictions for sexual harassment were rare, pre-employment sexual harassment was not actionable, and there were few formal reports.

**Discrimination:** The law prohibited discrimination based on gender. The law recognized joint property in marriages. Women enjoyed the same legal status and rights as men, but the law was not enforced. Women faced discrimination in employment and occupation.

In the workplace, the law prohibited discrimination based on sex. As of October, the Ministry of Labor received 100 cases of discrimination or workplace harassment. As of September, two companies were sanctioned for labor harassment and gender-based discrimination. The government did not effectively enforce the law.

NGOs noted that during job interviews, women were often asked if they were married, pregnant, or planned to have children. It was common practice for human resources offices to terminate the applications of women who indicated a possibility of pregnancy soon. A gender wage gap existed, and no law mandated equal pay for equal work. The law placed restrictions on women working in jobs deemed hazardous.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. For a low cost, emergency contraception and postexposure prophylaxis were available as part of clinical management for rape. Contraception for adolescents required parental consent. Rural areas, including Indigenous territories and semirural areas, lacked access to general health services, including sexual and reproductive health services.

## **Systemic Racial or Ethnic Violence and Discrimination**

Minority groups were generally integrated into mainstream society. Prejudice was directed, however, at recent legal immigrants, the Afro-

Panamanian community, and Indigenous peoples.

Areas where many Afro-Panamanians lived lagged in government services and social investment. The government's National Secretariat for the Development of Afro-Panamanians focused on the socioeconomic advancement of this community.

As of August, the Ombudsman's Office received seven complaints of racism. All of the complaints involved bullying and racial discrimination at public schools.

The law prohibited discrimination in access to public accommodations such as restaurants, stores, and other privately owned establishments. Lighter-skinned individuals were overrepresented in management positions and jobs that required dealing with the public, such as bank tellers and receptionists.

## **Indigenous Peoples**

The law afforded Indigenous persons the same political and legal rights as other citizens, protected their ethnic identity and native languages, and required the government to provide bilingual literacy programs in Indigenous communities. Despite the law's requirements, the government failed to assign the funds necessary for the bilingual literacy project.

Indigenous persons had the legal right to take part in decisions affecting

their lands, cultures, traditions, and the allocation and exploitation of natural resources. Traditional community leaders governed *comarcas* (semiautonomous Indigenous territories) for six of the country's seven Indigenous groups. Nevertheless, they continued to face marginalization from mainstream society.

Governance problems within the Indigenous *comarcas* complicated receipt of government and international funds destined for education, health, and infrastructure projects within the *comarcas*.

The government unofficially recognized other traditional Indigenous government authorities on the basis that these regions were traditionally organized Indigenous settlements and territories that were excluded from the constitution when the original *comarcas* were designated in 1938. The traditional Indigenous authorities were organized under the national coordinating body for Indigenous affairs, the National Coordinator of Indigenous Peoples.

On several occasions during the year, the Ngäbe-Buglé people organized protests that closed sections of the Inter-American Highway at multiple locations to demand better transport infrastructure to and from their *comarca*. Some Ngäbe-Buglé groups protested dam projects on or near their lands, including the AES Panama hydroelectric dam. Dam operations continued uninterrupted.

From September through November, Indigenous groups, including Ngäbe-Buglé and Guna activists, joined labor unions to protest a mining contract which President Laurentino Cortizo approved on October 20, leading to nationwide demonstrations.

No collective land titles were granted during the year, and land disputes continued to be a problem. The government had not fully delimited the comarca of the Naso Indigenous group. Naso individuals complained the delay led to continued invasions of their lands.

Many Indigenous individuals did not have sufficient information to understand their rights. Additionally, due to the inadequate educational system available in the comarcas, many Indigenous individuals were unaware of or failed to use available legal channels to protect their rights.

Societal and employment discrimination against Indigenous persons was widespread. Employers frequently denied to Indigenous workers the basic rights provided by law, such as a minimum wage, social security benefits, termination pay, and job security. Laborers on agricultural plantations, most of whom were Indigenous persons, often worked in overcrowded and unsanitary conditions. The Ministry of Labor conducted limited oversight of working conditions in remote areas.

Access to health care was a significant problem for Indigenous communities, primarily due to poor infrastructure and lack of personnel and supplies.

Indigenous communities lacked access to education and justice due to the size and remoteness of their territories. Service infrastructure was deficient, and there was little presence of government authorities, including teachers, police, and justices of the peace.

## Children

**Child Abuse:** Child abuse was illegal. Penalties depended on the type of abuse and ranged from six months' to 20 years' imprisonment.

Investigations and prosecutions continued of alleged abuses committed against children in government-funded shelters.

The Ministry of Social Development maintained a free hotline for children and adults to report child abuse; the hotline was advertised widely. The ministry funded children's shelters operated by NGOs.

**Child, Early, and Forced Marriage:** The minimum legal age for marriage was 18, which the government effectively enforced.

**Sexual Exploitation of Children:** The law prohibited the commercial sexual exploitation, sale, and offering for prostitution of children, in addition to prohibiting child pornography. The minimum age of consent was 14. The Ministry for Public Security prosecuted cases of sexual abuse of children, including within Indigenous communities. Ministry officials confirmed commercial sexual exploitation of children occurred, including along the country's border with Colombia where irregular migration was prominent.

## Antisemitism

Jewish community leaders estimated there were 15,000 Jewish individuals in the country. There were no known reports of antisemitic incidents.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** The law did not criminalize consensual same-sex sexual conduct between adults. The National Police and firefighter's disciplinary code, however, listed the practice of homosexuality and lesbianism as a "grave offense" and grounds for dismissal. There were no known instances of this regulation's enforcement.

**Violence and Harassment:** Civil society groups alleged police harassment of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals as well as high levels of violence against transgender persons by both state and nonstate actors. In May, LGBTQI+ activists alleged that a homosexual individual died as a result of a fight with other members of the LGBTQI+

community due to police condoning the fight and urging others not to intervene. In August, civil society protested a well-publicized attack against a transgender person. The government provided no estimate of the number of cases of violence against LGBTQI+ individuals.

**Discrimination:** The law did not prohibit discrimination based on sexual orientation. There was societal discrimination based on sexual orientation and gender identity, which often led to denial of employment opportunities. The Supreme Court upheld in February a law prohibiting same-sex marriage; the court also upheld the prohibition against same-sex couples married abroad legally registering their marriages in the country.

Regulations related to children's names were different for same-sex and opposite-sex couples. For example, it was impossible under the law to ensure that a child with two women parents would be given the same last name as both parents, even though unmarried opposite-sex parents had this option.

**Availability of Legal Gender Recognition:** The law had a narrow path to gender recognition that required invasive physical examinations. The law did not recognize nonbinary status. Civil society groups alleged that gender recognition was virtually impossible. The law allowed for name changes, although barriers – including, in most cases, a five-year period of continued use – existed that impeded such legal changes.



**Involuntary or Coercive Medical or Psychological Practices:** LGBTQI+ civil society leaders alleged that some churches used so-called conversion therapy and coordinated with the National Institute on Mental Health. Leaders of the International Coalition of Women and Family alleged that instances of so-called conversion therapy occurred during the year. There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons. There were no reports of government efforts to limit these practices.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

No laws explicitly restricted the freedom of expression, association, or peaceful assembly of LGBTQI+ individuals. In August, the University of Panama cancelled an LGBTQI+ film festival. LGBTQI+ civil society organizations publicly criticized the university’s action. Civil society groups involved in the festival stated the cancellation was due to university concerns about the event’s political implications, according to press reports, although university officials did not provide further explanation regarding the cancellation.

## **Persons with Disabilities**

The law mandated that persons with disabilities have access without discrimination to education, health services including rehabilitation and

therapy, public transportation, public and private buildings, sports and cultural events, and employment. The government did not enforce the law effectively.

Persons with disabilities faced difficulty accessing education, health services, public buildings, and transportation on an equal basis with others. There was discrimination against persons with disabilities in employment and occupation, specifically in hiring and in accessing the workspace.

Municipalities failed to enforce accessibility standards for new buildings, many of which lacked the mandated requirements for accessibility.

Government information and communications were not provided in accessible formats.

Most of Panama City's bus fleet was inaccessible to persons using wheelchairs. Public buses in the rest of the country were small and not adapted for persons with disabilities. Panama City Metro elevators were closed for most of the year, according to NGO representatives. A lack of ramps further limited access to older Metro stations, although one of the Metro lines had ramp access.

## **Other Societal Violence or Discrimination**

The law prohibited discrimination in employment and education against persons with HIV or AIDS. Discrimination, however, continued to be common due to ignorance of the law and a lack of compliance mechanisms.

LGBTQI+ individuals with HIV or AIDS reported a deterioration in their rights amid rising social stigma and political opposition. There were reports that applicants for jobs were required to undergo medical examinations, including testing for HIV and AIDS. The law required all laboratories to inform applicants that an HIV test would be administered, but private-sector laboratories often did not inform the patient that HIV testing would occur. It was common practice for private-sector human resources offices to terminate applications of citizens with HIV without informing applicants that they were denied employment because of their HIV status.

Under the law, employees were not obligated to disclose their HIV or AIDS status to their employer, but if they did so, the employer had to keep the information confidential. Employers could be fined for not keeping an employee's medical condition confidential. There were few reports of the government enforcing antidiscrimination laws.

During the year, there was only one appointment available per patient each month for the HIV viral load test at the Ministry of Health's facilities. There were guidelines for appointment priorities that prioritized pregnant women and newly diagnosed patients at the expense of other patient groups, such as LGBTQI+ individuals. Capacity limitations at the facilities meant delayed appointments for stable patients. Private laboratories providing HIV tests to migrants often informed law enforcement of migrants with HIV. There were no instances of the National Migration Service deporting a migrant based on

the migrant's HIV status.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the right of private-sector workers to form and join independent unions, bargain collectively, and conduct strikes. The law prohibited antiunion discrimination and required reinstatement of workers terminated for union activity, but union leaders reported the government did not effectively enforce it.

Government regulations on union membership placed some restrictions on freedom of association. The constitution mandated that only citizens could serve on a union's executive board. In addition, the law required a minimum of 40 persons to form a private-sector union (either by a company across trades or by trade across companies) and allowed only one union per business establishment. The International Labor Organization observed that the 40-person minimum was a potential impediment to the right to organize and bargain collectively.

Unions were required to register with the Ministry of Labor. If the ministry did not respond to a private-sector union registration application within 15 calendar days, the union automatically gained legal recognition, provided

the request was submitted directly and with the required supporting documentation. The Ministry of Labor received 11 new requests for unions in 2022; two were in the process of admission, two in the process of correction, and seven were ultimately not admitted. One union was granted membership in 2022.

Public-sector employees could organize to create professional associations to bargain collectively on behalf of their members, even though public institutions were not legally obliged to bargain with such associations. Public-sector professional associations had to apply to the Ministry of Government for legal recognition. Recognition was automatic if the government did not respond to the application within 30 days. The law stipulated only one association could exist per public-sector institution and there could be no more than one chapter per province. At least 50 public servants were required to form a professional association. Members of the national police were the only workers prohibited from creating professional associations.

There were 27 public-worker associations registered under the National Federation of Public Servants (FENASEP), an umbrella federation of public-sector worker associations. Individual professional associations under the National Council of Organized Workers could negotiate on behalf of their members, but the Ministry of Labor could order compulsory arbitration. Public-sector professional associations represented most public-sector

workers.

The labor code protected the right of private-sector workers to strike, with limitations. A majority of employees in an enterprise had to join a strike to make it legal. Strikes were permitted only if they were related to improving working conditions, a collective bargaining agreement, repeated violations of legal rights, or to support a strike by other workers on the same project, known as a solidarity strike. In the event of a strike in essential sectors, 20 to 30 percent of the workforce had to continue working to provide minimal services. Legally defined essential services included transportation, sanitation, mail delivery, hospital care, telecommunications, and provision of necessary food. Strikes in essential transportation services involved only public transportation. The law prohibited public-sector associations from calling strikes, and the law did not protect public-sector workers from losing their jobs if they participated in strikes. Nonetheless, strikes in the public sector did occur.

A 2021 law vindicated the right of public servants to the recognition and payment of their seniority bonus. As of October, several autonomous government agencies, including the National Bank and the Colon Free Zone among others, retroactively paid public servants from 2014. Other public servants organized demonstrations to claim their right to the seniority bonus. The central government had not applied this right.

The law prohibited strikes by Panama Canal Authority employees but

allowed professional associations representing Panama Canal Authority employees to organize and bargain collectively on matters such as schedules and safety. The Panama Canal Authority provided a legal framework for arbitration to resolve disputes.

Less than 15 percent of the private-sector labor force was organized. Sectors such as banking, retail, and most call centers did not have unions due to efforts by employers to prevent unions from organizing.

FENASEP received complaints from public servants that they were dismissed because of their support for the political opposition. The administration generally dismissed public workers without citing a legal basis and always without paying negotiated employment benefits such as paid vacation leave or severance pay.

The government did not consistently enforce the labor code in the private sector and was less likely to enforce the law in rural areas. Penalties for violations were commensurate with those under other laws involving denials of civil rights. Penalties were sometimes applied against violators.

Although violence against labor unions was not common, two union teachers were killed by a bystander at a protestor-organized road closure on November 10.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided a national minimum wage only for private-sector employees. The minimum wage was above the poverty line. Most workers formally employed in urban areas earned the minimum wage or more. The minimum wage for public workers was above the poverty line, although the wage was not revised biannually, unlike for private sector employees.

The law established a standard workweek of 48 hours, provided at least one 24-hour rest period weekly, limited the number of hours worked per week, provided premium pay for overtime, and prohibited compulsory overtime.

There was no annual limit on the total number of overtime hours allowed. If



employees worked more than three hours of overtime in one day or more than nine overtime hours in a week, excess overtime hours had to be paid at an additional 75 percent above the normal wage. In August, doctors threatened to go on strike due to abuse of working hours, which kept them on 36-hour shifts.

**Occupational Safety and Health:** The Ministry of Labor was responsible for setting occupational safety and health (OSH) standards. Standards were generally current and appropriate for the industries in the country. The law required employers to provide a safe workplace environment, including the provision of protective clothing and equipment for workers. Workers could remove themselves from unsafe situation without jeopardizing their employment.

Observers reported independent OSH experts had not visited sites to proactively identify unsafe conditions in recent years. Equipment was often outdated, broken, or lacking safety devices, due in large part to fear that replacement costs would be prohibitive.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor generally enforced the law in the formal sector. The number of inspectors and safety officers was insufficient to enforce wage, hour, and OSH regulations adequately in the formal sector, according to officials from the Ministry of Labor and from the Office of the Ombudsman. Penalties were not commensurate with those for similar violations. Penalties were regularly

applied against violators.

According to official sources, 48 percent of the working population worked in the informal sector. The government did not enforce labor laws in the informal sector.