



HUMAN
RIGHTS
WATCH

Neglected in the Jungle

Inadequate Protection and Assistance for Migrants and Asylum Seekers Crossing the Darién Gap



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**Inadequate Protection and Assistance for Migrants and
Asylum Seekers Crossing the Darién Gap**

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Summary

Luciana, 31, and Juan Herrera (pseudonyms), 32, left Venezuela in 2023, leaving their three children, ages 2, 6, and 11, behind. In March 2023, they crossed the Darién Gap, a swampy jungle at the Colombia-Panama border, with the hope of going to the United States. In their five-day walk across the jungle, a group of men wearing hoods and black clothes assaulted them, demanding US\$100 from each person in their group. The men had guns and machetes, Juan and Luciana said. “Look straight or we will kill you,” one told the couple. The armed men took another young woman aside, letting her go once her brother paid. Frightened, she ran away and almost fell off a cliff.

Over half a million people crossed the Darién Gap in 2023, often heading to the United States. During their journey through this difficult terrain, Venezuelans, Haitians, and Ecuadorians, as well as people from Asia and Africa, have experienced serious abuses, including sexual violence. Dozens, if not hundreds, have lost their lives or gone missing trying to cross. Many have never been found.

Human Rights Watch visited the Darién Gap four times between April 2022 and June 2023 and interviewed almost 300 people. Human Rights Watch documented why migrants and asylum seekers flee their own countries and are reluctant to stay in other countries in South America; how criminal groups abuse and exploit them on the way; and where Colombia’s and Panama’s policies fall short in assisting, protecting, and investigating abuses against them.

This report, part of a series of Human Rights Watch reports on migration via the Darién Gap, focuses on Colombia’s and Panama’s responses to migration across their border. It identifies specific shortcomings in their efforts to protect and assist these people—including those at higher risk, such as unaccompanied children—as well as to investigate abuses against them. The report provides concrete recommendations to the governments of Colombia and Panama on how to address these shortcomings and to donor governments, the United Nations and regional bodies, and humanitarian organizations on how to support and cooperate with Colombia and Panama in these efforts.

Our findings show that Colombia and Panama are failing to effectively protect the international human rights of migrants and asylum seekers transiting through the Darién Gap. Under the International Covenant on Civil and Political Rights (ICCPR) and the American Convention on Human Rights (ACHR), treaties Colombia and Panama have ratified, governments have an obligation to protect the right to life and physical integrity of people in their territory, including transiting migrants and asylum seekers, and to investigate violations effectively, promptly and thoroughly. Additionally, both governments have an obligation under the International Covenant on Economic, Social and Cultural Rights and the Protocol of San Salvador to take appropriate steps to ensure access to food, water, and essential health services for all people in their territory without discrimination.

In Colombia, the government lacks a clear strategy to safeguard the rights of migrants and asylum seekers crossing the Darién Gap. The limited government presence in the region effectively leaves these people to be preyed upon by the Gulf Clan, an armed group involved in drug trafficking, which controls the movement of migrants and asylum seekers and profits from their desperation and vulnerability. Colombian authorities' efforts to investigate crimes and dismantle the Gulf Clan in the region have yielded minimal results. The government lacks reliable information on the number of migrants crossing and their humanitarian needs, impacting authorities' ability to effectively ensure the rights to access food, water and sanitation. Mayor's offices from departing municipalities lack sufficient expertise, personnel, and resources to respond to the increased influx of migrants and asylum seekers.

The Panamanian government implements a strategy of "controlled flow" (or "humanitarian flow") on the other side of the Darién Gap. The policy appears focused on restricting the free movement of migrants and asylum seekers within Panama and seeking their swift exit to Costa Rica, rather than on addressing their needs. Indigenous communities could play an important role in the humanitarian response, but they receive little to no government help. Migrant reception stations are inadequate, posing risks to migrants and asylum seekers. Limited state capacity, lack of access to drinking water and strained health facilities means people have their basic rights denied.

In a worrying step, on March 4, the Panamanian government suspended the work of Médecins Sans Frontières (MSF or Doctors without Borders) in the country, arguing that their agreement with the humanitarian group had ended in December. MSF, which played a

leading role in assisting migrants and asylum seekers, including hundreds of victims of sexual violence, said it has repeatedly sought to renew the agreement.

Additionally, Panamanian security forces appear to have engaged in abuses against migrants and asylum seekers in some specific instances. Obstacles to reporting crimes and the absence of oversight mechanisms create an environment rife for impunity for security forces' abuses, including sexual violence.

Crimes against migrants and asylum seekers in the Darién Gap, including pervasive cases of sexual violence, go largely uninvestigated and unpunished on both sides of the border. Accountability for these abuses is rare, due to a combination of limited resources and personnel, a lack of a criminal investigation strategy for these cases, and poor coordination between Colombian and Panamanian authorities.

Migrants and asylum seekers crossing the Darién Gap transit through communities that have experienced longstanding marginalization and neglect. In Colombia's Urabá region, which has high poverty rates, limited state presence (other than the military) and ineffective action on organized crime has meant the Gulf Clan exerts control and abuses locals. Poverty rates are even higher and state abandonment more pronounced in Afro-Colombian and Indigenous communities. In Panama's Darién province, the poorest in the country, people lack sufficient access to basic public services like water, sanitation and health care. Indigenous people, including in the communities of Bajo Chiquito and Canaán Membrillo, where migrants first arrive after crossing the Darién Gap, suffer high levels of poverty and poor access to public services. After decades of lack of opportunities and neglect, some communities on both sides of the border profit from the increase in migration.

Addressing the situation in the Darién Gap will require broader efforts from across the region. As Human Rights Watch has recommended in the first report in this series, Latin American governments and the United States should reverse measures that are preventing access to asylum and forcing people into dangerous crossings like the Darién Gap. They should honor the 40th anniversary of the 1984 Cartagena Declaration, a landmark international instrument on refugees' rights in Latin America, to adopt rights-respecting policies.

In the meantime, Colombian and Panamanian authorities should do more to respect their international human rights obligations discussed in this report. They should ensure the economic and social rights of migrants and asylum seekers crossing their countries, as well as local communities, prevent abuses against by armed groups and bandits, and carry out meaningful efforts to investigate, prosecute, and punish abuses. Both Colombia and Panama should appoint a special advisor or senior official to coordinate the response to increased migration across the Darién Gap and bolster the cooperation among the two governments and with UN and other humanitarian agencies.

Both governments should work with humanitarian organizations and local communities to establish a joint mechanism to rescue people who go missing in the Darién Gap and to identify and recover dead bodies in the jungle. They should also strengthen efforts to prevent and investigate sexual violence against migrants and asylum seekers, including by increasing forensic capacity in the region, prioritizing investigations into these cases and addressing obstacles that make it harder for victims to report crimes. Working with humanitarian organizations, governments should bolster medical, including psychological, assistance for victims.

Whatever the reason for their journey, migrants and asylum seekers crossing the Darién Gap are entitled to basic safety and respect for their human rights along the way. Colombia and Panama can and should do more to protect their rights.

Key Recommendations

To the Colombian and Panamanian states:

- Appoint a special advisor or senior official to coordinate the response to increased migration across the Darién Gap and bolster the cooperation among the two governments and with UN and other humanitarian agencies.
- Improve conditions in departing municipalities and Indigenous communities both for local people and migrants and asylum seekers, especially by improving social investment to ensure access to electricity, drinking water, sewage system, trash disposal, latrines, and healthcare services.
- Work together and with humanitarian organizations and local communities to create a joint mechanism to rescue or recover and identify the bodies of people who go missing in the Darién Gap.
- Work together and with humanitarian organizations and local communities to create a joint mechanism to identify vulnerable migrants and asylum seekers, including unaccompanied children, pregnant people, or people with medical conditions, and ensure an appropriate response upon their arrival in Panama.
- Ensure that the two Attorney General's Offices work together to develop a joint strategy to bolster reports of abuses occurring in the Darién Gap, identify patterns in cases committed against migrants and asylum seekers and seek the dismantling of criminal groups attacking and/or profiting on them.
- Work to implement a joint security strategy that ensures protection for migrant populations and local communities on both sides of the border.
- Ensure further humanitarian assistance in the area, including by supporting the work of humanitarian organizations, including MSF, and ensuring that they can operate without undue restrictions.

To the Colombian state:

- Enhance the presence and capacity of national and local institutions in the Urabá region, including of Migración Colombia, ICBF, the Attorney General's Office, and the Ombudsperson's Office.
- Support local municipalities by establishing a specific budget for them to respond to migrant and asylum seekers' needs, and by working with them to ensure their

development plans take into consideration the arrival and transit of migrants and asylum seekers and establish appropriate contingency and response plans.

- Ensure that prosecutors investigate the role of the Gulf Clan in taking migrants and asylum seekers across the Darién Gap, including by allocating prosecutors of the working group to investigate human trafficking, migrant smuggling, and related crimes in the Urabá region.
- Ensure that any future ceasefires or negotiations with the Gulf Clan include clear protocols and safeguards to prevent the group from expanding its territorial control and committing additional abuses.
- Work with humanitarian organizations to conduct periodic surveys on the number of migrants and asylum seekers in the Urabá region, identify their needs, and share this information with the Panamanian government on a regular basis.

To the Panamanian state:

- Work with UN and humanitarian NGOs to develop an inter-sectoral contingency plan to respond to the situation in the Darién and ensure assistance and protection to migrants, asylum seekers, and the local population, considering the needs of specific groups based on their ethnicity, origin, race, age, gender, disability, and sexual orientation.
- Modify the “controlled flow” strategy (also called “humanitarian flow strategy”) to establish a clearly articulated plan that considers the needs of migrants and asylum seekers and ensures their right to seek asylum and to be free from any arbitrary restriction on movement.
- Enhance institutional capabilities in the Darién region, particularly those of the Ombudsperson’s Office, ONPAR, SENNIAF, Ministry of Health, and Ministry of Women, including by ensuring an increase presence of female staff and of translators, and that these agencies are present in the Indigenous communities or reception stations.
- Increase the capacity of the boarding facility for children in Metetí and develop, disseminate, and implement written protocols for the identification and care of separated and unaccompanied children.
- Ensure full implementation of the 2022 agreement that allows judges and prosecutors to consider anticipated sworn testimony from migrants and asylum seekers to avoid the need for an in-person appearance at trial (the procedure known as “prueba anticipada”).

To the US Government and all international donors:

- Establish or expand safe, orderly, and regular pathways for migration and enhance the availability and flexibility of such pathways for people considering entering the Darién Gap.
- Seize the 40th anniversary of the 1984 Cartagena Declaration, a landmark international instrument on refugees' rights in Latin America, to adopt rights-respecting policies, in particular, by implementing a region-wide temporary protection regime that would grant all Venezuelans and Haitians temporary legal status.
- Fund credible efforts to improve the humanitarian response in the Darién Gap, including to ensure dignified migration centers and other shelters; to increase humanitarian aid, improving the conditions in departing municipalities in Colombia and Indigenous communities in Panama; and to prevent and investigate abuses, including sexual violence, against migrants.

To the Office of the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM):

- Establish an inter-agency coordination mechanism in Panama to respond to the challenges of increased migration, following the example of the GIFMM in Colombia and ensuring that the mechanism has the capacity to identify gaps in assistance and where available donor funds should be directed.
- Build on the experience of the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) to ensure monitoring, documentation, and analysis of migration of people of all nationalities, including Haitians, Cubans, and Ecuadorians.

Methodology

This report is part of a series of Human Rights Watch reports on migration in the Americas and the Darién Gap. A previous report documented how a lack of safe and legal pathways has pushed migrants and asylum seekers fleeing human rights crises in Latin America to risk their lives crossing the Darién Gap.¹ A forthcoming report is expected to focus on the drivers of migration in the region—including the situations in Venezuela, Haiti, and Ecuador, as well as flaws in the integration and regularization policies of several South American countries through or from which migrants often travel.

In researching the situation in the Darién Gap for the series, Human Rights Watch visited the Colombian side of the Darién in April 2022 and June 2023 and the Panamanian side in May 2022 and March 2023. Furthermore, Human Rights Watch conducted phone interviews with sources in the area between January 2022 and March 2024. In total, researchers interviewed more than 160 migrants and asylum seekers who had or were about to cross the Darién Gap. Some people—including a few who had reached the United States, Costa Rica, or Mexico—were interviewed by phone. Interviews were conducted in Spanish, Portuguese, French, and English.

During its visits and by phone, Human Rights Watch also interviewed nearly 50 humanitarian workers from UN agencies and humanitarian organizations, as well as Colombian and Panamanian authorities within the national Ombudsperson’s Offices, Attorney General’s Offices, Ministries of Foreign Affairs, and migration offices, among others.

Human Rights Watch also interviewed by phone migration experts, as well as international, regional, and local organizations and legal clinics working with migrants and asylum seekers throughout the region, including in Brazil, Chile, Colombia, Ecuador, and Peru.

Most migrants and asylum seekers and some humanitarian workers spoke to researchers on condition that we withhold their names and other identifying information. This report

¹ Human Rights Watch, *“This Hell Was My Only Option:” Abuses Against Migrants and Asylum Seekers Pushed to Cross the Darién Gap* (Human Rights Watch: New York, 2023), <https://www.hrw.org/report/2023/11/09/hell-was-my-only-option/abuses-against-migrants-and-asylum-seekers-pushed-cross>.

has also withheld interviewees' details when Human Rights Watch assessed that publishing the information would put someone at risk. Human Rights Watch uses pseudonyms to identify migrants and asylum seekers interviewed during its research.

Human Rights Watch informed all participants of the purpose of the interview, its voluntary nature, and how the information would be used. Each participant orally consented to be interviewed. They did not receive any payment or other incentive. Where appropriate, Human Rights Watch provided migrants and asylum seekers with contact information for organizations offering healthcare, legal, social, or counseling services.

Human Rights Watch took care when interviewing survivors of abuses, particularly of sexual violence. When possible, Human Rights Watch received information from humanitarian workers supporting survivors to minimize the risk that recounting their experiences could further traumatize the survivors.

Human Rights Watch reviewed academic studies regarding migration in Latin America, as well as data and reports by the Colombian, Panamanian and US governments; UN agencies; international, regional, and local human rights and humanitarian organizations; local legal clinics; and media outlets.

Significantly, Human Rights Watch obtained access and analyzed anonymized data from 1,382 surveys of migrants and asylum seekers conducted by the Office of the UN High Commissioner for Refugees (UNHCR) in the Darién Gap between July 2022 and June 2023.²

As part of the research on migration in the Americas and the Darién Gap, Human Rights Watch sent multiple information requests to government authorities. The information requests included:

- In July 2022, July 2023 and February 2024, Human Rights Watch sent information requests to the following Colombian authorities regarding the departure of migrants and asylum seekers from Colombia and authorities' response: the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Interior, the national police, the national migration office (Migración Colombia), the Attorney

² UNHCR does not warrant in any way the accuracy of the data or information reproduced from Microdata Library and may not be held liable for any loss caused by reliance on the accuracy or reliability thereof.

General's Office, the Ombudsperson's Office, the Colombian Family Welfare Institute (Instituto Colombiano de Bienestar Familiar, ICBF), and the mayor's offices of Necoclí, Turbo, Acandí, Juradó, and Unguía. In 2022 and 2023, Human Rights Watch received partial or complete responses from all Colombian authorities with the exception of the Mayor's Office of Acandí and Migración Colombia. As of March 21, 2024, only the ICBF and the Mayor's Office of Necoclí had responded to the February 2024 information requests.

- In July 2022, March 2023 and February 2024, Human Rights Watch sent information requests to the following Panamanian authorities regarding the arrival of migrants and asylum seekers to Panama and authorities' response: the Ministry of Foreign Affairs, the Ministry of Public Safety, the Ministry of Health, the National Migration Service (Servicio Nacional de Migración, SNM), the National Border Service (Servicio Nacional de Fronteras, SENAFRONT), the Attorney General's Office, the Ombudsperson's Office, the National Service for Children, Adolescents, and Families (Secretaría Nacional de Niñez, Adolescencia y Familia, SENNIAF), and the National Office for Refugee Care (Oficina Nacional para la Atención de Refugiados, ONPAR). In 2022 and 2023, Human Rights Watch received partial or complete responses from all Panamanian authorities. As of March 21, 2024, only the Attorney General's Office had responded to the February 2024 information requests.

I. Background: The Darién Gap

The Darién Gap is a swampy jungle that lies between the Colombian state of Chocó and the Panamanian province of Darién, forming a natural border not only between those countries, but also between South and Central America.

The terrain is steep and slippery, the rivers rushing, especially during the rainy season. Most routes follow paths that crest a rugged mountain range with ridges as high as 1,800 meters (6,000 feet)—where flags mark the Colombian-Panamanian border. People crossing call the highest pass “Death Hill” (Loma de la Muerte) and the Turquesa river “Death River” (Río de la Muerte), for the large number of dead bodies in its waters.³ Temperatures range from 20 to 35 degrees Celsius (75 to 95 degrees Fahrenheit), with heavy rainfall and flooding from May to December.

For decades, migrants and asylum seekers migrating northward from South America have used the Darién Gap, generally with the intent of entering the US. Thousands of people, from more than 70 nationalities,⁴ have made the journey through what the International Organization for Migration (IOM) calls “one of the most dangerous migration routes.”⁵

Despite a significant drop from in 2020, caused by border closures and quarantine measures adopted in response to the Covid-19 pandemic, the number of people crossing the Darién Gap soared by almost 4,000 percent between 2020 and 2022.⁶ The number of people crossing has increased dramatically in recent years, reaching a record of over

³ Human Rights Watch interviews with migrants and asylum seekers in Panama, May 2022 and March 2023.

⁴ Panama’s Ombudsperson’s Office, *Ombudsperson’s Office Report on the Human Rights Situation of Children and Adolescents in the Move and in Border Areas in Panama* (“Informe defensorial sobre la situación de derechos humanos de la niñez y adolescencia en movilidad humana y en zonas de frontera de Panamá”), 2022, https://www.defensoria.gob.pa/wp-content/uploads/INFORME-NINEZ-Y-ADOLESCENCIA-DEF_PUEBLO-PANAMA-ONLINE.pdf (accessed March 4, 2024), p. 13.

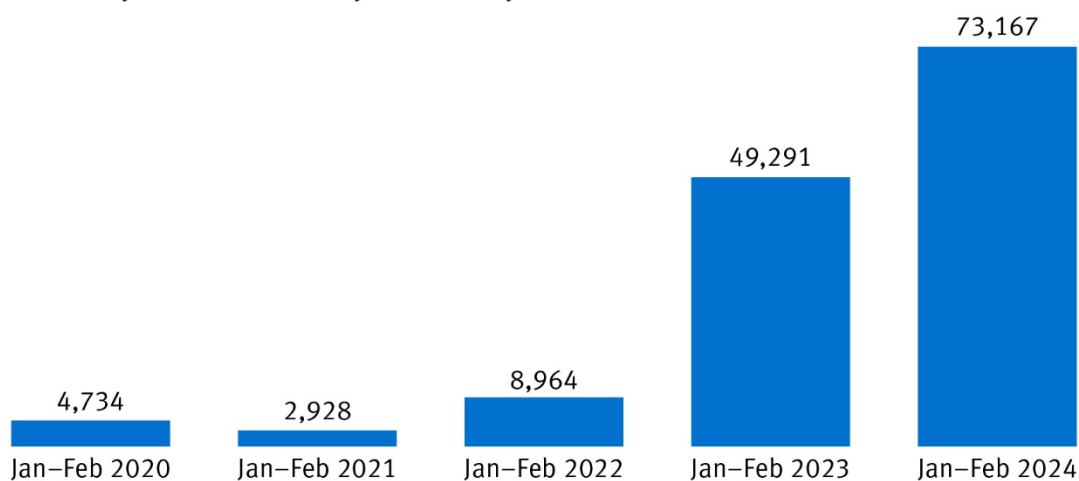
⁵ Carlos Escobar, “Between Uncertainty and Hope: Crossing the Darién Gap is Only the Beginning,” post to “The Storyteller” (blog), IOM, January 16, 2023, <https://storyteller.iom.int/stories/between-uncertainty-and-hope-crossing-darien-gap-only-beginning> (accessed March 4, 2023).

⁶ Panama’s National Migration Service, “Irregular Transit through the Darién” (“Tránsito Irregular por Darién”), n.d., <https://www.migracion.gob.pa/inicio/estadisticas> (accessed March 4, 2024).

500,000 crossings in 2023.⁷ Panamanian authorities estimate that the number will reach around 800,000 crossings.⁸

Transit routes through the Darién Gap have changed over the years in response to the needs of migrants and asylum seekers and restrictions imposed by Panamanian authorities as well as by the Gulf Clan.⁹

Number of Crossings through the Darién Gap January and February Monthly Trends, 2020–2024



Source: Panama's National Migration Service, "Irregular Transit through the Darién" ("Tránsito Irregular por Darién"), n.d., <https://www.migracion.gob.pa/inicio/estadisticas> (accessed March 4, 2024).

⁷ Panama's National Migration Service, "Irregular Transit of Foreigners in the Border with Colombia: Year 2023" ("Tránsito irregular de extranjeros por la frontera con Colombia: año 2023"), n.d., https://www.migracion.gob.pa/images/img2023/pdf/IRREGULARES_X_DARIEN_2023.pdf (accessed March 4, 2024); Panama's National Migration Service, "Irregular Transit of Foreigners in the Border with Colombia: Year 2022" ("Tránsito irregular de extranjeros por la frontera con Colombia: año 2022"), n.d., https://www.migracion.gob.pa/images/img2023/pdf/IRREGULARES_POR_DARIEN_DICIEMBRE_2022.pdf (accessed March 4, 2024).

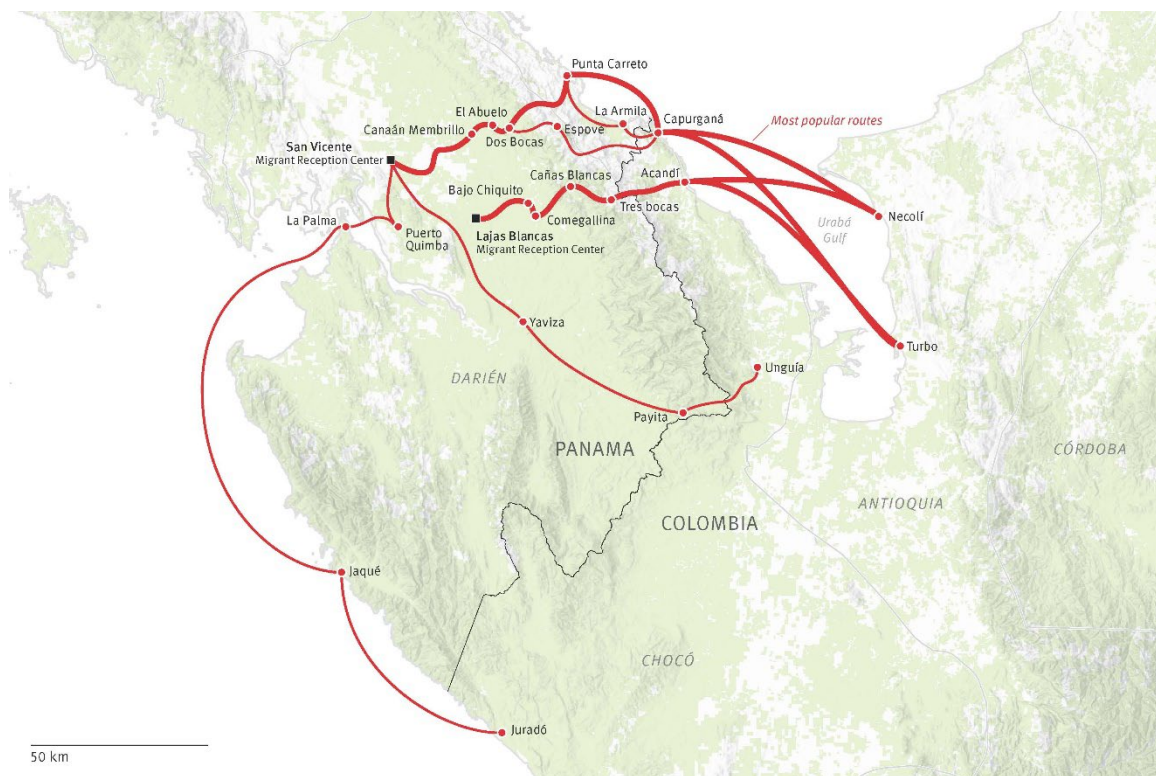
⁸ "This year the number of irregular migrants will surpass that of 2023, said Minister Pino" ("Este año la cifra de migrantes irregulares será superior a 2023: afirmó el ministro Pino"), Ministry of Public Safety press release, February 19, 2024, <https://www.minseg.gob.pa/2024/02/este-ano-la-cifra-de-migrantes-irregulares-sera-superior-a-2023-afirmo-el-ministro-pino/> (accessed March 4, 2024); Human Rights Watch phone interview with an Ombudsperson's Office official, February 19, 2024.

⁹ See Human Rights Watch, *"This Hell Was My Only Option."*

Migrants and asylum seekers start their journey across the Darién Gap by boat in Necoclí or Turbo, in Colombia. After staying for a couple of hours or overnight in shelters in Acandí or Capurganá, migrants and asylum seekers start their days-long journey through the jungle, sleeping in their tents or outdoors along the way. Interviewees describe climbing steep hills until reaching the summit where a flag marks the border with Panama.

Once they cross the border, migrants and asylum seekers descend along the river, passing by Indigenous settlements and then hiring Indigenous people to transport them in small wooden canoes, known as “piraguas,” to the Indigenous communities and then to the Migrant Reception Station (Estación de Recepción Migratoria, ERM).¹⁰

During their journey, migrants and asylum seekers of all nationalities frequently experience robbery and serious abuses, including sexual violence.



¹⁰ Ibid.

Over 30 percent of the roughly 1,380 people interviewed by UNHCR in the Darién Gap between July 2022 and June 2023 reported suffering some type of abuse in the jungle, including theft (20 percent), fraud (14 percent), and threats or other acts of “intimidation” (11.3 percent).¹¹

MSF assisted 328 people who reported sexual violence while crossing the Darién between April and December 2021;¹² 232 in 2022; and 676 in 2023, including 214 only in December.¹³ In January 2024 MSF recorded 120 more cases.¹⁴ MSF considers the total number of survivors to be likely higher.¹⁵

Victims, humanitarian workers, and Panamanian authorities told Human Rights Watch that in most cases of sexual violence, armed men ambushed groups of migrants and asylum seekers, separated them by gender, and forced the women to take off their clothes. Women said that the men sexually assaulted them, often under the pretext of searching for hidden money, and in some cases raped them.¹⁶

Many migrants have lost their lives or gone missing trying to cross the Darién Gap. The IOM’s Missing Migrants Project reported that at least 245 people had disappeared in the Darién

¹¹ Information obtained by Human Rights Watch via UNHCR’s Microdata Library, August 28, 2023 (on file with Human Rights Watch).

¹² MSF uses the World Health Organization’s (WHO) definition of sexual violence: “sexual violence encompasses acts that range from verbal harassment to forced penetration, and an array of types of coercion, from social pressure and intimidation to physical force.” World Health Organization, “Understanding and addressing violence against women: sexual violence,” November 28, 2012, <https://www.who.int/publications/i/item/WHO-RHR-12.37> (accessed March 4, 2024). The number of cases MSF reported in 2021 and 2023 are not comparable. MSF workers were present in Bajo Chiquito during parts of 2021 and 2022 but did not operate there during subsequent parts of 2022 and 2023. They operated again in Bajo Chiquito between June 2023 and March 2024, when the Panamanian government forced them to suspend their work in the Darién Gap.

¹³ Human Rights Watch, “This Hell Was My Only Option.”; MSF, “Sexual violence in the Darién: we assisted 676 victims in 2023” (“Violencia sexual en el Darién: atendimos a 676 víctimas en 2023”), January 25, 2024, <https://www.msf.org.co/actualidad/pese-a-multiples-alertas-no-se-detiene-la-violencia-sexual-en-el-darien/> (accessed March 4, 2024).

¹⁴ MSF, “Médecins Sans Frontières Forced to Suspend Medical Care for Migrants in Darién Gap, Panama,” March 7, 2024, <https://prezly.msf.org.uk/medecins-sans-frontieres-forced-to-suspend-medical-care-for-migrants-in-darien-gap-panama> (accessed March 20, 2024).

¹⁵ MSF, “Humanitarian situation in Darién, August 2023” (“Situación humanitaria en Darién, Agosto 2023”) (on file with Human Rights Watch).

¹⁶ Human Rights Watch interviews with migrants and asylum seekers in Panama, May 2022 and March 2023; Human Rights Watch interviews with humanitarian workers in Panama, May 2022 and March 2023; Human Rights Watch interviews with Panamanian prosecutors in Santa Fe and Canaán Membrillo, May 2022 and March 2023.

between 2021 and March 2024.¹⁷ It also said that “anecdotal reports” suggested that figure represented “only a small fraction of the true number of lives lost.”¹⁸ In September 2023, the head of Panama’s National Migration Service, Samira Gozaine, told the press that “we will never know” the number of people who died or went missing in the jungle.¹⁹

¹⁷ IOM, “Migration in the Americas” (“Migración en las Américas”), n.d., https://missingmigrants.iom.int/es/region/las-americas?region_incident=All&route=3876&year%5B%5D=2500&year%5B%5D=10121&year%5B%5D=11681&incident_date%5Bmin%5D=&incident_date%5Bmax%5D= (accessed March 4, 2024).

¹⁸ IOM, “Number of Migrants Who Embarked on the Dangerous Darién Gap Route Nearly Doubled in 2022,” January 17, 2023, <https://www.iom.int/news/number-migrants-who-embarked-dangerous-darien-gap-route-nearly-doubled-2022> (accessed March 4, 2024).

¹⁹ Adelita Coriat, “Samira Gozaine: ‘Es imposible conocer la cifra de desaparecidos o muertos en el Darién,’” *La Estrella de Panamá*, September 17, 2023, <https://www.laestrella.com.pa/panama/poligrafo/samira-gozaine-imposible-conocer-cifra-PELE498412> (accessed March 4, 2024).

II. Colombia's Response

The government of Colombia lacks a clear strategy to ensure the rights of migrants and asylum seekers crossing the Darién Gap.

The lack of an adequate response and the poor government presence in the area have put the rights, including to life, physical integrity, health, water, and food, of people at risk and created a breeding ground for the Gulf Clan and actors linked to it to control of people's movement as well as the profit that is made from migrants and asylum seekers' desperation and vulnerability.

Humanitarian Response

By the time migrants and asylum seekers arrive to Necoclí or Turbo to start their journey across the Darién Gap, they have walked or traveled for days.²⁰ Many told Human Rights Watch that they crossed entire countries facing extortion, abusive migration authorities, and discrimination, and that they had to sleep and ask for money in the streets to continue their journey.²¹

The main need on the Colombian side of the Darién Gap is food, according to the Norwegian Refugee Council (NRC) and the Interagency Group for Mixed Migration Flows (Grupo Interagencial de Flujos Migratorios Mixtos, GIFMM), a coordination platform for humanitarian actors and government agencies. Other needs included potable water, shelter, child protection, and health services.²²

²⁰ Tamara Taraciuk and Juan Pappier, "A Bus Ticket for Venezuelan Walkers in Colombia," *Caracas Chronicles*, January 8, 2022, <https://www.caracaschronicles.com/2022/01/08/a-bus-ticket-for-venezuelan-walkers-in-colombia/> (accessed March 4, 2024).

²¹ Human Rights Watch interviews with migrants and asylum seekers in Colombia and Panama, April and May 2022 and March and June 2023.

²² See, e.g., NRC, "Monitoring Cross-Border Protection: Colombia and Panama, Narrative Report May 2023" ("Monitoreo de Protección Transfronterizo: Colombia y Panamá, Informe Narrativo Mayo 2023"), May 2023 (on file with Human Rights Watch), p.5; GIFMM, "Situation of refugees and migrants in transit in Necoclí – 1st half of June 2023" ("Situación de Personas Refugiadas y Migrantes en Tránsito En Necoclí – 1a Quincena de Junio 2023"), June 29, 2023, <https://www.r4v.info/es/document/gifmm-colombia-situacion-de-personas-refugiadas-y-migrantes-en-transito-en-necocli-1a-1> (accessed March 4, 2024).

Since late 2022, the GIFMM, co-led by UNHCR and IOM, has been coordinating the efforts of humanitarian organizations and local authorities, leading to some improvements in the overall humanitarian response.²³ Additionally, in 2023, Colombian authorities increased their presence in the Gap, deploying personnel from Migración Colombia, the state agency handling migratory issues, and the ICBF, charged with child protection.²⁴

In 2023, the Ministry of Equality and Equity established a Directorate for Migrant Population to oversee migration matters. Its goal is to implement policies that safeguard the rights of migrants, including those in transit, and to coordinate immediate humanitarian aid and socio-economic integration.²⁵ The ministry is currently developing a protocol and a policy to assist migrants. The ministry told Human Rights Watch that they plan to open centers to assist migrants and asylum seekers in Necoclí, Turbo, Acandí and Capurganá.²⁶

Despite these efforts, Human Rights Watch found serious shortcomings that put migrants and asylum seekers at risk. Among them, authorities have no reliable estimate of the number of migrants and asylum seekers in the area or those crossing to Panama, or of their humanitarian needs.²⁷

²³ See, e.g., GIFMM, “GIFMM Urabá-Colombia,” n.d., <https://www.r4v.info/en/node/90478> (accessed March 4, 2024).

²⁴ Human Rights Watch interview with humanitarian workers and Colombian local officials in Necoclí, June 2023.

²⁵ Law whereby the Ministry of Equality and Equity is created and other provisions are enacted (Ley por medio de la cual se crea el Ministerio de Igualdad y Equidad y se dictan otras disposiciones), Law 2281 of 2023, Congress of Colombia, https://www.minigualdadyequidad.gov.co/827/articles-277865_recurso_1.pdf (accessed March 7, 2024), art. 5; Decree 1075 of 2023, Ministry of Equality and Equity, https://www.minigualdadyequidad.gov.co/827/articles-277867_recurso_1.pdf (accessed March 7, 2024), art. 31. See also, Message posted by @luzmamunera on X, March 6, 2024, <https://twitter.com/luzmamunera/status/1765492867227664742> (accessed March 7, 2024); Ministry of Equality and Equity (Ministerio de la Igualdad y Equidad), “Organizational Chart” (“Organigrama”), n.d., <https://www.minigualdadyequidad.gov.co/portal/Secciones/El-Ministerio/277566:Organigrama> (accessed March 7, 2024).

²⁶ Human Rights Watch phone interview with an official of the Ministry of Equality and Equity, March 21, 2024.

²⁷ Human Rights Watch interviews with humanitarian workers and Colombian local officials in Necoclí, April 2022 and June 2023; Human Rights Watch interview with members of the Colombian and Panamanian Ombudsperson’s Offices, 2022 and 2023; Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No. 001-2023 for Colombia and Panama” (“Alerta Temprana No. 001-2023 para Colombia y Panamá”), April 12, 2023, <https://www.defensoria.gov.co/documents/20123/2135470/ALERTA+TEMPRANA+BINACIONAL+PANAMA-COLOMBIA+FINAL+0804231.pdf+%28+firmada%29.pdf/553cbdoc-f7e5-3383-4c1f-5e4042837f71?t=1681318485730> (accessed March 4, 2024), p. 39.

In June 2023, Migración Colombia introduced the Safe Transit app (Tránsito Seguro), allowing foreign individuals with irregular status in Colombia to stay in the country and use buses or other forms of transportation for up to 10 days without facing penalties.²⁸ Officers from Migración Colombia told Human Rights Watch that they assume migrants have left after the 10-day period but make no attempt to verify or register their departure.²⁹

Departing Municipalities

Communities living in municipalities on the Colombian side of the Darién region also face chronic rights abuses stemming from limited and ineffective social institutions and services, the effects of a long-standing armed conflict, drug trafficking and high levels of multidimensional poverty.³⁰

Rates of multidimensional poverty, which reflects income as well as the availability of and access to rights-essential goods and services like education, adequate housing, and drinking water, are very high in these municipalities compared to other areas in the country.³¹ According to government statistics, the percentage of people who fall below Colombia's nationally defined minimum of multidimensional poverty in Necoclí (57.63 percent), Turbo (39.15 percent), Acandí (36.44 percent), Juradó (56.11 percent), and Unguía (48.59 percent), are between two and four times higher than the national average (14.28 percent), with percentages going up to over 70 percent in some rural areas.³² In both Chocó

²⁸ Resolution 1720 of 2023, <https://drive.google.com/file/d/1WU5MfUorR24h-ETCaCMQZooy6yL1kuTj/view> (accessed March 4, 2024).

²⁹ Human Rights Watch interview with Migración Colombia officials in Necoclí, June 2023.

³⁰ Agency for Territorial Renewal (Agencia de Renovación del Territorio, ART), "ABC of PDET and PNIS" ("ABC de los PDET y el PNIS"), n.d., https://serviceweb.renovacionteritorio.gov.co/artdev/media/temp/2022-11-29_114636_1315189334.pdf (accessed March 4, 2024); Carlos Ariel García, "Geopolitical Dynamics of the Colombian Darién and the Colombian-Panamanian Border" ("Dinámicas geopolíticas del Darién colombiano y la frontera colombo panameña") (Thesis, Universidad Javeriana, 2009), <https://repository.javeriana.edu.co/bitstream/handle/10554/7646/tesis256.pdf?sequence=1&isAllowed=y> (accessed March 4, 2024), pp. 42-43.

³¹ Colombia's and Panama's Ombudsperson's Office, "Bi-national Early Warning No. 001-2023 for Colombia and Panama," p. 37; World Bank, "Multidimensional Poverty Measure," n.d., <https://www.worldbank.org/en/topic/poverty/brief/multidimensional-poverty-measure#:~:text=What%20is%20the%20Multidimensional%20Poverty,more%20complete%20picture%20of%20poverty> (accessed February 20, 2024)

³² National Administrative Unit of Statistics (Departamento Administrativo Nacional de Estadística, DANE), "Indicators of Unsatisfied Basic Needs (UBN), According to Recent Territorial Aggregations" ("Indicadores de Necesidades Básicas

and Antioquia states, Indigenous and Afro-Colombian households are much more likely to experience monetary poverty because of low incomes.³³

In April 2023, Colombia's and Panama's Ombudsperson's Offices found that municipal budgets and development plans on the Colombian side failed to take into consideration "the phenomenon of migration as well as the demand for services it entails."³⁴ The mayors' offices lack the necessary expertise, personnel, and financial resources to adequately respond to the influx of migrants and asylum seekers, Colombian officials and humanitarian workers told Human Rights Watch.³⁵

The influx of migrants and asylum seekers has transformed local economies, affecting the cost of living for both local communities and those passing through.³⁶ The high price of goods and services such as transportation, food, accommodation, and hygiene items, increases the need for humanitarian aid, according to humanitarian organizations. Many migrants and asylum seekers are unable to obtain enough money to pay for boat tickets and other fees charged by boat companies to continue their journey and are forced to stay for several days or weeks in the Colombian side of Darién, where they are exposed to violence and abuse.³⁷

Insatisfechas (NBI), según recientes agregaciones territoriales"), June 30, 2022, <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/necesidades-basicas-insatisfechas-nbi> (accessed March 4, 2024). See also, DANE, "Multidimensional poverty in Colombia" ("Pobreza multidimensional en Colombia"), May 23, 2023, https://www.dane.gov.co/files/investigaciones/condiciones_vida/pobreza/2022/bol-pobreza-multidimensional-2022.pdf (accessed January 22, 2024); DANE, "Multidimensional poverty in PDET" ("Pobreza multidimensional agregado PDET"), December 22, 2023, <https://www.dane.gov.co/files/operaciones/PM/bol-PMPDET-2022.pdf> (accessed January 22, 2024); ART, "Multidimensional Poverty" ("Pobreza multidimensional"), n.d., <https://centralpdet.renovacionterritorio.gov.co/visor-geografico-de-pobreza-multidimensional/> (accessed January 22, 2024).

³³ DANE, "Information on national monetary poverty 2022" ("Información Pobreza monetaria nacional 2022"), September 22, 2023, <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-monetaria> (accessed January 23, 2024).

³⁴ Colombia's and Panama's Ombudsperson's Office, "Bi-national Early Warning No. 001-2023 for Colombia and Panama," p. 48. In March 2024, the new administration of Necoclí, which took office in January, told Human Rights Watch that they are planning to include "sections on the phenomenon of migration" in their development plan. Human Rights Watch phone interview with staff of the Mayor's Office of Necoclí, March 20, 2024.

³⁵ Human Rights Watch interview with humanitarian workers and Colombian local officials in Necoclí, April 2022 and June 2023.

³⁶ Inspector General's Office, "Preventive Report Situation of the Migrant People in the Darién Gap and Cúcuta" ("Informe Preventivo Situación de la Población Migrante en el Tapón del Darién y Cúcuta"), February 2023 (on file with Human Rights Watch), p. 25.

³⁷ NRC, "Monitoring Cross-Border Protection: Colombia and Panama, Narrative Report May 2023," p. 3; Human Rights Watch interview with humanitarian workers and Colombian local officials in Necoclí, April 2022 and June 2023.

The absence of shelters in Necoclí and Turbo drives many migrants and asylum seekers—particularly Venezuelans—to sleep in tents at the beaches, where the risk of violence is higher.³⁸ In 2016, 2,000 Cuban migrants and asylum seekers were stranded in Turbo due to heightened controls and restrictions in Central American countries. In 2021, Necoclí experienced a similar situation, as tens of thousands of mainly Haitians were stranded due to Covid-19-related restrictions and overcrowding in Panama’s ERMs. While local authorities said that some 20,000 people were stranded, humanitarian actors estimated the number could be as high as 35,000. In both situations, migrants and asylum seekers were forced to improvise shelters, including tents by the beach, where they were exposed to the natural elements and had significant unmet humanitarian needs.³⁹

The GIFMM noticed periodic increases of migrants and asylum seekers sleeping in the streets and beaches in 2023.⁴⁰ In early 2024, the GIFMM reported that each night roughly 300-350 people were sleeping in the beaches in Necoclí and 150-200 in Turbo.⁴¹

In February 2024, following the arrest of two boat captains accused of “human smuggling,” boat companies in Necoclí suspended their services for five days in protest. Necoclí and Turbo witnessed a significant increase in the number of stranded migrants, which surpassed the 3,000; around 600 were sleeping at the beach in Necoclí and 300, in Turbo,

³⁸ Human Rights Watch interviews with humanitarian workers in Apartadó and Necoclí, April 2022 and June 2023; GIFMM, “Situation of refugees and migrants in transit in Necoclí – fourth week of February 2023” (“Situación de Personas Refugiadas y Migrantes en Tránsito En Necoclí – 4ta semana de febrero del 2023”), March 4, 2023, <https://www.r4v.info/es/document/gifmm-colombia-situacion-de-personas-refugiadas-y-migrantes-en-transito-en-necocli-4ta-2> (accessed March 4, 2024); Information provided to Human Rights Watch via email by the Turbo’s Mayor Office, September 13, 2023 (on file with Human Rights Watch); NRC, “Monitoring Cross-Border Protection: Colombia and Panama, Narrative Report May 2023,” pp. 3, 5.

³⁹ Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No. 001-2023 for Colombia and Panama,” p. 25; Human Rights Watch interviews with local authorities in Necoclí, April 2022 and June 2023; Human Rights Watch phone interview with a humanitarian worker, March 27, 2023.

⁴⁰ Human Rights Watch interviews with humanitarian workers in Apartadó and Necoclí, June 2023. See e.g., GIFMM, “Situation of refugees and migrants in transit in Necoclí – 1st half of May 2023” (“Situación de Personas Refugiadas y Migrantes en Tránsito En Necoclí – 1a quincena de mayo 2023”), May 25, 2023, <https://www.r4v.info/es/document/gifmm-colombia-situacion-de-personas-refugiadas-y-migrantes-en-transito-en-necocli-1a-o> (accessed March 4, 2024).

⁴¹ Human Rights Watch phone interview with humanitarian workers, March 6, 2024.

according to the Colombian Ombudsperson's Office, the Mayor's Office of Necoclí and humanitarian organizations.⁴²

People who sleep on the beach lack access to adequate housing and to goods and services essential to their rights, and they are at higher risk of being abused by the Gulf Clan and others, including through sexual and labor exploitation.⁴³ The Clan has forced some of them to carry drugs in small amounts across the Gap.⁴⁴ “Once in Acandí, we got to a camp controlled by the drug trafficking group Gulf Clan,” a woman told Human Rights Watch. “I did not have to pay [to cross the Gap], but some men asked me to carry a package. They said it contained drugs and if the package did not arrive, they would take my kids. After two days walking in the jungle, a group intercepted us and took the packages away, then they let us continue.”⁴⁵

Local authorities, especially in Necoclí, do not allow migrants and asylum seekers to keep their tents on the beach by day. Every morning, police officers require them to clear the beach.⁴⁶ “In the mornings they come and ask us to put all our things away,” said a Venezuela woman pointing to some backpacks underneath a palm tree.⁴⁷ “They are making us take away our tents at 6 a.m., and I have to wake up my children. The 14 and 16-year-old

⁴² Human Rights Watch phone interviews with officials of the Colombian Ombudsperson's Office, staff of the Mayor's Office of Necoclí and humanitarian workers, February and March 2024; See also, Julie Turkewitz, “Darién Gap Migration Is Halted After Colombia Arrests Boat Captains,” *New York Times*, February 28, 2024, <https://www.nytimes.com/2024/02/28/world/americas/migrants-darien-gap-arrests.html> (accessed March 4, 2024); Juan Miguel Hernández Bonilla, “Thousands of migrants stranded on the beaches of Necoclí awaiting a boat to reach the Darien: ‘We are in hell’” (“Miles de migrantes varados en las playas de Necoclí a la espera de una lancha para llegar al Darién: ‘Estamos en el infierno,’”), *El País*, March 3, 2024, <https://elpais.com/america-colombia/2024-03-03/miles-de-migrantes-varados-en-las-playas-de-necocli-a-la-espera-de-una-lancha-para-llegar-al-darien-estamos-en-el-infierno.html> (accessed March 4, 2024).

⁴³ Colombia's and Panama's Ombudsperson's Office, “Bi-national Early Warning No. 001-2023 for Colombia and Panama,” p. 38.

⁴⁴ Human Rights Watch interview with a member of the Colombia's Ombudsperson's Office, Necoclí, April 26, 2022; Colombia's and Panama's Ombudsperson's Office, “Bi-national Early Warning No. 001-2023 for Colombia and Panama,” p. 24. See also, Armed Group Analysis System (SAGA), “Mochileo or hormiguelo in the Darién: modality for overland trafficking of illicit drugs” (“Mochileo u hormiguelo en el Darién: modalidad para el tráfico terrestre de drogas ilícitas”), July 19, 2022, <https://saga.unodc.org.co/sites/default/files/2022-07/Mochileo%20u%20hormiguelo%20en%20el%20Darien%CC%81n.pdf> (accessed March 4, 2024).

⁴⁵ Human Rights Watch phone interview with a Colombian woman, January 18, 2023.

⁴⁶ Human Rights Watch interviews with humanitarian workers and a local human rights official in Necoclí, April 2022 and June 2023. Similarly, when Human Rights Watch researchers visited Necoclí, they observed how police officers asked migrants and asylum seekers to take away their tents.

⁴⁷ Human Rights Watch interview with a Venezuelan woman in Necoclí, June 28, 2023.

children work selling sweets [on the streets], but there's a lot of competition now," said another Venezuelan woman who had already spent three months in a beach in Necoclí, gathering money to cross the Darién Gap.⁴⁸

Necoclí

Necoclí, with a population of roughly 45,000 people, is a coastal town near the Caribbean Sea.⁴⁹ Currently, it is the main departure point for migrants and asylum seekers attempting to cross the Darién Gap, with boats departing to Acandí and Capurganá. According to the GIFMM, 91 percent of the people that crossed the Darién in 2023 departed from the docks in Necoclí and Turbo.⁵⁰

From January 2023 to February 2024, over 408,000 departed from Necoclí to cross the Gap, according to data from maritime transport companies.⁵¹ The GIFMM estimates an average of 1,000—1,200 departures daily, reaching peaks of over 3,000 in certain periods of the year.⁵²

The Risk Management department of the Mayor's Office leads the response to migration issues, as well as any other "emergency situations."⁵³ In 2023, the Mayor's Office created a working group (known in Spanish as "Mesa de Gestión Migratoria") with humanitarian organizations and national government agencies. The decree establishing the working group provides that it should meet at least every three months to discuss and develop local public policies related to migrants and asylum seekers.⁵⁴

⁴⁸ Human Rights Watch interview with a Venezuelan woman in Necoclí, June 27, 2023.

⁴⁹ DANE, "Municipal population figures by area, for the period 2020-2035" ("Serie municipal de población por área, para el periodo 2020-2035"), March 22, 2023, <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/proyecciones-de-poblacion> (accessed March 4, 2024).

⁵⁰ GIFMM, "Situation of refugees and migrants in transit in Necoclí – 2nd half of December 2023."

⁵¹ GIFMM, "Table 1. Departures from Maritime Transport Companies in Necoclí (January 1, 2023 - February 12, 2024)" ("Tabla 1. Salidas Empresas Transportadoras Marítimas Necoclí (1 Enero de 2023 - 12 Febrero de 2024)"), n.d. <https://docs.google.com/spreadsheets/d/e/2PACX-1vRP7KhsWbG3dgkLLdNFB9OPcadfD5-aQ-86Lx8oNdEbN1oLBX8A6bUQfUXDNBDSJeiAZi3yP4DAb2Na/pubhtml?gid=454335548&single=true> (accessed February 20, 2024).

⁵² Human Rights Watch phone interview with humanitarian workers, March 6, 2024.

⁵³ Human Rights Watch interview with official of the Risk Management department of the Mayor's Office of Necoclí, June 27, 2023.

⁵⁴ Decree 248 of 2023, Mayor's Office of Necoclí (on file with Human Rights Watch); Human Rights Watch interview with official of the Risk Management department of the Mayor's Office of Necoclí, June 27, 2023.

Since January 2024, the new municipal administration has conducted two meetings of the working group and, according to staff of the Mayor's Office, the members are working to establish an "action plan," which would include the establishment of a transitory housing facility.⁵⁵

Migrants and asylum seekers who have enough money to pay for housing in hotels or private rooms, food, and other services are seen as a source of income for the municipality. "The migrant with money is well-received in Necoclí as an economic catalyst," said an official of the Ombudsperson's Office. "The migrant who does not have money is not useful and is left unattended."⁵⁶

The humanitarian response in Necoclí is primarily carried out by humanitarian organizations through the coordination of GIFMM. "The Colombian government left the response in the hands of [international] cooperation," a humanitarian worker said. "There is no interest from the national government in addressing the issue."⁵⁷

Private nonprofit humanitarian organizations and UN agencies have largely filled the gap created by the absence of accessible public services for migrants and asylum seekers in town, including by distributing hygiene items and water purification tablets, providing information about routes of travel, and providing food and health services.⁵⁸ For example, GIFMM-affiliated agencies can send migrants to the local hospital, which is treating migrants and asylum seekers.⁵⁹ Since the first level of medical attention is covered by the municipality, local authorities told Human Rights Watch that the municipality owes 135 million Colombian pesos (around US\$35,000) to the hospital, though the figure was much higher in 2023 and local authorities fear it may increase again.⁶⁰ According to the GIFMM,

⁵⁵ Human Rights Watch phone interview with staff of the Mayor's Office of Necoclí, March 20, 2024.

⁵⁶ Human Rights Watch interview with an official of Colombia's Ombudsperson's Office, April 26, 2022.

⁵⁷ Human Rights Watch interview with a humanitarian worker in Apartadó, April 25, 2022.

⁵⁸ Human Rights Watch phone and in-person interviews with humanitarian workers and officials of the Colombian Ombudsperson's Office, April and November 2022 and June 2023.

⁵⁹ Human Rights Watch interviews with humanitarian workers in Necoclí, June 2023.

⁶⁰ Human Rights Watch phone interview with staff of the Mayor's Office of Necoclí, March 20, 2024; See also, Sebastián Estrada Ramírez, "The Necoclí hospital seized the municipality due to a debt incurred from the passage of migrants," ("Hospital de Necoclí embargó al municipio por deuda por paso de migrantes"), *Caracol Radio*, September 3, 2023, <https://caracol.com.co/2024/03/04/abren-inspeccion-disciplinaria-a-la-alcaldia-de-medellin-por-contrato-con-la-u->

since 2022, IOM is paying for health care for the cases of migrants and asylum seekers that it refers to the hospital, particularly for pre-natal checkups.⁶¹

In August 2023, GIFMM said that the humanitarian services were struggling to adequately respond to the large number of people sleeping on the beaches and streets of Necoclí, who, as described above, are exposed to various risks.⁶²

Jacinto Molina (pseudonym), 28, departed Venezuela in 2022 with his 22-year-old wife and their 4-year-old son after he lost his job as a truck driver.⁶³ Facing financial hardship, they struggled to afford food. Jacinto and his family had slept in a tent on the beach in Necoclí for two days when he spoke with Human Rights Watch. Jacinto said that no one from the Mayor's Office had contacted them to assist. They received water and food from humanitarian organizations. To gather enough money for the boat fare, Jacinto and his wife started collecting garbage and recycling, earning 10,000 pesos (approximately US\$2.50) each day. They were hoping to obtain \$40 each to pay for their boat ticket.

Alicia Olmos (pseudonym), a 22-year-old Venezuelan coming from Ecuador, traveled two months before arriving at Necoclí.⁶⁴ Alicia, her husband—who became sick in Necoclí—and her children had to sleep for seven days on the beach before being able to buy the boat tickets. Alicia asked for money on the streets; some Haitian migrants gave her \$50. She said she was afraid to ask for help from Colombian authorities because she feared they would take her children because they were sleeping on the streets. “We need to keep going, no matter what, and at any cost. We have no other options; we have been homeless; we have survived by begging for too long. It’s not fair,” Alicia said. “We left Venezuela fleeing poverty, and we have

nacional/ (accessed March 4, 2024); Laura Jiménez Valencia, “The Necoclí hospital seized the Municipality's accounts due to a debt for migrant care,” (“Hospital de Necoclí embargó cuentas de la Alcaldía por deuda de atención a migrantes”), *El Tiempo*, September 2, 2024, <https://www.eltiempo.com/colombia/medellin/antioquia-hospital-de-necocli-embargo-cuenta-de-la-alcaldia-802101> (accessed March 4, 2024).

⁶¹ Human Rights Watch interviews with humanitarian workers in Necoclí, June 2023; Human Rights Watch phone interview with humanitarian workers, August 2023.

⁶² GIFMM, “Situation Update in Necoclí and Turbo (Antioquia) – August 15” (“Actualización de Situación en Necoclí y Turbo (Antioquia) – 15 de agosto”), August 15, 2023, <https://www.r4v.info/es/document/gifmm-colombia-actualizacion-de-situacion-en-necocli-y-turbo-antioquia-15-de-agosto> (accessed March 4, 2024).

⁶³ Unless otherwise noted, this case is based on a Human Rights Watch interview with Jacinto Molina (pseudonym) in Necoclí, April 26, 2022.

⁶⁴ Unless otherwise noted, this case is based on a Human Rights Watch interview with Alicia Olmos (pseudonym) in Necoclí, April 26, 2022.

to reach the United States because it's the only place where we might have a chance to move forward.”

Luis López (pseudonym), a young Venezuelan man, had travelled from Peru with his pregnant wife for over a week and a half, when Human Rights Watch interviewed him.⁶⁵ He pointed to discrimination against Venezuelans and criminality in Peru. He had worked for two days carrying bags of sand, with a total pay of 50,000 pesos (around \$12). Luis was trying to earn money to continue the journey through the Darién.

In April 2023, the GIFMM, the Mayor's Office, the Ministry of Foreign Affairs, and UN agencies began discussions to open a so-called “Border Assistance Center” (Centro de atención fronterizo, CAF) that would concentrate all the services provided by humanitarian organizations and the Colombian government.⁶⁶ In June, humanitarian organizations and the ICBF expressed concerns about the location of the CAF. The Mayor's Office wanted to locate it on a property a 20-to-30-minute walk from the beaches where migrants and asylum seekers sleep or the docks from where they depart. They feared such location would hinder access for many migrants and asylum seekers.⁶⁷ As of March 2024, the CAF had not been built.⁶⁸ The Ministry of Equality officials said their ministry will build centers to assist migrants instead.⁶⁹

In July 2023, Colombia's Ombudsperson's Office established a “House of Rights” (Casa de Derechos), a space to provide advice and support to displaced, asylum seekers, and migrant populations.⁷⁰

⁶⁵ Unless otherwise noted, this case is based on a Human Rights Watch interview with Luis López (pseudonym) in Necoclí, June 27, 2023.

⁶⁶ Hebrew Immigrant Aid Society (HIAS), “Cross-border Protection Monitoring number 3 – February to April 2023” (“Monitoreo de protección transfronterizo Número 3 – febrero a abril del 2023”), July 5, 2023, <https://reliefweb.int/report/colombia/monitoreo-de-proteccion-transfronterizo-numero-3-febrero-abril-2023> (accessed March 4, 2024), p. 1.

⁶⁷ Human Rights Watch interview with humanitarian organizations and members of the ICBF in Necoclí, June 2023.

⁶⁸ Human Rights Watch phone interview with humanitarian workers, March 4, 2024; Human Rights Watch phone interview with staff of the Mayor's Office of Necoclí, March 20, 2024.

⁶⁹ Human Rights Watch phone interview with an official of the Ministry of Equality and Equity, March 21, 2024.

⁷⁰ Information provided to Human Rights Watch via email by the Colombia's Ombudsperson's Office, August 16, 2023 (on file with Human Rights Watch); Human Rights Watch phone interviews with Colombia's Ombudsperson's Office and humanitarian workers, February and March 2024.

Turbo

Turbo, with 133,430 inhabitants, is located south of Necoclí.⁷¹ After nearly 2,000 migrants and asylum seekers, most from Cuba, were stranded in Turbo in 2016, fewer people have departed from there. However, since late 2022 there has been an increase, particularly of migrants and asylum seekers with fewer financial resources.⁷² The GIFMM and the Mayor's Office estimated that around 1,000 people were departing each day from Turbo by late August 2023, although the number decreased by December, following a seasonal reduction in the number of people crossing the gap.⁷³

The increase in departures from Turbo means that humanitarian organizations have to divide their resources between Necoclí and Turbo. Many still do not have permanent staff in the area and move between Turbo and Necoclí to carry out their work.⁷⁴ While some humanitarian organizations assist and provide relevant information to migrants and asylum seekers in Turbo's boat dock, the GIFMM noted in August 2023 that the "response is limited" and "resources available are scarce." Mobilization of humanitarian workers "involves a logistical and financial effort beyond the current capacity," the GIFMM said.⁷⁵

"Turbo has a [migrant and asylum seeker] population with less information and increased vulnerabilities," said a member of a humanitarian organization itinerantly operating in the municipality.⁷⁶ In August, GIFMM estimated that at the moment 400 people needed food

⁷¹ DANE, "Municipal population figures by area, for the period 2020-2035."

⁷² Human Rights Watch interviews with humanitarian workers in Necoclí, June 2023; Human Rights Watch interview with officials of the Colombian Ombudsperson's Office, June 26, 2023; GIFMM, "Situation of refugees and migrants in transit in Necoclí – 1st week of March 2023" ("Situación de Personas Refugiadas y Migrantes en Tránsito En Necoclí – 1ra semana de marzo 2023"), March 17, 2023, <https://www.r4v.info/es/document/gifmm-colombia-situacion-de-personas-refugiadas-y-migrantes-en-transito-en-necocli-1ra-1> (accessed March 4, 2024); "Migrants May Depart from Turbo" ("Migrantes podrán salir desde Turbo"), Mayor's Office of Turbo press release, October 12, 2022, <https://turbo-antioquia.gov.co/NuestraAlcaldia/SalaDePrensa/Paginas/MIGRANTES-PODR%C3%80N-SALIR-DESDE-TURBO.aspx> (accessed March 4, 2024); Olivares Tobón Santiago, "Dock opened in Turbo to expedite the evacuation of migrants in Urabá" ("Se habilitó muelle en Turbo para agilizar la evacuación de los migrantes en el Urabá"), *El Colombiano*, October 13, 2022, <https://www.elcolombiano.com/antioquia/habilitan-puerto-de-turbo-antioquia-para-solucionar-crisis-migratoria-NE18857082> (accessed March 4, 2024).

⁷³ Human Rights Watch phone interview with a humanitarian worker, August 2023; Information provided to Human Rights Watch via email by the Mayor's Office of Turbo, September 13, 2023 (on file with Human Rights Watch); GIFMM, "Situation of refugees and migrants in transit in Necoclí – 2nd half of December 2023."

⁷⁴ Human Rights Watch interviews with humanitarian workers in Necoclí, June 2023.

⁷⁵ GIFMM, "Situation Update in Necoclí and Turbo (Antioquia) - August 15."

⁷⁶ Human Rights Watch interview with a humanitarian worker in Necoclí, June 28, 2023.

and that 12,000 liters of water and eight latrines were required to cover water and sanitation needs.⁷⁷

The Mayor's Office told Human Rights Watch in 2023 that it did not have a "contingency plan" to respond to migration in their municipality, nor a "budget for humanitarian assistance of migrants."⁷⁸ Due to the absence of a shelter and the limited "hotel capacity [...] public places [...] have become shelters for overnight camping," the office said.⁷⁹

In February 2024, the Mayor's Office of Turbo established a working group, similar to that of Necoclí. It also "proposed" setting up a temporary accommodation space for migrants and asylum seekers near the bus terminal.⁸⁰

Acandí

Acandí, with some 15,000 inhabitants, is located near the Caribbean Sea and the border with Panama.⁸¹ It is the last Colombian municipality many migrants and asylum seekers reach before entering the jungle.

In February 2023, the Inspector General's Office reported that the municipality did not have a health center with capacity to aid migrants needing urgent healthcare. It also highlighted the absence of government institutions, including Migración Colombia.⁸²

In Acandí and Capurganá, a small town in the same municipality, there are shelters for migrants and asylum seekers run by non-state actors.⁸³ They are highly organized, the Colombian Ombudsperson's Office said, with many local people involved in their

⁷⁷ GIFMM, "Situation Update in Necoclí and Turbo (Antioquia) - August 15."

⁷⁸ Information provided to Human Rights Watch via email by Mayor's Office of Turbo, September 13, 2023 (on file with Human Rights Watch).

⁷⁹ Ibid.

⁸⁰ Human Rights Watch phone interviews with humanitarian workers, February and March 2024.

⁸¹ DANE, "Municipal population figures by area, for the period 2020-2035."

⁸² Inspector General's Office, "Preventive Report Situation of the Migrant People in the Darién Gap and Cúcuta," p. 32.

⁸³ Human Rights Watch interview with humanitarian workers, migrants and asylum seekers in Colombia and Panama, March and June 2023.

operation,⁸⁴ and offer several services, including a place to sleep or to prepare their meals.⁸⁵ Some migrants and asylum seekers told Human Rights Watch that they saw armed men in the camps, who ensured order and the safety of people, including by preventing robberies.⁸⁶ Several sources said they believed the men are linked to the Gulf Clan.⁸⁷

As of March 2024, only humanitarian organizations providing health services were operating inside the shelters, including the Colombian Red Cross, the NGO Action Against Hunger and Médecins du Monde.⁸⁸ Other humanitarian organizations told Human Rights Watch they do not have a permanent presence in Acandí or Capurganá, mainly because of security reasons. The lack of state presence in these camps could put their workers at risk or legitimize private actors that control the shelters, they said.⁸⁹

The lack of permanent presence of Colombian authorities and humanitarian organizations inside the shelters means that authorities are unable to monitor, prevent or respond to abuses against migrants and asylum seekers.⁹⁰ “There have been reports about survival sex, ‘hormigueo’ [the use of migrants and asylum seekers to move drugs across the border], some intimidation by armed individuals within the shelters, among others, but we have not been able to verify [these reports],” a humanitarian worker said.⁹¹

In August, the Ombudsperson’s Office said they were hoping to establish a “house of rights” in Acandí but lacked sufficient funding.⁹²

⁸⁴ Human Rights Watch phone and in-person interviews with officials of the Colombian Ombudsperson’s Office, June 2023 and August 2023.

⁸⁵ Human Rights Watch interviews with migrants and asylum seekers in Panama, March 2023.

⁸⁶ Human Rights Watch interviews with migrants and asylum seekers in Panama, March 2023.

⁸⁷ Human Rights Watch phone interviews with humanitarian workers and an official with Colombia’s Ombudsperson’s Office, August 2023; Human Rights Watch interviews with humanitarian workers and members of the Colombian Ombudsperson’s Office in Necoclí and Apartadó, June 2023; Human Rights Watch interviews with migrants and asylum seekers in Panama, March 2023.

⁸⁸ Human Rights Watch phone interview with humanitarian workers, March 6, 2024; Human Rights Watch interviews with humanitarian workers in Necoclí, June 2023.

⁸⁹ Human Rights Watch phone interview with humanitarian workers, March 27, 2023 and March 7, 2024; Human Rights Watch interviews with humanitarian workers in Necoclí, April 2022 and June 2023.

⁹⁰ Human Rights Watch interviews with humanitarian workers in Apartadó and Necoclí, June 2023.

⁹¹ Human Rights Watch phone interview with a humanitarian worker, March 2023.

⁹² Information provided to Human Rights Watch via email by the Colombia’s Ombudsperson’s Office, August 2023 (on file with Human Rights Watch).

On February 5, 2024, the Mayor’s Office of Acandí established a working group with the purpose of coordinating “actions related with the promotion, protection, access to rights, assistance and socio-economic integration” of migrants and asylum seekers.⁹³ As of early March, the group had yet to meet.⁹⁴

Unguía and Juradó

Unguía and Juradó are two municipalities in the Chocó state, with roughly 14,000 and 7,000 inhabitants, respectively.⁹⁵ Migrants and asylum seekers use the routes crossing through these municipalities less often than the others described above.⁹⁶

Unguía has a low presence of state institutions such as Migración Colombia, and the areas of the municipality with the highest passage of migrants and asylum seekers have extensive coca crops.⁹⁷ The Ombudsperson’s Office said that if the number of people using this route increases, “Unguía would not be capable of handling [it].”⁹⁸

In August 2022, the Mayor’s Office of Juradó told Human Rights Watch that they only knew about 12 people who had transited through the municipality. The municipality is mostly composed of islands and jungle and the office said they did not have the capacity to identify people transiting through areas other than the main city. They only learned about them when “regrettable events” took place, the office said, citing as an example a December 2021 shipwreck in which at least six people died.⁹⁹

The office said that they “do not have sufficient resources”—both financial and staff—to respond to any influx of migrants and asylum seekers and lack protocols to coordinate the

⁹³ Decree 018 of 2024, Mayor’s Office of Acandí (on file with Human Rights Watch).

⁹⁴ Human Rights Watch phone interview with humanitarian workers, February and March 2024.

⁹⁵ DANE, “Municipal population figures by area, for the period 2020-2035.”

⁹⁶ See Human Rights Watch, *“This Hell Was My Only Option.”*

⁹⁷ Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” p. 17.

⁹⁸ Ibid.

⁹⁹ Information provided to Human Rights Watch via email by the Mayor’s Office of Juradó, August 1, 2022 (on file with Human Rights Watch); Human Rights Watch phone interview with a humanitarian worker, August 2023.

response with other municipalities in Colombia, like Necoclí and Acandí, or with Panamanian authorities.¹⁰⁰

As of March 2024, Unguía and Juradó lack permanent presence of humanitarian organizations and of national government institutions such as ICBF and Migración Colombia.¹⁰¹ In 2021, UNHCR helped the Governor’s Office of Chocó to establish a “contingency plan” for the mayor’s offices of Juradó and neighboring Bahía Solano and Nuquí to respond to migration in their municipalities. But humanitarian workers told Human Rights Watch in August 2023 that the plan had not been implemented.¹⁰²

Protection, Security, and Access to Justice

Limited State Presence and Security Operations

Municipalities on the Colombian side of the Darién Gap, including Acandí, Unguía, Juradó, Turbo, and Necoclí, have “historically suffered from state abandonment,” according to Colombia’s Ombudsperson’s Office.¹⁰³ Most of them are “category six,” the lowest in a nationwide government measurement that considers the number of inhabitants, the municipalities’ income, and its institutional capacities.¹⁰⁴ Their residents suffer from a limited availability of roads and infrastructure, inadequate health care and education, low coverage of basic services, and limited presence of law enforcement agencies.¹⁰⁵

Necoclí, Turbo, Acandí, and Unguía, have been included in the so-called Development Programs with a Territorial Focus (Programas de Desarrollo con Enfoque Territorial, PDET), a plan created in the 2016 peace accord with the Revolutionary Armed Forces of Colombia

¹⁰⁰ Ibid.

¹⁰¹ Human Rights Watch phone interviews with humanitarian workers and an official of the Ombudsperson’s Office, February and March 2024.

¹⁰² Information provided to Human Rights Watch via email by the Mayor’s Office of Juradó, August 1, 2022 (on file with Human Rights Watch); Human Rights Watch phone interview with a humanitarian worker, August 2023.

¹⁰³ Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No. 001-2023 for Colombia and Panama,” p. 37.

¹⁰⁴ Law 617 of 2000, Congress of Colombia, <https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Leyes/1664753> (accessed March 4, 2024); General Accounting Office, “Categorization of Departments, Districts and Municipalities” (“Categorización de Departamentos, distritos y municipios”), n.d., <https://www.contaduria.gov.co/categorizacion-de-departamentos-distritos-y-municipios> (accessed March 4, 2024).

¹⁰⁵ Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No. 001-2023 for Colombia and Panama,” p. 39.

(Fuerzas Armadas Revolucionarias de Colombia, FARC) guerrillas which seeks to increase the presence of state institutions in areas highly affected by the armed conflict, poverty, and illegal economies.¹⁰⁶

However, efforts to implement the PDET in these municipalities have been limited.¹⁰⁷ As of January 2024, authorities had finalized only a handful of public works established under the PDET¹⁰⁸ in these municipalities and less than half of the PDET “initiatives” were under implementation.¹⁰⁹

The mayor’s offices have limited capacity, and the Gulf Clan exercises control over large parts of the territory, engages in illegal economies, including drug trafficking, and commits serious abuses.¹¹⁰

Through security operations Agamenón, which started in 2015, and Condor, which began in late 2021, Colombian authorities have sought to dismantle the Gulf Clan at a national level. These operations captured high-ranking leaders of the Clan, including Dairo Antonio

¹⁰⁶ ART, “ABC of PDET and PNIS;” ART, “What are the PDET?” (¿Qué son los PDET?), n.d., <https://centralpdet.renovacionterritorio.gov.co/conoce-los-pdet/#mapadiv> (accessed January 22, 2024); Human Rights Watch, *Left Undefended: Killings of Rights Defenders in Colombia’s Remote Communities* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities>.

¹⁰⁷ See Laura Herrera and Emilia Isaza, “Chronicle of a Foretold Forgetfulness: Can the Fate of the PDET Be Changed?” (“Crónica de un olvido anunciado: ¿Se puede cambiar el destino de los PDET?”), Fundación Ideas para la Paz, October 23, 2023, <https://ideaspaz.org/publicaciones/opinion/2023-10/la-cronica-de-un-olvido-anunciado-puede-cambiarse-el-destino-de-los-pdet> (accessed January 22, 2024).

¹⁰⁸ According to official statistics, authorities had finalized 11 public works connected with PDETs in Necoclí, 11 in Turbo, 5 in Unguía and 2 in Acandí. ART, “Completed Works” (“Obras terminadas”), January 31, 2024, <https://centralpdet.renovacionterritorio.gov.co/obras-terminadas/> (accessed March 4, 2024).

¹⁰⁹ According to official statistics, authorities were implementing 69 “PDET initiatives” in Necoclí (out of 151), 108 in Turbo (out of 249), 54 in Unguía (out of 125) and 43 in Acandí (out of 105). ART, “Progress of initiatives” (“Avance de iniciativas”), January 31, 2024, <https://centralpdet.renovacionterritorio.gov.co/avance-en-iniciativas/> (accessed March 4, 2024).

¹¹⁰ Inspector General’s Office, “Preventive Report Situation of the Migrant People in the Darién Gap and Cúcuta,” p. 25.

Úsuga, alias “Otoniel,”¹¹¹ but failed to significantly weaken the group’s control.¹¹² In recent years, the Clan has expanded its presence across Colombia; its members were present in 392 municipalities in 2023,¹¹³ compared to 253 in 2022¹¹⁴ and 213 in 2019, according to the Ombudsperson’s Office.¹¹⁵

Since President Gustavo Petro took office in August 2022, his government has sought a negotiated demobilization of the Gulf Clan. After four months of “exploratory meetings,” on December 31, 2022, President Petro announced a six-month bilateral ceasefire with the Clan,¹¹⁶ as well as with four other armed groups. The ceasefires covered abuses by armed groups against civilians and fighting between the Colombian armed forces and police and each armed group, but not fighting among the armed groups.¹¹⁷

¹¹¹ “‘Agamenón’, the operation that has already dismantled half of the ‘Gulf Clan’” (“‘Agamenón’, la operación que ya desmanteló la mitad del ‘Clan del Golfo’”), Colombia’s National Police news release, May 8, 2017, <https://www.policia.gov.co/noticia/agamenon-operacion-que-ya-desmantelo-mitad-del-clan-del-golfo> (accessed March 4, 2024); “This is how Operation Agamenón led to the whereabouts of alias ‘Otoniel’” (“Así fue la operación Agamenón que logró dar con el paradero de alias ‘Otoniel’”), *El Espectador*, October 23, 2021, <https://www.elespectador.com/judicial/asi-fue-la-operacion-agamenon-que-logro-dar-con-el-paradero-de-alias-otoniel/> (accessed March 4, 2024); “This is how the National Government’s offensive against the Gulf Clan is progressing” (“Así avanza la ofensiva del Gobierno Nacional contra el Clan del Golfo”), *El País de Cali*, July 14, 2022, <https://www.elpais.com.co/judicial/asi-avanza-la-ofensiva-del-gobierno-nacional-contra-el-clan-del-golfo.html> (accessed March 4, 2024).

¹¹² “Ombudsman met with mayors of the country to review security and human rights situation” (“Defensor del Pueblo se reunió con alcaldes del país para revisar situación de seguridad y derechos humanos”), Colombia’s Ombudsperson’s Office news release, July 27, 2023, <https://www.defensoria.gov.co/-/defensor-del-pueblo-se-reunió-con-alcaldes-del-pa%C3%ADs-para-revisar-situación-de-seguridad-y-derechos-humanos> (accessed March 4, 2024).

¹¹³ “The expansion and consolidation of illegal armed groups are the main threat to the country” (“La expansión y consolidación de los grupos armados ilegales son la principal amenaza para el país”), Colombia’s Ombudsperson’s Office news release, January 23, 2024, <https://www.defensoria.gov.co/-/la-expansi%C3%B3n-y-consolidaci%C3%B3n-de-los-grupos-armados-ilegales-son-la-principal-amenaza-para-el-pa%C3%ADs> (accessed March 4, 2024); Colombia’s Ombudsperson’s Office, “Early Warning No. 030-2023 Regional Elections” (“Alerta Temprana No. 030-2023 Elecciones Regionales 2023”), August 23, 2023, <https://alertasstg.blob.core.windows.net/alertas/030-23.pdf> (accessed March 4, 2024).

¹¹⁴ “The expansion and consolidation of illegal armed groups are the main threat to the country,” Colombia’s Ombudsperson’s Office news release; Colombia’s Ombudsperson’s Office, “Early Warning No. 004-2022 Warning Document for the Electoral Process 2022” (“Alerta Temprana No. 004-2022 Documento de Advertencia por Proceso Electoral 2022”), February 17, 2022, <https://alertasstg.blob.core.windows.net/alertas/004-22.pdf> (accessed September 26, 2023).

¹¹⁵ Colombia’s Ombudsperson’s Office, “Early Warning No. 035-2019 Electoral 2019” (“Alerta Temprana No. 035-2019 Riesgo Electoral 2019”), August 31, 2019, <http://www.indepaz.org.co/wp-content/uploads/2020/02/AT-N%C2%Bo-035-19-Riesgo-Electoral.pdf> (accessed March 4, 2024).

¹¹⁶ Decree 2658 of 2022, signed on December 31, 2022, <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=201704> (accessed March 4, 2024).

¹¹⁷ *Ibid.*

There appeared to be insufficient preparation, including of relevant protocols, for the ceasefires, resulting in significant obstacles to their continued observance. Among them, the Attorney General's Office questioned the legal basis to suspend arrest warrants against members of the Clan, as established under the ceasefire, and refused to do so.¹¹⁸ The Gulf Clan violated the ceasefire on multiple occasions and investigators from the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP), a transitional justice court system, found that the ceasefire had “no impact” on the armed group's behavior toward civilians.¹¹⁹

The Gulf Clan also continued its efforts to expand its presence across the country, including by fighting with the National Liberation Army (Ejército de Liberación Nacional, ELN) and dissident groups that emerged from the demobilized FARC guerrillas.¹²⁰ The government ended the ceasefire with the Gulf Clan in mid-March 2023—three months before the deadline—arguing that the armed group had repeatedly attacked the police.¹²¹

Since then, security forces have restarted operations against the Clan, including in Urabá, to arrest its members and dismantle cocaine laboratories.¹²² As of mid-August, the Ministry of Defense said security forces had arrested 409 members of the Gulf Clan since January,

¹¹⁸ “Operations against the Gulf Clan suspended, but Attorney General's Office maintains captures” (“Suspenden operaciones contra Clan del Golfo, pero Fiscalía mantiene capturas”), *El Espectador*, January 16, 2023, <https://www.elespectador.com/judicial/suspenden-operaciones-contra-lideres-del-clan-del-golfo-tras-orden-presidencial/> (accessed March 4, 2024).

¹¹⁹ Investigation and Prosecution Unit Special Jurisdiction for Peace, “Ceasefire impact assessment” (“Evaluación del Impacto del Cese al Fuego”), June 2, 2023, <https://www.jep.gov.co/JEP/documents1/Informe%20evaluaci%C3%B3n%20del%20impacto%20del%20cese%20al%20fuego.pdf> (accessed March 4, 2024).

¹²⁰ Colombia's Ombudsperson's Office, “Early Warning No. 030-2023 Regional Elections.”

¹²¹ Decree 380 of 2023, Ministry of Defense, https://jurinfo.jep.gov.co/normograma/compilacion/docs/decreto_0380_2023.htm (accessed March 4, 2024).

¹²² Ministry of Defense, “RS20230814088625 Response to House of Representatives Proposition No. 05/2023” (“Oficio No. RS20230814088625 Respuesta Proposición No. 05/2023 de la Cámara de Representantes”), August 14, 2023, <https://www.camara.gov.co/sites/default/files/2023-08/RTA.%20MINDEFENSA.pdf> (accessed March 4, 2024); See also, Message posted by @Mindefensa on X, May 5, 2023, <https://twitter.com/mindefensa/status/1654446526150656000> (accessed March 4, 2024); Message posted by @Mindefensa on X, June 9, 2023, <https://twitter.com/mindefensa/status/1667240841851576341> (accessed March 4, 2024); Message posted by @Mindefensa on X, July 4, 2023, <https://twitter.com/mindefensa/status/167639403798359680> (accessed March 4, 2024); Message posted by @Mindefensa on X, August 13, 2022, <https://twitter.com/mindefensa/status/1558483517163442177> (accessed March 4, 2024).

including some in the Urabá region.¹²³ In late August, the Ministry of Defense told Human Rights Watch that they had launched a new police-led strategy to investigate criminal groups, including the Gulf Clan, linked to human trafficking.¹²⁴

Additionally, in August 2023, the Ministry of Defense of Colombia and Panama's Ministry of Public Safety signed an annual "operative plan" to "design coordinated actions" to fight organized crime.¹²⁵

In March 2024, President Petro proposed a new negotiation with the Gulf Clan to "end their illicit businesses." The Clan accepted.¹²⁶

Investigations and Justice

Most of the abuses in the Darién Gap, including robberies and sexual violence, occur in Panamanian territory.¹²⁷ However, the efforts by Colombian justice authorities to investigate crimes such as killings, sexual violence, and extortion, that occur in their territory have been very limited and initiatives to dismantle the Gulf Clan in the region have produced few results.

As Human Rights Watch has shown, the Gulf Clan regulates the routes that migrants and asylum seekers can use, decides who can assist them on the way, extorts people who

¹²³ Ibid.

¹²⁴ Information provided to Human Rights Watch via email by the Ministry of Defense, August 29, 2023 (on file with Human Rights Watch).

¹²⁵ Information provided to Human Rights Watch via email by the Ministry of Defense, August 29, 2023 (on file with Human Rights Watch).

¹²⁶ "President Petro proposes, in Apartadó, a legal negotiation between the Gulf Clan and the Attorney General's Office to end illicit businesses" ("Negociación jurídica del Clan del Golfo con la Fiscalía para acabar negocios ilícitos, plantea presidente Petro en Apartadó"), President's Office press release, March 18, 2024, <https://petro.presidencia.gov.co/prensa/Paginas/Negociacion-juridica-del-Clan-del-Golfo-con-la-Fiscal-a-para-acabar-negocios-ilicitos-plantea-presidente-Petro-240318.aspx> (accessed March 19, 2024); Santiago Torrado, "The Gulf Clan accepts Petro's invitation to sit down and negotiate" ("El Clan del Golfo acepta la invitación de Petro para sentarse a negociar"), *El País*, March 19, 2024, <https://elpais.com/america-colombia/2024-03-19/el-clan-del-golfo-acepta-la-invitation-de-petro-para-sentarse-a-negociar.html> (accessed March 19, 2024).

¹²⁷ Human Rights Watch interviews with humanitarian workers and local authorities in Necoclí, April 2022 and June 2023; Human Rights Watch interviews with Panamanian prosecutors in Metetí, Canaán Membrillo and Santa Fe, May 2022 and March 2023.

benefit from the movement of migrants, and establishes rules of conduct for locals and migrants alike, at times enforcing these rules through violence.¹²⁸

Elsewhere in the country, the Attorney General's Office has several strategies, known as "investigative projects," to investigate and dismantle criminal organizations by investigating and prosecuting their leaders.¹²⁹ But because rates of homicides and other abuses are lower in the Colombian side of the Darién than in other parts of Colombia,¹³⁰ none of these projects focused on this area as of August 2023.¹³¹

Human Rights Watch interviews in Darién suggest that the lower level of abuses is linked to the Clan's undisputed control over large parts of these territories and appears to be an intentional measure precisely to prevent the attention of law enforcement.¹³² Additionally, the Clan ensures the low visibility of its operations in the region by hiring locals, who are not heavily armed but who extort people and ensure control, including of migrants and asylum seekers.¹³³

In March 2022, the Attorney General's Office announced a strategy to handle criminal cases related to human trafficking and migrant smuggling at a national and transnational level.¹³⁴ The strategy seeks to identify criminal structures and money laundering behind such crimes.¹³⁵ The Attorney General's Office created a working group to investigate human

¹²⁸ See Human Rights Watch, *"This Hell Was My Only Option."*

¹²⁹ Attorney General's Office, "Directive No. 001 of 2023" ("Directiva 001 del 2023"), April 12, 2023 (on file with Human Rights Watch).

¹³⁰ According to Colombia's National Police, between 2021 and 2023, the number of homicides in the departing municipalities were: Necoclí, 27; Turbo, 198; Acandí, 20; Juradó, 7; and Unguía, 16. See Colombia's National Police, Crime Statistics Homicide: 2021, 2022 and 2023, <https://www.policia.gov.co/grupo-informacion-criminalidad/estadistica-delictiva> (accessed March 5, 2024).

¹³¹ The Attorney General's Office has an "investigative project" in nearby Apartadó, focused on dismantling the "Carlos Vásquez" unit of the Gulf Clan in that municipality. Human Rights Watch phone interviews with members of the Attorney General's Office, August 15, 2023.

¹³² Human Rights Watch interviews with humanitarian workers in Apartadó and Necoclí, April 2022 and June 2023; Human Rights interview with a Venezuelan man working in a maritime transportation company in Lajas Blancas, March 3, 2023. See also, Human Rights Watch, *"This Hell Was My Only Option."*

¹³³ Human Rights Watch phone interview with an expert on organized crime in the Attorney General's Office, August 14, 2023.

¹³⁴ Information provided to Human Rights Watch via email by the Attorney General's Office, August 2023 (on file with Human Rights Watch); Resolution 0261 of 2022, https://jurinfo.jep.gov.co/normograma/compilacion/docs/resolucion_fiscalia_0261_2022.htm (accessed March 5, 2024).

¹³⁵ Ibid.

trafficking, migrant smuggling, and related crimes. The working group had 14 prosecutors, but as of August 2023 only 11 had been assigned cases of human trafficking and migrant smuggling. These include seven located in Bogotá, one in Cali, one in Medellín, and two in Bucaramanga. Of the 11, only 4 prosecutors are exclusively dedicated to migrant smuggling and human trafficking investigations; the rest also conduct investigations into other human rights violations.¹³⁶

The Attorney General's Office told Human Rights Watch it had “dismantled” six criminal organizations dedicated to migrant smuggling through the Darién to Panama or from the San Andrés Island to Nicaragua by August 2023.¹³⁷ “These organizations engaged in fraudulent activities targeting US consular agents in visa acquisition as part of their *modus operandi*,” the office said.¹³⁸ The Ministry of Defense said that security forces have detained 52 people involved with migrant trafficking between January 2021 and August 2023 in the Urabá region, including Necoclí, Turbo, Apartadó and Acandí.¹³⁹

In August 2023, the Attorney General's Office told Human Rights Watch it had opened investigations into 494 cases of migrant trafficking allegedly occurring between January 2021 and August 2023. Of these, eight were connected to events in Necoclí, eight others to events in Turbo; five, in Acandí; and one, in Unguía. Most of the cases, 286, were in a preliminary stage; 46 were under formal investigation; 154 had reached a trial stage; and prosecutors had achieved eight convictions.¹⁴⁰ The office said that no victims of “migrant trafficking” had been rescued.¹⁴¹

¹³⁶ Human Rights Watch phone interview with a member of the working group to investigate human trafficking cases, August 23, 2023.

¹³⁷ Information provided to Human Rights Watch via email by the Attorney General's Office, August 2023 (on file with Human Rights Watch). For example, on June 20, 2023, the Attorney General's Office announced the arrest of 11 people in Pasto (Nariño), Popayán (Cauca), Medellín (Antioquia), and San Andrés. Message posted by @FiscaliaCol on X, June 20, 2023, <https://twitter.com/FiscaliaCol/status/1671119487330930689> (accessed March 5, 2024).

¹³⁸ Information provided to Human Rights Watch via email by the Attorney General's Office, August 17, 2023 (on file with Human Rights Watch).

¹³⁹ Information provided to Human Rights Watch via email by the Ministry of Defense, August 29, 2023 (on file with Human Rights Watch).

¹⁴⁰ Information provided to Human Rights Watch via email by the Attorney General's Office, August 17, 2023 (on file with Human Rights Watch).

¹⁴¹ Ibid.

Prosecutors do not appear to be conducting dedicated efforts to investigate the Clan's illicit money flows arising from its control of migration across the Darién Gap. On the one hand, prosecutors focused on investigations of organized crime said that they are not investigating the Clan's involvement in the movement of migrants.¹⁴² On the other hand, prosecutors working on trafficking cases are not investigating the Gulf Clan.¹⁴³

In December 2023, the Deputy Attorney General passed a resolution ordering prosecutors to establish a “strategy” to investigate the illicit money flows connected to migrant smuggling in the Darién Gap.¹⁴⁴ Under the resolution, the strategy should ensure coordination of several units within the Attorney General's Office, including the trafficking working group and the organized crime, illicit finances and citizen security units, and seek the “strategic persecution” of assets, including through forfeiture.¹⁴⁵

Additionally, prosecutors struggle to identify abuses committed against migrants and asylum seekers on the Colombian side of the Gap.¹⁴⁶ While the number of abuses occurring on the Colombian side is lower than on the Panamanian one, Human Rights Watch research suggests that some such cases occur on the Colombian side.¹⁴⁷ However, prosecutors in Apartadó and Necoclí told Human Rights Watch in 2022 that they had not received complaints about killings, sexual violence, or threats against migrants and asylum seekers, and the Attorney General's Office said it does not keep a specific register of such cases.¹⁴⁸ One reason for the lower number of abuses occurring on the Colombian side appears to be that the Gulf Clan, which controls large parts of the area, has

¹⁴² Human Rights Watch phone interview with prosecutor investigating organized crime, April 24, 2023; Human Rights Watch phone interview with an expert on organized crime of the Attorney General's Office, August 14, 2023.

¹⁴³ Human Rights Watch phone interview with a prosecutor, March 31, 2023; Information provided to Human Rights Watch via email by the Attorney General's Office, August 17, 2023 (on file with Human Rights Watch).

¹⁴⁴ Resolution 00662 of 2023, Attorney's General Office (on file with Human Rights Watch).

¹⁴⁵ *Ibid.*, arts. 4 and 11.

¹⁴⁶ Human Rights Watch interviews with humanitarian workers and prosecutors, Apartadó and Necoclí, April 2022, and April and June 2023; Information provided to Human Rights Watch via email by the Attorney General's Office, July 27, 2022 (on file with Human Rights Watch).

¹⁴⁷ Human Rights Watch interviews with migrants and refugees, humanitarian workers, and local authorities in Necoclí, April 2022 and June 2023; Human Rights Watch interviews with migrants and asylum seekers, humanitarian workers and SENAFRONT officials in Panama, May 2022, and March 2023; Human Rights Watch phone interviews with humanitarian workers and Colombia's Ombudsperson's Office, April, May, and August 2023.

¹⁴⁸ Human Rights Watch interview with prosecutors in Apartadó and Necoclí, April 2022; Information provided to Human Rights Watch via email by the Attorney General's Office, August 17, 2023 (on file with Human Rights Watch).

established prohibitions against harming migrants and locals in an apparent effort to avoid drawing the attention of law enforcement.¹⁴⁹

Additionally, prosecutors and investigators do not appear to conduct proactive efforts to identify cases of abuses occurring in the beaches in Necoclí or Turbo or in the shelters in Acandí and Capurganá.¹⁵⁰

One of the main obstacles faced by prosecutors in the Urabá is the lack of capacity. The Attorney General's Office only has one prosecutor focused on organized crime in the Urabá region. He is in Apartadó.¹⁵¹ However, other investigations against the Gulf Clan are carried out by prosecutors in Medellín.¹⁵² In most departing municipalities, there is only one prosecutor; Acandí has two; Turbo, three.¹⁵³ In Urabá, the Technical Investigation Unit (Cuerpo Técnico de Investigación, CTI), the branch of the Attorney General's Office charged with providing investigative and forensic support to prosecutors in criminal cases, is only permanently present in Apartadó.¹⁵⁴

Because migrants and asylum seekers are seeking to cross the border, they often have little capacity or willingness to report abuses, and the authorities often have little interest in investigating.¹⁵⁵ Often, people do not report the crimes and, even when they do, their prompt departure from the country means the cases are unlikely to be prioritized.¹⁵⁶ This challenge could be addressed with increased cooperation with Panamanian authorities.

¹⁴⁹ Human Rights Watch interviews with humanitarian workers, Apartadó and Necoclí, April 2022, and June 2023; Human Rights Watch interview with a Venezuelan man, Lajas Blancas, March 2023; Colombia's and Panama's Ombudsperson's Office, "Bi-national Early Warning No. 001-2023 for Colombia and Panama," pp. 26, 27.

¹⁵⁰ Human Rights Watch interviews with humanitarian workers and members of the Ombudsperson's Office, April 2022, and June 2023.

¹⁵¹ Human Rights Watch phone interview with prosecutor investigating organized crime, August 24, 2023.

¹⁵² Ibid.

¹⁵³ Information provided to Human Rights Watch via email by the Attorney General's Office, September 15, 2023 (on file with Human Rights Watch).

¹⁵⁴ Human Rights Watch phone interview with a member of the Attorney General's Office, September 21, 2023.

¹⁵⁵ Human Rights Watch interviews with humanitarian workers and prosecutors in Apartadó and Necoclí, April 2022 and June 2023.

¹⁵⁶ Human Rights Watch interviews with prosecutors and local authorities in Necoclí, April 2022 and June 2023; Information provided to Human Rights Watch via email by the Attorney General's Office, August 2023 (on file with Human Rights Watch).

The two Attorney Generals' offices signed memoranda of understanding between 2017 and 2019.¹⁵⁷ Yet nobody appears to have been arrested based on such cooperation.¹⁵⁸

Protection and Assistance to People at Higher Risk

Certain groups face an increased risk and vulnerability that adds to the already dire situation they face as migrants and asylum seekers. The response should take into consideration the specific needs of marginalized groups or people at higher risk. Despite some recent efforts, particularly regarding children, Colombia is not providing people adequate protection or assistance.

Children

As with other migrants and asylum seekers, Colombian authorities do not have an accurate estimate of the number of children who cross the Darién gap. This hinders the government's capacity to identify and assist children, making them vulnerable, among other things, to human trafficking for sexual and labor exploitation.¹⁵⁹

Colombia's specific protocols to assist children at risk require the ICBF or family commissioners—municipal agencies charged with protecting women and children—to register children, including unaccompanied children, verify the status of their rights and adopt appropriate measures to protect them.¹⁶⁰ The Rights Restoration Administrative Process (Proceso Administrativo de Restablecimiento de Derechos, PARD), includes a specific roadmap for unaccompanied and separated children. According to the ICBF, since July 2023, 26 unaccompanied children aged 6 to 17 were included in this process in

¹⁵⁷ Information provided to Human Rights Watch via email by the Attorney General's Office, August 2023 (on file with Human Rights Watch).

¹⁵⁸ Human Rights Watch interview with a prosecutor in Panama City, March 1, 2023.

¹⁵⁹ Colombia's and Panama's Ombudsperson's Office, "Bi-national Early Warning No.001-2023 for Colombia and Panama," pp. 41-42. This issue was also referred to Human Rights Watch by humanitarian workers and members of the ICBF in Necoclí, June 2023.

¹⁶⁰ Information provided to Human Rights Watch via email by the ICBF, July 25, 2022 (on file with Human Rights Watch). See also, ICBF, "Rights Restoration Administrative Process" ("Proceso Administrativo de Restablecimiento de Derechos"), n.d., <https://www.icbf.gov.co/programas-y-estrategias/proteccion/proceso-administrativo-de-restablecimiento-de-derechos-1b312af4-cf5f-415f-b853-133f7f643711> (accessed February 20, 2024); ICBF, "Rights Restoration. Protection - Mission Processes" ("Restablecimiento de Derechos. Protección - Procesos Misionales"), n.d., <https://www.icbf.gov.co/misionales/proteccion/restablecimiento-de-derechos> (accessed February 20, 2024).

Necoclí, Turbo and Acandí.¹⁶¹ Yet many such children are not identified, humanitarian workers said, meaning that the protocol is never applied to them. In addition to providing children with humanitarian aid, identifying children would allow Colombian authorities to notify their counterparts in Panama of their arrival, humanitarian workers said.¹⁶²

In late 2021, the ICBF bolstered its presence in Necoclí by deploying a Comprehensive Protection Mobile Team (Equipo Móvil de Protección Integral, EMPI), to identify and assist children in need.¹⁶³ The team included a psychologist, a social worker, and a teacher.¹⁶⁴

Additionally, since June 2023, the ICBF and UNICEF created a strategy to identify protection risks associated with migration through two Migrant Response Teams (Equipos de Respuesta a Migrantes, ERAM) in Necoclí, Turbo and Acandí.¹⁶⁵ The teams identify children who need protection, activate relevant protocols and protection programs, and articulate health, food and educational response.¹⁶⁶ According to the ICBF, as of January 2024, ERAM teams have provided care for over 3,000 children aged 0 to 17 in Necoclí, Turbo and Acandí.¹⁶⁷ These included children who were unaccompanied, stateless, separated, or otherwise in need of protection.¹⁶⁸ However, in August 2023 its staff said they were being “observed [and] followed” by unknown people.¹⁶⁹

¹⁶¹ Information provided to Human Rights Watch via email by the ICBF, March 12, 2024, (on file with Human Rights Watch).

¹⁶² Human Rights Watch interviews with humanitarian organizations in Apartadó and Necoclí, April 2022 and June 2023; Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” pp. 41-42.

¹⁶³ Information provided to Human Rights Watch via email by the ICBF, August 17, 2023 (on file with Human Rights Watch); See also, ICBF, “Procedure for the Attention Through the Integral Protection Mobile Teams – EMPI Child Labor” (“Procedimiento para la atención a través de los equipos móviles de protección integral – EMPI trabajo infantil”), August 06, 2021, https://www.icbf.gov.co/system/files/procesos/p2.p_procedimiento_para_la_atencion_a_traves_de_los_equipos_moviles_de_proteccion_integral_empi_trabajo_infantil_v5_o.pdf (accessed March 5, 2024); ICBF, “ICBF Continues to Assist Migrant Population in Necoclí” (“ICBF continúa la atención a población migrante en Necoclí”), October 13, 2022, <https://www.icbf.gov.co/noticias/icbf-continua-la-atencion-poblacion-migrante-en-necocli> (accessed March 5, 2024).

¹⁶⁴ Human Rights Watch interview with an ICBF official in Necoclí, June 27, 2023.

¹⁶⁵ Information provided to Human Rights Watch via email by the ICBF, August 17, 2023, and March 12, 2024 (on file with Human Rights Watch); See also, GIFMM, “Situation of refugees and migrants in transit in Necoclí – 1st half of June 2023.”

¹⁶⁶ Information provided to Human Rights Watch via email by the ICBF, July 25, 2022, and March 12, 2024 (on file with Human Rights Watch).

¹⁶⁷ Information provided to Human Rights Watch via email by the ICBF, March 12, 2024, (on file with Human Rights Watch).

¹⁶⁸ Information provided to Human Rights Watch via email by the ICBF, August 17, 2023 (on file with Human Rights Watch).

¹⁶⁹ Ibid.

The ERAM teams report cases to the local family commissioner.¹⁷⁰ However, ICBF officials and humanitarian workers said that the family commissioner in Necoclí is often too slow to activate the relevant protocols to assist and protect the children and many just move on with their journey with no protection.¹⁷¹

Necoclí's family commissioner told Human Rights Watch that her office lacked the "capacity" to respond to all cases, in part, because she only had three staff members, who also had to handle other cases in the municipality, such as of domestic violence.¹⁷² One of the problems identified by both the commissioner and the ICBF is the lack of a shelter or boarding home for children at risk.¹⁷³ The closest facility to Necoclí is in Medellín, almost 400 kilometers away, said the commissioner. She has to personally accompany children to other cities in Colombia when an alternative care option, for example, a close family member, is identified. In June 2023, she said she had accompanied five children to Medellín, Bogotá, or Cartagena.¹⁷⁴

Since December 2023, there is a Local Office (Unidad Local) of the family defender—a local dependent of the ICBF that guarantees the rights of the family in situations of conflict or risk—in the municipality of Necoclí, allowing "a faster response in cases where relevant protocols to protect children must be activated," according to the ICBF. This Local Office also has a social worker, a psychologist, and a nutritionist.¹⁷⁵

To ensure that children are not stranded at beaches all day, the ICBF has made available 50 spots in two daycare centers in Necoclí that take care of migrant and asylum seekers'

¹⁷⁰ Ibid.

¹⁷¹ Human Rights Watch interviews with humanitarian workers and with an ICBF official in Necoclí, June 2023.

¹⁷² Human Rights Watch interview with Necoclí's family commissioner, June 27, 2023.

¹⁷³ Information provided to Human Rights Watch via email by the ICBF, August 17, 2023 (on file with Human Rights Watch); Human Rights Watch interview with an ICBF official in Necoclí, June 27, 2023; Human Rights Watch interview with Necoclí's family commissioner, June 27, 2023.

¹⁷⁴ Human Rights Watch interview with Necoclí's family commissioner, June 27, 2023.

¹⁷⁵ Information provided to Human Rights Watch via email by the ICBF, March 12, 2024, (on file with Human Rights Watch).

children under the age of five.¹⁷⁶ At the centers, children can bathe, eat, and play.¹⁷⁷ However, few migrant and asylum seekers' children use the centers, in part because their parents fear that authorities might take their children away, alleging neglect.¹⁷⁸

UNICEF and other partner organizations also provide safe spaces for children to play and receive some humanitarian aid.¹⁷⁹

In February 2023, the Intersectoral Commission to Combat Migrant Smuggling—an inter-agency government commission created in 2016 to coordinate actions against migrant smuggling¹⁸⁰—approved a “roadmap” that includes steps to assist children and adolescents whose rights are “threatened or have been violated in connection with migrant smuggling.”¹⁸¹ At the time of writing, the ICBF was sharing the roadmap’s content with local authorities.¹⁸²

Humanitarian workers and the Ombudsperson’s Office also expressed concern for local children who they say are dropping out of school to work in activities related to migration, including selling food or other goods necessary for the migrants’ journey.¹⁸³

¹⁷⁶ Information provided to Human Rights Watch via email by the ICBF, August 17, 2023 (on file with Human Rights Watch); Human Rights Watch interview with an ICBF official in Necoclí, June 27, 2023; See also, “Migrant Children in Necoclí are Protected by ICBF” (“La niñez migrante en Necoclí es protegida por el ICBF”), ICBF news release, May 1, 2023, <https://www.icbf.gov.co/noticias/la-ninez-migrante-en-necocli-es-protegida-por-el-icbf> (accessed March 5, 2024).

¹⁷⁷ Human Rights Watch interview with an ICBF official in Necoclí, June 27, 2023.

¹⁷⁸ Ibid.

¹⁷⁹ Human Rights Watch interview with a humanitarian worker in Necoclí, June 27, 2023.

¹⁸⁰ Decree 1692 of 2016, signed on October 24, 2016, <https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30027036> (accessed March 5, 2024).

¹⁸¹ Information provided to Human Rights Watch via email by the ICBF, August 17, 2023 (on file with Human Rights Watch).

¹⁸² Information provided to Human Rights Watch via email by the ICBF, March 12, 2024, (on file with Human Rights Watch).

¹⁸³ Information provided to Human Rights Watch via email by Colombia’s Ombudsperson’s Office, August 15, 2023 (on file with Human Rights Watch); Human Rights Watch phone interview with a humanitarian worker, May 2, 2023; Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” p. 41. See also, “Trapped in the Gap: Migrants and Smugglers in the Darién,” Crisis Group, August 3, 2023, <https://facesofconflict.crisisgroup.org/trapped-in-the-gap-migrants-and-smugglers-in-the-darien/> (accessed March 5, 2024).

Women and Girls

Women and girls who sleep on the beaches are particularly exposed to sexual assault, exploitation and violence, humanitarian workers said.¹⁸⁴ “It feels unsafe as a woman to sleep in the middle of all those tents by the beach,” a Venezuelan woman told Human Rights Watch. “You hear noises at night and the only thing you can do is hope nobody will come into [your tent]. But the fear does not end here, then you have to cross the jungle.”¹⁸⁵

Colombian authorities do not track the number nor gather information on women and girls on its side of the Darién, meaning that they lack a reliable assessment of their needs.¹⁸⁶

Given the risks women and girls face in Colombia and the possibility of being sexually abused as they cross the border through the Darién Gap, members of Cooperative for Assistance and Relief Everywhere (CARE), a humanitarian organization, provide workshops by the beach in Necoclí to tell women and girls how to protect themselves in case of sexual assault. CARE gives them “sexual violence prevention kits” with, among other items, a plastic funnel for urination, a waterproof changing tent to prevent body exposure during the journey, menstrual panties, emergency contraception pills, and a whistle to alert others in case of an emergency or assault.¹⁸⁷

The GIFMM also identified pregnant and lactating women sleeping on the ground at the beach in an area that, as described above, has water and sanitation problems.¹⁸⁸ Inadequate sanitation facilities and access to clean water heighten the risk of infections and complications during pregnancy and childbirth. The short periods of transit through some municipalities and lack of information about accessing health care often complicate prenatal check-ups.¹⁸⁹

¹⁸⁴ Human Rights Watch interviews with humanitarian workers in Apartadó and Necoclí, April 2022 and June 2023.

¹⁸⁵ Human Rights Watch interview with a Venezuelan woman in Planes de Gualaca, February 28, 2023.

¹⁸⁶ Human Rights Watch interviews with humanitarian workers in Necoclí, June 2023.

¹⁸⁷ Ibid.

¹⁸⁸ See GIFMM, “Situation of refugees and migrants in transit in Necoclí – 1st half of June 2023.”

¹⁸⁹ Health Cluster, Pan American Health Organization and World Health Organization, “Sitrep 3: Extracontinental Migration” (“Sitrep 3: Sitrep Migración Extracontinental”), June 11, 2022, https://www.r4v.info/sites/default/files/2022-06/Informe_3_SITREP%20-%20Necocli%CC%81_Web.pdf (accessed March 5, 2024), p. 16.

Lesbian, Gay, Bisexual, and Transgender (LGBT) People

UN experts have said that displaced individuals who identify as LGBT and gender diverse are more vulnerable to abuse than other migrants.¹⁹⁰ However, on the Colombian side of the Darién Gap border, these individuals often go unnoticed and do not receive assistance that responds to their needs, humanitarian workers said.¹⁹¹

Humanitarian workers make efforts to identify LGBT individuals who are sleeping on the beaches in Necoclí and Turbo. Even so, identifying them and their specific needs can be a challenge because many do not spend extended periods in these towns. Most of the information on migrant numbers available to humanitarian actors and Colombian authorities is initially obtained by boat companies. These companies do not ask about sexual orientation or gender identity, and many migrants and asylum seekers would opt not to disclose such information for fear of facing discrimination.¹⁹²

MSF has documented cases of transgender people who make the journey dressed according to their sex assigned at birth to avoid discrimination.¹⁹³ Members of a humanitarian organization told Human Rights Watch that they relocated some transgender individuals from the beaches in Necoclí and Turbo to other cities in Colombia to ensure their safety from violence and discrimination.¹⁹⁴ Other LGBT people have used “humanitarian transportation” offered by UN agencies after deciding not to continue with their journey,¹⁹⁵ though it is unclear if their decision had to do with the difficulty of the trip, discrimination based on their sexual orientation or gender identity, or both.

¹⁹⁰ “LGBT group among the most marginalized and vulnerable migrants, say experts” (“El colectivo LGBT, entre los migrantes más marginados y vulnerables, afirman expertos”), *Noticias ONU*, May 6, 2022, <https://news.un.org/es/story/2022/05/1508852> (accessed March 5, 2024).

¹⁹¹ Human Rights Watch interviews with a humanitarian workers in Necoclí and Apartadó, June 2023.

¹⁹² Human Rights Watch interview with humanitarian workers in Apartadó and Necoclí, June 2023.

¹⁹³ “Darién: We, trans migrants, are also human beings” (“Darién: Las Migrantes trans también somos seres humanos”), *La Silla Vacía*, May 31, 2023, <https://www.lasillavacia.com/historias/historias-silla-llena/darien-las-migrantes-trans-tambien-somos-seres-humanos/> (accessed March 5, 2024).

¹⁹⁴ Human Rights Watch phone interview with humanitarian workers, August 2023; Human Rights Watch interview with humanitarian workers, Apartadó and Necoclí, June 2023.

¹⁹⁵ Human Rights Watch phone interview with humanitarian workers, August 2023.

III. Panama's Response

Panamanian authorities enforce what they call a “humanitarian flow” (earlier labeled simply “controlled flow”) of migrants and asylum seekers through the country.¹⁹⁶ The strategy has a limited humanitarian component and grants few opportunities for people to seek asylum. It appears focused on channeling and restricting migrants’ and asylum seekers’ movement through Panama and ensuring that they cross to Costa Rica promptly, rather than responding to their immediate needs or providing them opportunities to file asylum applications in Panama.¹⁹⁷

The strategy is led by the Ministry of Public Safety, which is charged with maintaining and defending Panamanian sovereignty and public order, and its border service SENAFRONT.¹⁹⁸ Also involved is the National Migration Service (Servicio Nacional de Migración, SNM).¹⁹⁹

¹⁹⁶ The term “controlled flow” comes from a 2016 agreement between Panama and Costa Rica in which Costa Rica authorized a certain number of migrants to enter its country periodically while Panama committed to taking steps to ensure that the process would be conducted in an “orderly manner.” According to Panama’s Ombudsperson’s Office, “the criteria that were used to establish it, as well as its content, were not officially published in Panama.” See Panama’s Ombudsperson’s Office, *Special Report: The Human Rights Situation of Irregular Migrant People in the Provinces of Darién and Chiriquí in the Context of the Covid-19 Pandemic* (“situación de derechos humanos de las personas migrantes irregulares en las provincias de Darién y Chiriquí en el contexto de la pandemia de COVID-19”) (Ombudsperson’s Office: Panamá City, 2021), <https://www.defensoria.gob.pa/wp-content/uploads/2021/02/Informe-Especial-La-situacion-de-derechos-humanos-de-las-personas-migrantes-irregulares-en-las-provincias-de-Darien-y-Chiriqui-en-el-contexto-de-la-pandemia-de-COVID-19.pdf> (accessed March 5, 2024), p. 26. According to the Ombudsperson’s Office, the stages of the controlled flow strategy are: i) receiving and identifying the arriving population in the reception communities, ii) transferring people to the migrant reception centers, iii) arranging the movement of people to the border with Costa Rica to “ensure the controlled flow transit,” and iv) allowing “free mobility from [the migratory center in] Planes de Gualaca to the border with Costa Rica.” See Panama’s Ombudsperson’s Office, *Ombudsperson’s Office Report on the Human Rights Situation of Children and Adolescents in the Move and in Border Areas in Panama*, p. 27.

¹⁹⁷ Human Rights Watch interview with a humanitarian worker in San Vicente, May 2022.

¹⁹⁸ According to information provided by the Ministry of Public Safety, 72 officers of SENAFRONT serve at the Indigenous communities of Canaán Mebrillo and Bajo Chiquito, in the migrant reception centers of Lajas Blancas and San Vicente, and in Jaqué. Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

¹⁹⁹ According to information provided by the Ministry of Public Safety, 84 SNM officials serve at the Indigenous communities of Canaán Mebrillo and Bajo Chiquito, in the migrant reception centers of Lajas Blancas and San Vicente, and in Jaqué and their regional office in Darién. Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

Panama boasts of being the “only country in the region offering help and free humanitarian assistance” to migrants and asylum seekers.²⁰⁰

According to SNM, Panama invested over US\$60 million in the strategy in 2022, including in expenses for migrant reception stations. The figure was expected to increase to \$80 million in 2023.²⁰¹ Authorities say the state is “pushing the limits of its budgetary capacities.”²⁰²

The strategy also does little to protect the local, including Indigenous, communities from the unintended consequences of the increased numbers of people in their region, or to address chronic neglect and high levels of poverty in the Darién province.²⁰³ According to the latest official statistics, income-based poverty rates in the Darién province (41.2 percent) were almost double national rates (21.8 percent). Monetary poverty is even higher in the Indigenous Emberá Wounaan “comarca,” territory under Indigenous jurisdiction recognized by Panamanian law, where it reaches 63.7 percent.²⁰⁴ According to UNICEF, 6 out of 10 children in the Darién province, and 8 out of 10 in Comarcas, grow up in multidimensional poverty.²⁰⁵

Panamanian authorities appear to use the threat of criminal investigations for the crime of “smuggling” and SENAFRONT’s presence in some entry points by the border to influence migrants and asylum seekers to use certain routes, ensuring that others are not used, and that migrants and asylum seekers do not move freely around the country.²⁰⁶

²⁰⁰ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Panama’s Ombudsperson’s Office, *Ombudsperson’s Office Report on the Human Rights Situation of Children and Adolescents in the Move and in Border Areas in Panama*, pp. 25, 56.

²⁰⁴ Ministry of Economy and Finance (Ministerio de Economía y Finanzas), “Poverty and indigence by income” (“Pobreza e indigencia por ingreso”), December 2022, <https://www.mef.gob.pa/wp-content/uploads/2023/08/MEF-DAES-Pobreza-e-Indigencia-por-ingreso-2021.pdf> (accessed January 22, 2024).

²⁰⁵ “The challenges faced by boys and girls in Panama hinder their development and the full guarantee of their rights: UNICEF” (“Desafíos de los niños y niñas en Panamá limitan su desarrollo y la garantía plena de sus derechos: UNICEF”), UNICEF press release, May 30, 2023, <https://www.unicef.org/panama/comunicados-prensa/desaf%C3%ADos-de-los-ni%C3%B1os-y-ni%C3%B1as-en-panam%C3%A1-limitan-su-desarrollo-y-la-garant%C3%ADa> (accessed January 22, 2024).

²⁰⁶ For example, according to the Colombian and Panamanian Ombudspersons’ Offices, “SENAFRONT indicated that they want to prevent the establishment of a new migratory route through [Paya] in order to concentrate their efforts on the Canaán Membrillo and Bajo Chiquito routes.” See Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama.” p. 18.

Humanitarian Response

People regularly and urgently need social services upon arrival in Panama after walking for days through the jungle, including many children, older people, and people with disabilities or who are pregnant. Many arrive dehydrated, with sores, serious mosquito bites, and swollen ankles. Many have been assaulted by criminals during the trek, subjected to robbery and threats, and, in hundreds of cases between 2021 and 2023, sexual abuse. Some have not eaten or slept in days and require adequate food, water and clothing.

But Human Rights Watch found that Panamanian authorities make little effort to ensure the rights to food, water, and health care for people living in the Indigenous communities where migrants and asylum seekers first emerge from the Darién, for those people crossing through this region, and for those in the migrant reception stations. The insufficient support available for migrants and asylum seekers in this region in particular is mostly provided by UN agencies and humanitarian non-governmental organizations.

Indigenous Communities

The Indigenous communities of Bajo Chiquito and Canaán Membrillo, in the Emberá Wounaan comarca, serve as the migrants' and asylum seekers' first "shelter" after exiting the jungle. They are also, generally, where migrants and asylum seekers first encounter Panamanian authorities from SENAFRONT and the SNM. These Indigenous communities have played an important role in helping provide the goods and services necessary to ensure the rights of migrants and asylum seekers in this region, but these communities have also been largely neglected by Panamanian authorities, according to community members who spoke to Human Rights Watch.²⁰⁷

In both communities, people live in wooden houses on stilts, a traditional form of housing for Indigenous communities in the region, without adequate space for accommodating migrants and asylum seekers.²⁰⁸ Rather, migrants and asylum seekers sleep in tents on the community's playing fields or underneath houses, for which they pay the owners.

²⁰⁷ Human Rights Watch interviews with community members in Canaán Membrillo in May 2022 and in Bajo Chiquito in March 2023.

²⁰⁸ Human Rights Watch interviews with migrants and asylum seekers in Bajo Chiquito, March 2023; Panama's Ombudsperson's Office, *Special Report: The Human Rights Situation of Irregular Migrant People in the Provinces of Darién and Chiriquí in the Context of the Covid-19 Pandemic*, p. 40.

Neither community has electricity, adequate water for drinking and sanitation, and sewage systems.²⁰⁹

Indigenous shops sell food, clothes, and shoes. Some locals allowed migrants and asylum seekers to receive money from abroad, charging fees as high as 20 percent. In February 2024, humanitarian organizations and the Ombudsperson's Office reported that the money transfers ceased following the arrest of those responsible.²¹⁰

Both communities are remote and hard to reach from other towns, on rutted roads or only by long river crossings during rainy season. It can take over four hours to reach Metetí by river and another three hours by car to the closest regional hospital. Lack of “social investment and infrastructure, institutional presence, and humanitarian aid” complicates their response to the hundreds of migrants and asylum seekers arriving daily, the Colombian and Panamanian Ombudsperson's Offices and humanitarian groups have noted.²¹¹

The arrival of hundreds of migrants and asylum seekers each day is having a mixed impact on the Indigenous communities' economy, culture, and access to services, according to local human rights institutions and humanitarian organizations. Eduardo Leblanc, who heads the Panamanian Ombudsperson's Office, said that migration is providing significant economic income but contributing with the abandonment of traditional “culture, farming, and commercial activities” and pushing them to jobs related to the arrival and transit of migrants, such as transportation and providing food. It is also leading some Indigenous children to drop out of school.²¹²

²⁰⁹ Human Rights Watch interviews with humanitarian workers in Metetí, March 2023; Human Rights Watch phone interview with a humanitarian worker in Panama City, August 2023.

²¹⁰ Human Rights Watch phone interviews with officers of the Ombudsperson's Office and humanitarian workers, February 2024.

²¹¹ Colombia's and Panama's Ombudsperson's Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” p. 13. See also, Sibylla Brodzinsky, “Refugees and migrants brave jungle wilderness in search of safety,” post to Stories (blog), UNHCR, March 29, 2022, <https://www.unhcr.org/news/stories/refugees-and-migrants-brave-jungle-wilderness-search-safety> (accessed March 5, 2024).

²¹² Valentina Oropeza, “Your Heart Breaks When You Ask a Child What Happened in the Darién and They See They Saw Many Dead People” (“Se te parte el alma cuando le preguntas a un niño cómo le fue en el Darién y te responde que vio muchos Muertos”), April 25, 2023, *BBC Mundo*, <https://www.bbc.com/mundo/noticias-america-latina-65271497> (accessed March 5, 2024); See also, Colombia's and Panama's Ombudsperson's Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” pp. 35-36; Santiago Pérez, “Masses of Migrants Overwhelm Panama's Darién Gap,” June 26, 2023, *Wall Street Journal*, <https://www.wsj.com/articles/masses-of-migrants-overwhelm-panamas-darien-gap-73do32d7> (accessed March 5, 2024).

“We now live off the migrants,” the vice president of Canaán Membrillo told Human Rights Watch. The income allows people to buy food, improve their homes, and afford transportation and internet access, he said. “Before, it was very hard because there was no state [presence] in the area—or any help.”²¹³

The Panamanian Ministry of the Environment has reported environmental impacts from the transit of migrants throughout the Darién and neighboring communities, including an increase in human waste or trash in the rivers.²¹⁴

Bajo Chiquito

Bajo Chiquito, an Indigenous community of some 200 people, on the Turquesa River, where migrants and asylum seekers taking the routes from Acandí and Capurganá generally arrive.²¹⁵

Bajo Chiquito inhabitants told Global Brigades, an international NGO, that two of their top needs were access to drinking water and adequate health care center.²¹⁶ Global Brigades estimated that only six percent of homes have latrines—leaving hundreds of people, locals as well as migrants, to use the river for their sanitation needs.²¹⁷

²¹³ Human Rights Watch interview with vice president of Canaán Membrillo in Canaán Membrillo, May 2022.

²¹⁴ “Pollution and Illegal Hunting: Consequences of Immigration in the Darién National Park” (“Contaminación y cacería ilegal: efectos de la migración en el Parque Nacional Darién”), Panama’s Ministry of Environment press release, October 29, 2022, <https://www.miambiente.gob.pa/contaminacion-y-caceria-ilegal-efectos-de-la-migracion-en-el-parque-nacional-darien/> (accessed March 5, 2024); See also, Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” p. 36.

²¹⁵ Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” p. 14.

²¹⁶ Global Brigades, “Bajo Chiquito,” n.d., <https://www.globalbrigades.org/communities/bajo-chiquito/> (accessed March 5, 2024).

²¹⁷ Ibid.



After crossing the Darién Gap, migrants and asylum seekers set up their tents in the basketball field of Bajo Chiquito in Panama. Indigenous communities lack adequate space to accommodate migrants and asylum seekers, who sleep in tents on the community's playing fields or pay owners to stay underneath their houses. © 2023 Human Rights Watch

Migrants and asylum seekers, according to Panamanian authorities, are supposed to stay in Bajo Chiquito only one night.²¹⁸ The next day, SENAFRONT and SNM officers organize and direct them to Indigenous community members who transport them by boat to Lajas Blancas, which has a migrant reception station.

But at times migrants and asylum seekers have to stay for more time, due to lack of sufficient boats or because they do not have money to pay for these. In March 2023, the number arriving far exceeded the number of people placed on the boats by Panamanian authorities to take them downriver. Some waited for as long as 15 days.²¹⁹ Some 6,500 people were stuck in Bajo Chiquito between March 1 and 10, 2023, UNICEF reported.²²⁰

²¹⁸ Human Rights Watch interviews with National Migration Service and SENAFRONT members in Panama, May 2022, and March 2023; See also, Letter from Dayra Carrizo Castellero, minister (acting), Panama's Ministry of Foreign Relations, to Pablo Saavedra Alessandri, secretary, Inter-American Court of Human Rights, September 27, 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37371> (accessed March 5, 2024).

²¹⁹ Human Rights Watch interviews with migrants and asylum seekers in Bajo Chiquito and Lajas Blancas, March 2023

²²⁰ Ibid.; UNICEF, "Panama: Report on Situation of Children and Adolescents in the Move" ("Reporte de situación sobre niñez y adolescencia en movilidad"), n.d., [https://www.unicef.org/media/136696/file/Panama-Humanitarian-SitRep-\(Children-on-the-Move\)-10-March-2023-\(ES\).pdf](https://www.unicef.org/media/136696/file/Panama-Humanitarian-SitRep-(Children-on-the-Move)-10-March-2023-(ES).pdf) (accessed March 5, 2024).

According to Panamanian data, in 2023 an average of 1,500 people arrived daily, reaching peaks of 4,000 arrivals in August.²²¹

Priscila Borja (pseudonym), 32, who came from Venezuela with her husband **Pedro** (pseudonym) and their 4-year-old daughter **Paula** (pseudonym), was among the 2,500 people stuck in Bajo Chiquito in March 2023.²²² Human Rights Watch interviewed Priscila five days after they arrived. She and Pedro had pitched their tent in a dirty area along the riverbank. “There are better places to sleep, but the owners of the houses charge money daily for you to set your tent there,” Priscila said. “Here, it is free.” She estimated they were spending US\$10 to \$12 a day to buy food and drinks. Paula, weakened by diarrhea, laid in Priscila’s arms, sleepy, and, in temperatures peaking at 37 degrees Celsius (100 degrees Fahrenheit), covered in sweat. The family had no diapers or sufficient clothes to change her. “She is dehydrated, but the doctor said he does not have enough medicine to give her,” Priscila said. “We just want to get out of here as soon as possible.”

Few government agencies serve Bajo Chiquito. The National Service for Children, Adolescents and Families (Servicio Nacional de Niñez, Adolescencia y Familia, SENNAF) and the National Office for Refugee Care (Oficina Nacional para la Atención de Refugiados, ONPAR) are not present. The only Panamanian agencies operating in the area are:

- In August 2022, the Ministry of Health stationed a doctor, a nurse, and a nursing technician in Bajo Chiquito.²²³ The doctor who was there in March 2023 told Human Rights Watch that they had not received medications since December 2022. At the time, there were no drugs to reduce fever and relieve pain, such as acetaminophen, paracetamol, and diclofenac. “We do not have medicine or medical equipment to

²²¹ SNM, “Irregular Transit of Foreigners in the Border with Colombia: Year 2023.”

²²² Unless otherwise noted, this case is based on a Human Rights Watch interview with Priscila Borja (pseudonym) in Bajo Chiquito, March 2023.

²²³ The Ministry of Health told Human Rights Watch that, as of August 2022, they had deployed a doctor, a nurse and a nursing technician in the health post of the community. The nursing technician in March 2023 told Human Rights Watch that only the doctor and herself were normally present. The Ministry also said that the health post operates 24 hours a day from Monday to Sunday. Humanitarian organizations told Human Rights Watch that it only works on weekdays and migrants and asylum seekers interviewed by Human Rights Watch said that the health center is closed at night and opens after 9 a.m. Information provided to Human Rights Watch via email by the Ministry of Health, September 2022 (on file with Human Rights Watch); Human Rights Watch interviews with humanitarian workers in Metetí, March 2023; Human Rights Watch interviews with migrants and asylum seekers in Bajo Chiquito, March 2023.

- respond to miscarriages, severe dehydration, or people vomiting blood,” a nursing technician said. The doctor said they were examining around 250 patients daily.²²⁴
- Medicine shortages continue as of writing.²²⁵

Between June 2023 and early March 2024, the Ministry of Health doctors worked in coordination with MSF.²²⁶ On March 4, Panamanian authorities forced MSF to suspend their work in the Darién Gap.²²⁷

- Since June 2023, a prosecutor has taken in criminal complaints for abuses that occurred in the Gap. Only male prosecutors are deployed to Bajo Chiquito.²²⁸
- SENAFRONT reported eight male officers deployed to Bajo Chiquito, in April 2023, on 30-day shifts.²²⁹ The 2008 decree that established SENAFRONT mandated that the officers should “preserve public order,” and “prevent, respond to, and



A dust-covered hospital bed in poor repair is stationed outside the health center in Bajo Chiquito. Dozens of migrants and asylum seekers await treatment there every day. Medications are often in short supply © 2023 Human Rights Watch

²²⁴ Human Rights Watch interview with the doctor and the nursing technician in Bajo Chiquito, March 2023.

²²⁵ Human Rights Watch phone interviews with humanitarian workers, officials with the Ombudsperson’s Office and a journalist, February 2024.

²²⁶ Human Rights Watch phone interview with a humanitarian worker, August 2023, and March 2024.

²²⁷ MSF, “Médecins Sans Frontières Forced to Suspend Medical Care for Migrants in Darién Gap, Panama,” March 7, 2024, <https://prezly.msf.org.uk/medecins-sans-frontieres-forced-to-suspend-medical-care-for-migrants-in-darien-gap-panama> (accessed March 20, 2024).

²²⁸ Human Rights Watch interview with prosecutors in Santa Fe, May 2022, and March 2023; Human Rights Watch interview with a prosecutor in Canaán Membrillo, May 2022.

²²⁹ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).

investigate” crimes at Panamanian borders.²³⁰ When Human Rights Watch visited in March 2023, there was a single female officer who said she was in charge of helping unaccompanied children.²³¹

- SNM maintains several officers in Bajo Chiquito to register entering migrants and refugees.²³² They gather data on the number, nationality, age, and gender of the people arriving.²³³



5-year-old girl has sores on her legs from the plastic boots she wore during the Darién crossing. The girl, along with her mother and brother, fled Ecuador after her grandmother was killed. The journey across the Darién Gap is especially challenging for children, both physically and mentally, exposing them to hunger, accidents, and gender-based violence. © 2023 Human Rights Watch

²³⁰ Decree No. 103 of 2009, Ministry of Interior and Justice (Ministerio de Gobierno y Justicia), signed on May 13, 2009, <https://www.gacetaoficial.gob.pa/pdfTemp/26284/17722.pdf> (accessed March 5, 2024), art. 2.

²³¹ Human Rights Watch interviews with SENAFRONT officers in Bajo Chiquito, March 2023. The limited presence of female officers appears to be in part due to the absence of appropriate facilities for them to sleep or shower. Human Rights Watch phone interview with researcher Caitlyn Yates, July 28, 2023.

²³² On March 16, 2023, Human Rights Watch sent a letter to the SNM asking for the number of officers posted in each Indigenous community and migrant reception station. The SNM responded that they had 84 officers present, in total, in the two Indigenous communities, the two migrant reception stations, and the regional office in Darién; Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²³³ Human Rights Watch interview with SNM members, in Canaán Membrillo and Bajo Chiquito, May 2022 and March 2023.

Biometric Data

Panamanian officers from SENAFRONT and SNM told Human Rights Watch that in the Indigenous communities of Bajo Chiquito and Canaán Membrillo, they collect biometric data of people entering through the Darién to obtain security alerts, including about pending arrest warrants.

Between January 2021 and April 2023, authorities used a tool for collecting biometric, including fingerprints, retinal patterns, and profile photos of 58,983 people.²³⁴ SENAFRONT said they uploaded the data to an online platform to compare it with databases of “security agencies in the US.”²³⁵

In several migratory contexts in the Americas, authorities upload data to a US-run database called Biometric Identification Transnational Migration Alert Program (BITMAP), which connects to US law enforcement databases, including US Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS) and the Federal Bureau of Investigations (FBI).²³⁶ Several human rights groups report that BITMAP data are then used in asylum and deportation (removal) proceedings in the US, and may be shared with US and other governments in the Americas that could use it in an abusive manner.²³⁷ According to the US Department of State, Panama “continues to lead the region in enrollments in the Biometric Identification Transnational Migration Alert Program (BITMAP).”²³⁸

²³⁴ On April 24, 2023, SENAFRONT told Human Rights Watch that they used “Bioslet 5.” Human Rights Watch was unable to identify this system. Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch)

²³⁵ On April 24, 2023, SENAFRONT told Human Rights Watch that they used “Global Connector.” Human Rights Watch was unable to identify this platform. Ibid.; See also, Arelis R. Hernandez, “Immigration officials partner with Panama to boost screening of migrants passing through to U.S.,” *Washington Post*, August 27, 2019, https://www.washingtonpost.com/immigration/immigration-officials-partner-with-panama-to-boost-screening-of-migrants-passing-through-to-us/2019/08/26/532f6150-c81d-11e9-a4f3-co81a126de70_story.html (accessed September 22, 2023).

²³⁶ Biometric Identification Transnational Migration Alert Program Authorization Act Of 2018, House of Representatives, <https://www.congress.gov/115/crpt/hrpt909/CRPT-115hrpt909.pdf> (accessed March 20, 2024).

²³⁷ Letter from National Immigration Center, Cristosal, Access Now and International Human Rights & Conflict Resolution Clinic, Stanford Law School, to Shoba Sivaprasad Wadhia, Officer for Civil Rights and Civil Liberties, U.S. Department of Homeland Security, June 6, 2023, https://immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2023-08/Complaint%20Re%20El%20Salvador%20Data-Sharing%20Agreements%20-%20Web_o.pdf (consulted March 20, 2024).

²³⁸ US Department of State, “Country Reports on Terrorism 2021: Panama,” n.d., <https://www.state.gov/reports/country-reports-on-terrorism-2021/panama/> (accessed March 22, 2024). On February 27, 2024, Human Rights Watch sent a letter to the Ministry of Public Safety, asking for more information the biometric data collection and specifically whether authorities were using BITMAP in the Darién Gap. Human Rights Watch had not received a response at the time of writing.

Panamanian authorities only collect data of people with certain nationalities, namely: Afghanistan, Pakistan, Syria, China, Colombia, Dominican Republic, Peru, and all countries in Africa.²³⁹ Recent reports by humanitarian organizations say that authorities are also collecting data of Ecuadorians.²⁴⁰

Canaán Membrillo

Canaán Membrillo, with a population of roughly 430 people, is close to the Membrillo River, where migrants and asylum seekers taking the route from Armila and Carreto generally emerge from the jungle.²⁴¹



A woman hangs her clothes to dry on the tent she has set up upon arriving in the community of Canaán Membrillo in Panama. After long days of journeying through the jungle, migrants and asylum seekers find rest in remote indigenous communities that have for years been neglected by Panamanian authorities and lack basic services such as electricity, potable water, and sewage systems. © 2022 Human Rights Watch

²³⁹ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).

²⁴⁰ Human Rights Watch phone interviews with humanitarian workers, February 2024.

²⁴¹ Colombia's and Panama's Ombudsperson's Office, "Bi-national Early Warning No.001-2023 for Colombia and Panama," p. 14.



SENAFRONT officers coordinate the departure of “piraguas,” wooden canoes made from hollowed-out tree trunks, powered by small outboard motors fueled by gasoline, in Canaán Membrillo. Indigenous families use them to transport migrants and asylum seekers. The trip can take around four to six hours, depending on river conditions. © 2022 Human Rights Watch

In 2023, Canaán Membrillo received smaller groups of people per day than Bajo Chiquito, with a slight increase during the second half of 2023. The community can spend days without arrivals.²⁴²

Few government agencies serve Canaán Membrillo:

- SENAFRONT deploys six male officers, who work 30-day shifts²⁴³ and work together with several SNM officers that register migrants and asylum seekers arriving to this community.

²⁴² Human Rights Watch phone interviews with humanitarian workers and the Ombudsperson’s Office, February 2024.

²⁴³ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).

- One prosecutor is present in the community, working seven-day shifts. Like in Bajo Chiquito, the prosecutor takes criminal complaints for abuses that occurred in the Gap. Only male prosecutors are deployed to Canaán Membrillo.²⁴⁴
- Since August 2022, the Ministry of Health has deployed a doctor, a nurse, and a nursing technician.²⁴⁵ However, they have at times run out of medicines.²⁴⁶



A hand-written map delineating the different routes used by migrants and asylum seekers in the Darién Gap hangs inside the shack used by SENAFRONT officers in Canaán Membrillo. Transit routes have changed over the years in response to the needs of migrants and asylum seekers and restrictions imposed by Panamanian authorities as well as by the Gulf Clan. © 2022 Human Rights Watch

²⁴⁴ Human Rights Watch interview with prosecutors in Santa Fe, May 2022, and March 2023; Human Rights Watch interview with a prosecutor in Canaán Membrillo, May 2022.

²⁴⁵ Information provided to Human Rights Watch via email by the Ministry of Health, September 1, 2022 (on file with Human Rights Watch).

²⁴⁶ Human Rights Watch phone interview with researcher Caitlyn Yates, July 27, 2023; Human Rights Watch phone interviews with humanitarian workers and the Ombudsperson's Office, February 2024.

Roxana Delva (pseudonym), a 37-year-old Haitian woman, eight months pregnant and bleeding heavily, lay on a wooden table in Canaán Membrillo under a shack that served to register the arrival of migrants and asylum seekers.²⁴⁷ Her 3-year-old son Ezequiel sits next to her, shivering, crying, and hungry. The two had gotten separated from her husband (and father) in the jungle, who had travelled ahead of them to find help, she said. When she had started bleeding, another migrant called the authorities for help, but there was no doctor stationed in the community able to assist her. Several Cuban doctors who had also crossed the Darién used improvised medical supplies to treat Roxana under an electric bulb powered by SENAFRONT's generator, as prosecutors and border patrol agents watched from a distance. Her life was at risk, the doctors said. A Human Rights Watch researcher who spoke French served as translator, as doctors used the elastic from facemasks to sever the umbilical cord of a fetus that, they said, had been dead for days. At the doctors' insistence, border patrol agents sent Roxana to the closest hospital—a five-hour boat trip—in the middle of the night.

Human Rights Watch spoke to her again two days later, at the San Vicente migrant reception station in Metetí, sitting on the ground in a dirty tent with Ezequiel and her husband, with whom she reunited in the ERM. She had stayed in the hospital for a day and, in part because of the language barrier, was not sure of the treatment she had received.

Migrant Reception Stations

As part of its “controlled flow” strategy, the Panamanian government established several migrant reception stations (Estaciones de recepción migratoria, ERM) to temporarily shelter migrants and asylum seekers.²⁴⁸

The ERMs are managed under regulations included in the Temporary Accommodation Management Manual adopted in March 2019.²⁴⁹ The manual was adopted with support from IOM but humanitarian organizations told Human Rights Watch that it has become outdated given the changes in the mixed populations arriving in Panama, including the

²⁴⁷ Unless otherwise noted, this case is based on a Human Rights Watch interviews with Roxana Delva (pseudonym) and the doctors who attended her in Canaán Membrillo, March 2023.

²⁴⁸ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²⁴⁹ Decree No. 121 of 2019, Ministry of Public Safety,

https://www.gacetaoficial.gob.pa/pdfTemp/28733_A/GacetaNo_28733a_20190315.pdf (accessed March 5, 2024).

high numbers and the abuses people face crossing the Gap.²⁵⁰ The ERMs were designed to provide a response to an emergency, but the situation now appears to have become more permanent, humanitarian workers said.²⁵¹

International standards developed by the UNHCR and IOM-led Global Camp Coordination and Camp Management Cluster require camps to provide a “dignified environment that is safe and secure from harm or violence” and “physically, socially and culturally appropriate.”²⁵² Camp planning should, in addition, anticipate “longer-term needs, expansion and unexpected eventualities.”²⁵³

In Panamanian ERMs, deteriorated housing structures, lack of lighting, insufficient separation between latrines and showers for men and women, and lack of properly staffed health centers endanger migrants and asylum seekers.

Authorities generally expect migrants and asylum seekers to stay one night in the ERMs, and the Panamanian Ombudsperson’s Office has warned that the facilities are not suitable for “long stays.”²⁵⁴ But many stay longer than one night, and some even for weeks, because of ill health, family separation, or lack of money to continue their journey.²⁵⁵

The Inter-American Court of Human Rights (IACtHR) granted “provisional measures”—an urgent order to Panama—in 2020, as the Covid-19 pandemic was increasing in intensity, to protect the rights to life, health, and personal integrity of people crowded into the ERMs in

²⁵⁰ Human Rights Watch interview with humanitarian workers in Darién, May 2022, and February and March 2023.

²⁵¹ Human Rights Watch interview with humanitarian workers in Darién, February and March 2023.

²⁵² See Global Camp Coordination and Camp Management Cluster, *Minimum Standards for Camp Management*, 2021, https://www.cccmcluster.org/sites/default/files/2023-02/CAMP-EN_o.pdf (accessed March 5, 2024), pp. 35-37.

²⁵³ *Ibid.*, p. 35.

²⁵⁴ Panama’s Ombudsperson’s Office, *Ombudsperson’s Office Report on the Human Rights Situation of Children and Adolescents in the Move and in Border Areas in Panama*, p. 19.

²⁵⁵ Human Rights Watch interviews with migrants, asylum seekers, and humanitarian workers in Lajas Blancas and San Vicente, March 2023.

La Peñita and Lajas Blancas.²⁵⁶ The IACtHR extended the measures in 2021 to the San Vicente ERM and the Indigenous community of Bajo Chiquito.²⁵⁷

Panama ordered the permanent closure on January 28, 2021, of the ERM La Peñita²⁵⁸—a former storehouse for grains produced throughout the province of Darién.²⁵⁹

The IACtHR lifted the provisional measures in May 2022, citing a change in the exceptional situation presented by the Covid-19 pandemic and “all the actions taken by the State to improve the conditions.”²⁶⁰ However, conditions in the three ERMs that Panama now operates have serious shortcomings, as described below.

The Ministry of Public Safety operates the ERMs in Darién province—Lajas Blancas and San Vicente—deploying SENAFRONT and SNM staff. The ERM in Chiriquí province, near the border with Costa Rica—Planes de Gualaca—is currently closed.

Lajas Blancas

From Bajo Chiquito, migrants travel down the river to the Lajas Blancas ERM, on private land handed over to the government a 30-minute drive south of the town of Metetí.

²⁵⁶ Inter-American Court of Human Rights, *Case of Vélez Loor v. Panama*, adoption of provisional measures, July 29, 2020, https://www.corteidh.or.cr/docs/medidas/velez_se_02_ing.pdf (accessed March 5, 2024).

²⁵⁷ Inter-American Court of Human Rights, *Case of Vélez Loor v. Panama*, adoption of provisional measures, June 24, 2021, https://www.corteidh.or.cr/docs/medidas/velez_se_03_ing.pdf (accessed March 5, 2024), p. 28.

²⁵⁸ “Ombudsman Confirms Closure of La Peñita Station in Hearing Before IACHR” (“Defensor del Pueblo confirma cierre de estación de La Peñita en audiencia de la CIDH”), Panama’s Ombudsperson’s Office press release, May 7, 2021, <https://www.defensoria.gob.pa/defensor-del-pueblo-confirma-cierre-de-estacion-de-la-penita-en-audiencia-de-la-cidh/> (accessed March 5, 2024).

²⁵⁹ Panama’s Ombudsperson’s Office, *Special Report: The Human Rights Situation of Irregular Migrant People in the Provinces of Darién and Chiriquí in the Context of the Covid-19 Pandemic*, p. 37.

²⁶⁰ Inter-American Court of Human Rights, *Case of Vélez Loor v. Panama*, provisional measures, May 25, 2022, https://www.corteidh.or.cr/docs/medidas/velez_se_04_esp.pdf (accessed March 5, 2024)

The ERM was built in 2019 to shelter 500 migrants and asylum seekers.²⁶¹ It was closed for renovations between February and July 2022.²⁶²

The ERM is currently surrounded by a wire fence and divided into two areas, one where humanitarian organizations provide health assistance and information for asylum seekers and one lined with 54 little wooden houses with steel sheet roofs erected by IOM and furnished with cots. But the houses are too hot to sleep in, migrants, asylum seekers and humanitarian workers told Human Rights Watch.²⁶³ Human Rights Watch observed the houses were in dire condition, with deteriorated infrastructure and damaged mosquito nets or large pieces of black fabric with holes covering the windows to prevent the entry of insects. Many migrants and asylum seekers prefer to stay in their tents.²⁶⁴



Wooden houses with corrugated metal sheet roofs furnished with cots are lined up in the migrant reception center of Lajas Blancas. Houses are in dire condition, with deteriorated infrastructure and large pieces of black fabric with holes covering the windows to prevent the entry of insects. Many migrants and asylum seekers prefer to stay in their tents. © 2023 Human Rights Watch

²⁶¹ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²⁶² MSF, “Border Between Colombia and Panama: The Darién Gap Continues to Be as Dangerous as Before” (“Frontera entre Colombia y Panamá: El Darién sigue siendo tan peligroso como antes”), May 13, 2022, <https://www.msf.es/noticia/frontera-colombia-y-panama-darien-sigue-siendo-tan-peligroso> (accessed March 5, 2024); Mixed Migration Center, “Quarterly Mixed Migration Update: Latin America and the Caribbean” (“Quarterly Mixed Migration Update: América Latina y el Caribe”), 2022, https://mixedmigration.org/wp-content/uploads/2022/07/QMMU_Q2_2022_LAC_ES.pdf (accessed March 5, 2024), p. 17.

²⁶³ Human Rights Watch interviews with migrants, asylum seekers and humanitarian workers in Lajas Blancas, March 2023.

²⁶⁴ Ibid.



Tents serve as shelter for migrants and asylum seekers in the migrant reception station of Lajas Blancas. In Panamanian reception centers, deteriorated housing structures, lack of lighting, insufficient separation between latrines and showers for men and women, and a lack of properly staffed health centers endanger migrants and asylum seekers. © 2023 Human Rights Watch

Houses are numbered, but nobody assigns or controls their occupancy. This creates a risk of sexual violence and other abuses, according to humanitarian groups, and contributes to impunity.²⁶⁵ Migrants and asylum seekers have told humanitarian workers that some people appropriate the houses and “rent” them out to earn money to buy bus tickets.²⁶⁶

Sanitary conditions are inadequate in the 25 Lajas Blancas bathrooms, humanitarian organizations told Human Rights Watch.²⁶⁷ Male and female bathrooms are right next to each other, and some doors cannot be secured from the inside, exposing female migrants to sexual harassment and abuse.²⁶⁸ Many migrants and asylum seekers who spoke with

²⁶⁵ Human Rights Watch interviews with humanitarian workers in Panama City and Darién, February and March 2023.

²⁶⁶ Human Rights Watch interviews in Panama and by phone with humanitarian workers, March-April 2023.

²⁶⁷ These include 17 “mobile toilets” (six for women, six for men and five for children), six toilets provided by the transportable latrine company TAVSA (three for women and three for men); and two toilets established by MSF (one for women and one for men). Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²⁶⁸ The Lajas Blancas ERM does not have gender-neutral or unisex toilets. Nor does it have other policies to take into account and prevent risks of harassment or abuse against trans people.

Human Rights Watch during a visit in March 2023 were using the river to shower, wash their clothes, and relieve themselves.²⁶⁹

The only Panamanian government agencies with a permanent presence in Lajas Blancas are SENAFRONT, deploying 19 male officers who work 20-day shifts, according to information provided in April 2023,²⁷⁰ and SNM.²⁷¹

A female SENAFRONT officer was also there in March 2023, and said she was charged with taking care of separated or unaccompanied children. She told us that the children remain in her custody until someone from the SENNIAF arrives.²⁷²

The Ministry of Health told Human Rights Watch they established a temporary clinic in the Lajas Blancas ERM in August 2022.²⁷³ No doctor or nurse from the ministry was there when Human Rights Watch visited in March 2023. Health services have been provided by the Panamanian Red Cross and, until March 2024, by MSF. UN agencies also provide drinking water.

The only service provided directly by the Ministry of Public Safety—through a private contractor in Metetí—is food.²⁷⁴ SENAFRONT officers use a megaphone to call migrants and asylum seekers to their meals three times a day. The menus do not include options for

²⁶⁹ Human Rights Watch interviews with migrants, asylum seekers and humanitarian workers in Lajas Blancas, March 2023.

²⁷⁰ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).

²⁷¹ On March 16, 2023, Human Rights Watch sent a letter to the SNM asking for the number of officers posted in each Indigenous community and migrant reception station. The SNM responded that they had 84 officers present in total, in the two Indigenous communities, the two reception stations, and in the regional office in Darién. Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²⁷² Human Rights Watch interview with a female officer and a high-level male SENAFRONT officer, in Lajas Blancas, March 2023.

²⁷³ Information provided to Human Rights Watch via email by the Ministry of Health Ministry, September 2022 (on file with Human Rights Watch).

²⁷⁴ In June 2022, Panama's government approved hiring, through an "exceptional procedure, a private company to supply food in San Vicente and Lajas Blancas for a total of USD\$4,946,823.00. See "Cabinet approves Hiring a Company to Provide Food for Migrants in the Darién Border" ("Consejo de Gabinete aprobó contratación para la alimentación de migrantes en la frontera de Darién"), Panama's Office of the President press release, June 22, 2022, <https://www.presidencia.gob.pa/Noticias/Consejo-de-Gabinete-aprobo-contratacion-para-la-alimentacion-de-migrantes-en-la-frontera-de-Darien> (accessed March 5, 2024).

babies and children or people with dietary restrictions related to allergies or religion.²⁷⁵

Humanitarian workers told Human Rights Watch of high rates of diarrhea in the Lajas Blancas ERM.²⁷⁶ Several migrants complained of spoiled food. The Ombudsperson's Office opened an investigation against the SNM in March 2023, based on reports about the "food received by migrants, its hygiene, portions, and schedules."²⁷⁷ As of February 2024, the Office informed they are periodically verifying the food conditions.²⁷⁸

Between February and March 2023, the Lajas Blancas ERM was seriously overcrowded. Its capacity was sometimes exceeded by as much as 600 percent while people waited for a bus, UNICEF reported, and services and living conditions in the camp deteriorated, including the availability of toilets and food.²⁷⁹

Many migrants and asylum seekers started walking up the Pan-American highway to escape what some described as "dire conditions" at the shelter, an Ecuadorian woman told Human Rights Watch.²⁸⁰

Julissa Cifuentes and Nadia Pérez (pseudonyms), Venezuelan women in their thirties who came north from Peru with their families, arrived at San Vicente on a SENAFRONT truck.²⁸¹ They said conditions at Lajas Blancas, where they had first arrived by boat from Bajo Chiquito and spent a day and a night, were "unclean, unsanitary, and unsafe." They had to buy bottled water in the stores outside Lajas Blancas because the camp ran out of drinking water. Julissa's and her son's cellphones were stolen, they said. There was a huge line of people waiting for

²⁷⁵ Human Rights Watch interview with a SENAFRONT officer, in San Vicente, May 2022; Human Rights Watch interviews with humanitarian workers in Metetí and Lajas Blancas, March 2023; Human Rights Watch interviews with migrants and refugees in San Vicente and Lajas Blancas, May 2022 and March 2023.

²⁷⁶ Human Rights Watch interviews with humanitarian workers in Lajas Blancas and Metetí, March 2023.

²⁷⁷ Information provided to Human Rights Watch via email by the Panamanian Ombudsperson's Office, April 13, 2023 (on file with Human Rights Watch).

²⁷⁸ Human Rights Watch phone interviews with officials with the Ombudsperson's Office, February 2024.

²⁷⁹ "Seven-fold increase in the number of children walking through the Panamanian jungle towards North America this year," UNICEF press release, March 30, 2023, <https://www.unicef.org/lac/en/press-releases/seven-fold-increase-number-of-children-walking-through-panamanian-jungle-towards-north-america> (accessed March 5, 2024).

²⁸⁰ Human Rights Watch interview with an Ecuadorian woman in San Vicente, March 2023.

²⁸¹ Unless otherwise noted, this case is based on a Human Rights Watch interview with Julissa Cifuentes and Nadia Pérez (pseudonyms) in San Vicente, March 2023.

buses. Some people paid other migrants and asylum seekers to cut to the front of the line, others brandished edged weapons. Nadia's phone was broken during the struggle to stay in line. Finally, they decided to walk the Pan-American highway. When they saw a "military truck," they feared they would be deported. "Luckily they took us here," Julissa said. "[San Vicente] is marvelous compared with the other place."

Irina Ortega (pseudonym), a 27-year-old Ecuadorian woman, arrived at San Vicente under a burning mid-day sun, with a group of compatriots.²⁸² The group had walked most of the way from Lajas Blancas before being picked up by a SENAFRONT truck. Lajas Blancas had been unclean and unsafe, with no place to sleep, Irina said. It was "full of desperate people wanting to continue their journey," she said. A man travelling with her said they had expected more from what he called a "UN camp."²⁸³ They had set out for San Vicente despite warnings from SENAFRONT officers at Lajas Blancas that they would be deported if found walking on the road.



Dozens of migrants and asylum seekers wait for a bus to take them from the migrant reception station of Lajas Blancas, on the Panamanian side of the Darién, to the migrant reception station of Planes de Gualaca, close to the border with Costa Rica. Neither one is suitable for long stays, but many people stay for several days because of ill health, family separation, or lack of money to continue their journey. © 2023 Human Rights Watch

²⁸² Unless otherwise noted, this case is based on a Human Rights Watch interview with Irina Ortega (pseudonym) in San Vicente, March 2023.

²⁸³ The ERM are run by the government of Panama. However, migrants and asylum seekers commonly refer to them as "UN Camps" or "the UN" since UN and other agencies provide humanitarian assistance.

San Vicente

From Canaán Membrillo, migrants and asylum seekers are generally taken by boat to the San Vicente ERM, on state-owned land a 30-minute drive north from Metetí.

San Vicente opened with capacity for 500 people in September 2020.²⁸⁴ Funds to build it came from international donors and UN agencies.²⁸⁵ After additional construction, costing US\$2.2 million, the ERM reopened in November 2022, with capacity for 544 people.²⁸⁶

San Vicente is surrounded by a wire fence. When Human Rights Watch visited in May 2022, officers said migrants and asylum seekers were not allowed to leave the camp.²⁸⁷ They failed, however, to point to legislation or regulations establishing such restrictions on movement.²⁸⁸ In March 2023, officers said migrants and asylum seekers were allowed to leave, but many of them said that officers had dissuaded them from leaving, arguing that they could be arrested or deported by security officials.²⁸⁹

Inside, modular container dormitories hold bunk beds in the same space with no separation. Each modular container has only two small doors through which people can enter and exit, which is concerning in case of a fire and people needing to escape, humanitarian agencies said.²⁹⁰ With no air conditioning or fans and poor ventilation and insulation, the rooms are extremely hot. Some migrants and asylum seekers said that, because of the heat in the buildings—and the lack of privacy—, they preferred to sleep in their tents.²⁹¹

²⁸⁴ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²⁸⁵ Colombia's and Panama's Ombudsperson's Office, "Bi-national Early Warning No.001-2023 for Colombia and Panama," p. 15.

²⁸⁶ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch). See also, "Ministry of Public Safety Opens New Modules for Migrants in San Vicente, Darién" ("Minseg inaugura nuevos modulares para migrantes en San Vicente Darién"), Panama's Ministry of Public Safety press release, November 27, 2022, <https://www.minseg.gob.pa/2022/11/minseg-inaugura-nuevos-modulares-para-migrantes-en-san-vicente-darien/> (accessed March 6, 2024); Message posted by @MinSegpma on X, November 25, 2022, <https://twitter.com/MinSegpma/status/1596195065915113472> (accessed March 6, 2024).

²⁸⁷ Human Rights Watch interviews with SNM and SENAFRONT officials in San Vicente, May 2022.

²⁸⁸ Human Rights Watch interview with the local SNM director in Darién, May 2022.

²⁸⁹ Human Rights Watch interviews with migrants and asylum seekers in San Vicente, March 2023.

²⁹⁰ Human Rights Watch interviews with humanitarian workers in Metetí and Panama City, February and March 2023.

²⁹¹ Human Rights Watch interviews with migrants and asylum seekers in San Vicente, March 2023.



Migrants and asylum seekers wait behind a wire fence in the San Vicente migrant reception center, on the Panamanian side of the Darién Gap, for a bus that will take them to the migrant reception center of Planes de Gualaca, close to the border with Costa Rica. © 2022 Human Rights Watch

There are supposedly separate modular dormitories for women, for men, and for families, but nobody guarantees that this is respected, and anybody can enter anywhere.

Since March 1, 2024, San Vicente has been temporarily closed after a fire destroyed around 11 modular containers and provoked damages for US\$800,000, according to Panamanian authorities.²⁹²

²⁹² Message posted by @senafropanama on X, March 2, 2024, <https://twitter.com/senafropanama/status/1763931227059343600> (accessed March 20, 2024); Message posted by @migracionpanama on X, March 2, 2024, <https://twitter.com/migracionpanama/status/1764015141480202722> (accessed March 20, 2024); Message posted by @PGN_PANAMA on X, March 4, 2024, https://twitter.com/PGN_PANAMA/status/1764721981331558795 (accessed March 20, 2024); Message posted by @migracionpanama on X, Marh 6, 2024, <https://twitter.com/migracionpanama/status/1765158462923669608> (accessed March 20, 2024)

San Vicente has 10 toilets and 14 showers for women, and an equal number for men.²⁹³ They are in better condition than those in Lajas Blancas, but the female showers are directly across from the male toilets, separated only by a narrow external corridor.²⁹⁴ When the camp is over capacity, the toilets have drainage problems, humanitarian workers said.²⁹⁵

As at Lajas Blancas, the only Panamanian agencies with a permanent presence are SENAFRONT and SNM. SENAFRONT deploys 15 male officers and one female officer, each working 20-day rotations.²⁹⁶



Migrants and asylum seekers walk and rest inside one of the modular containers that serve as dormitories with bunk beds in the migrant reception station of San Vicente. © 2023 Human Rights Watch

²⁹³ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

²⁹⁴ UNHCR recommends establishing “three female toilets to every male toilet, based on disaggregated population numbers.” It also indicates that “[t]oilet blocks must be segregated by sex and marked with culturally appropriate signage.” See UNHCR, “WASH in Camps,” n.d., https://sswm.info/sites/default/files/reference_attachments/UNHCR%202015%20Emergency%20Handbook.pdf (accessed March 6, 2024).

²⁹⁵ Human Rights Watch interviews with humanitarian workers in Metetí, March 2023.

²⁹⁶ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).



A man rests at the migrant reception station in San Vicente after Panamanian Red Cross personnel treated the wounds on his feet caused by long days of walking through the Darién. Medical services within the stations rely on the work of humanitarian organizations like the Red Cross and Doctors Without Borders (MSF). Since March 2024, MSF has been unable to provide its services due to lack of authorization from Panamanian authorities. © 2022 Human Rights Watch

The Ministry of Health told Human Rights Watch in August 2022 that they had opened a temporary health clinic at San Vicente, staffed by a doctor, a nurse, a psychologist, and a social worker.²⁹⁷ Human Rights Watch saw a new modular building with an air conditioner that was serving as a clinic in March 2023, with two nurses staffing it. They were waiting for migrants and asylum seekers to come for childhood vaccines.²⁹⁸ In separate tents nearby, MSF and the Panamanian Red Cross were providing general health services.²⁹⁹

UNICEF has a tent where staff supervise activities for children.³⁰⁰

²⁹⁷ Information provided to Human Rights Watch via email by the Ministry of Health Ministry, September 2023 (on file with Human Rights Watch).

²⁹⁸ Human Rights Watch interviews with nurses in San Vicente's health clinic, March 2023.

²⁹⁹ Human Rights Watch interviews with humanitarian workers in San Vicente, March 2023.

³⁰⁰ Human Rights Watch interview with a humanitarian worker from UNICEF in San Vicente, March 2023.

UN agencies provide drinking water at San Vicente. The same government contractor as at Lajas Blancas provides food. As at Lajas Blancas, migrants, asylum seekers, and humanitarian workers expressed concerns about inadequate portions and poor food quality.³⁰¹

Planes de Gualaca

Until late 2023, migrants and asylum seekers were transported from the Darién province to a third ERM in Planes de Gualaca, in the northern Panamanian province of Chiriquí, two-hours away by bus from the Costa Rican border. The government of Panama closed this ERM in October.³⁰²

The Planes de Gualaca ERM, located in a camp that had served workers of an international company, had capacity for 300 people.³⁰³



Debris from the collapsed structure of the migrant reception station of Planes de Gualaca, Panama, litter the ground. In 2023, large areas of the place were inaccessible, marked off by yellow hazard tape. The entire center was still closed as of March 2024. © 2023 Human Rights Watch

³⁰¹ Human Rights Watch interviews with migrants and asylum seekers in San Vicente, May 2022, and March 2023; Human Rights Watch interviews with humanitarian workers in San Vicente, May 2022 and March 2023.

³⁰² Human Rights Watch phone interview and text messages with officials from the Ombudsperson's Office, February and March 2024.

³⁰³ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).



A room in the migrant reception station of Planes de Gualaca. The center had no electricity, and there were no other sources of light in the vicinity, a risk for migrants and personnel. © 2022 Human Rights Watch

Beside a winding road through a forest, Planes de Gualaca raised in a clearing behind a wire fence. The houses were ran-down, with wooden walls falling apart, stairs missing steps and floors swaying alarmingly when stepped on them. The mattresses on the bunk beds inside them were dirty. The ERM had no electricity, and there were no other sources of light in the vicinity.

Panamanian authorities from SENAFRONT, SNM, and the Ombudsperson’s Office warn of dangerous conditions at Planes de Gualaca. When Human Rights Watch visited in 2023, large areas of the ERM were inaccessible, marked off by yellow hazard tape because, SNM officials said, the buildings could collapse.³⁰⁴ On September 2022, the Ombudsperson’s Office opened a non-judicial investigation against SNM and SENAFRONT, saying that “the deterioration” represents a “risk to the migrants and personnel.”³⁰⁵ SNM authorities told

³⁰⁴ Human Rights Watch interviews with SNM members in Planes de Gualaca, February 2023.

³⁰⁵ Information provided to Human Rights Watch via email by the Ombudsperson’s Office, April 13, 2023 (on file with Human Rights Watch).

Human Rights Watch that in 2023 the Inter-American Development Bank provided them with a plan to improve the facility.³⁰⁶

Unlike at Lajas Bajas and San Vicente, where SENAFRONT is in charge, at Planes de Gualaca, the SNM was in charge.

The Ministry of Health told Human Rights Watch in 2022 that it was deploying a technician to treat medical emergencies at Planes de Gualaca during eight-hour shift five days a week (Monday, Wednesday, Friday, Saturday, and Sunday).³⁰⁷



A message of hope written over one of the deteriorated doors of the migrant reception station of Planes de Gualaca. Thousands of people, from more than 70 nationalities, have made the journey through these dangerous migration routes. © 2022 Human Rights Watch

³⁰⁶ Information provided to Human Rights Watch via WhatsApp by an official of the SNM, August 2, 2023.

³⁰⁷ Information provided to Human Rights Watch via email by the Ministry of Health, September 2022 (on file with Human Rights Watch)

The government-provided food at Planes de Gualaca was cooked by National Police officers.³⁰⁸

When migrant buses from the south arrived at Planes de Gualaca, many migrants and asylum seekers stepped off the bus, grabbed some food, and continued their journey to Costa Rica.³⁰⁹ But some stayed a long time. Human Rights Watch interviewed a group of Nicaraguans that had been stranded for more than four months. Some of them were seeking asylum in Panama and awaiting processing; others were being held as witnesses and victims for a criminal investigation of human trafficking.³¹⁰ When Human Rights Watch visited in 2023, some 55 migrants had also been there for several weeks, SNM officials said, awaiting “voluntary return flights” organized by IOM to help people go back to their countries if they are unwilling or unable to continue their journey north.³¹¹

Transportation under the “Humanitarian Flow” Strategy

Under the “humanitarian flow” strategy, Panamanian authorities control migrants and asylum seekers’ movement including by facilitating their transport across the country, to the border with Costa Rica. During their crossing through Panama, migrants and asylum seekers must pay for their transportation. They usually take two boats in Darién province and a bus to Costa Rica. The total cost is around US\$140 per person, a steep sum considering the dire economic situation of most migrants and asylum seekers crossing the Darién. Even those who can pay—or who interrupt their journey to earn what they need for transport—are not guaranteed a safe journey across Panama.³¹²

³⁰⁸ Human Rights Watch interviews with SNM and SENAFRONT members in Planes de Gualaca, May 2022.

³⁰⁹ Human Rights Watch interviews with humanitarian workers and migrants and asylum seekers in Bajo Chiquito and Planes de Gualaca, February and March 2023. UNICEF, “Panama: Report on Situation of Children and Adolescents in the Move,” p. 3.

³¹⁰ Human Rights Watch interviews with Nicaraguan migrants and asylum seekers in Planes de Gualaca, May 2022.

³¹¹ Human Rights Watch interviews with SNM members in Planes de Gualaca, February 2023; Human Rights Watch interview with a humanitarian worker from IOM in Planes de Gualaca, February 2023; Human Rights Watch interviews with Venezuelan migrants and asylum seekers, February 2023.

³¹² ACAPS, “Panama: Increase in migrant traffic through the Darién Gap,” April 19, 2023, https://www.acaps.org/sites/acaps/files/slides/files/20230419_acaps_briefing_note_panama_increase_in_migrant_traffic_through_the_darien_gap.pdf (accessed March 6, 2024).

Canoes

Piraguas are wooden canoes made from hollowed-out tree trunks, powered by small outboard motors fueled by gasoline. Indigenous families use them to transport migrants and asylum seekers to their communities—Bajo Chiquito and Canaán Membrillo—and from there to the San Vicente or Lajas Blancas ERMs. The trip can take around four to six hours, depending on river conditions and the route. SENAFRONT and the boat owners, known as “piragüeros,” assign around 15 to 18 people to each boat and assign them life jackets. But Panamanian authorities do not inspect or regulate the piraguas. Some are leaky, requiring migrants and asylum seekers to bail the boats during the journey.³¹³

“We received reports of several boat wrecks in December [2022] and January [2023],” a humanitarian worker in Metetí told Human Rights Watch.³¹⁴ “Our piragua was flipped” by a wave, a Venezuelan man who crossed in October [2022] told us. “We had to hang from tree branches to survive.”³¹⁵

In the short dry season from January to May, piraguas sometimes run aground, and migrants and asylum seekers must climb out and push them back into deeper water. “My husband and other men had to jump in the water and push,” a Venezuelan woman said.³¹⁶

People who cannot pay for the boats have at times been asked by boat owners to hand in their cellphones or to conduct labor in Indigenous communities.³¹⁷

Buses

From San Vicente or Lajas Blancas ERMs to Costa Rica, migrants and asylum seekers take large private buses that charge US\$60.³¹⁸ The Ministry of Public Safety told Human Rights Watch that Panamanian authorities do not have an agreement with the company that

³¹³ Human Rights Watch interviews with humanitarian workers, members of Indigenous communities, and migrants and asylum seekers in Canaán Membrillo and Bajo Chiquito, May 2022 and March 2023.

³¹⁴ Human Rights Watch interview with a humanitarian worker in Metetí, March 2023.

³¹⁵ Human Rights Watch interview with a Venezuelan man in Planes de Gualaca, February 2023.

³¹⁶ Human Rights Watch interview with a Venezuelan woman in San Vicente, March 2023.

³¹⁷ Human Rights Watch interviews with humanitarian workers and migrants and asylum seekers in Canaán Membrillo and Bajo Chiquito, May 2022 and March 2023.

³¹⁸ Human Rights Watch phone interviews with officers from the Ombudsperson’s Office and humanitarian workers, February 2024.

operates the bus, although the same company is used to transport migrants daily between Darién and Costa Rica.³¹⁹

Before the agreement with Costa Rica in late 2023, the buses took people to the ERM in Planes de Gualaca, for US\$40. Buses that travelled at night were overcrowded, and people who did not have seats stood or sat in the aisle. “Forty-nine people have a seat, and up to 20 sit on the floor. Those on the floor are charged half price,” said a young man working in one of the buses leaving San Vicente in May 2022.³²⁰

To keep migrants and asylum seekers from stepping off and staying in Panama, interviewees said, the buses did not stop—not even to allow people to go to the bathroom or buy food.³²¹ “[People] board at 3 p.m. and [the bus] waits until night to leave so no one escapes,” added the young man.³²²

Several buses carrying migrants and asylum seekers have crashed or burned on the way north during 2022 and 2023:

- During Human Rights Watch’s 2022 visit to Planes de Gualaca, one bus travelling overnight from San Vicente to Planes de Gualaca on May 13 and 14, carrying more than 50 people, hit a lamp post in the middle of the night, injuring several people and taking the bus out of service.³²³ The accident occurred when the driver fell asleep, migrants and asylum seekers told Human Rights Watch. The bus was “completely full,” one of the migrants travelling on the bus said, “with people sitting on the floor.”³²⁴ A video recorded by a passenger and shared with Human Rights Watch shows people, including children, standing in the bus with all visible seats occupied—indicating that it was likely overcrowded. Another video taken

³¹⁹ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

³²⁰ Human Rights Watch interview with a driver’s assistant, in San Vicente, May 2022.

³²¹ Human Rights Watch interviews with bus drivers, migrants and asylum seekers, humanitarian workers, and officers from the Panamanian Ombudsperson’s Office in Metetí, San Vicente and Planes de Gualaca, May 2022.

³²² Human Rights Watch interview with a driver’s assistant, in San Vicente, May 2022.

³²³ Human Rights Watch interviews with migrants and asylum seekers that were in the bus during the accident in Planes de Gualaca, May 2022; Human Rights Watch interview with an Ombudsperson’s Office official in David, May 2022; Human Rights Watch interviews with SNM officials in Planes de Gualaca, May 2022.

³²⁴ Human Rights Watch interview with a Venezuelan woman that was in the bus during the accident, in Planes de Gualaca, May 2022.

- after the accident and shared with Human Rights Watch shows people sitting and standing at the roadside. The person who sent the video describes the scene, saying that the people on the side of the road “were injured in the accident.”³²⁵ Everyone waited there for another bus, although some were injured. Human Rights Watch was not able to confirm the location these videos were filmed.
- On February 15, 2023, a bus carrying more than 60 people crashed about 100 yards from the Planes de Gualaca ERM. It left the road on a curve and hit a big rock. Thirty-nine people died, authorities said.³²⁶ Several others, severely injured, were taken to hospitals in David, the capital city of Chiriquí province. Some survivors were allowed to stay in a shelter in the city.³²⁷ It took Panamanian authorities several weeks to identify the bodies.³²⁸
 - Weeks later, on February 25, a bus caught fire on the road to Planes de Gualaca.³²⁹ None of the 57 people travelling in it were reported injured. SNM Director Samira Gozaine announced the suspension of buses taking migrants to Planes de Gualaca, until inspections could be completed to verify that the buses were in the “required conditions.”³³⁰

When Human Rights Watch visited Panama in early March 2023, only 13 of the 60 buses had met the requirements to be cleared for use by the Ground Transportation authority (Autoridad de Tránsito y Transporte Terrestre), according to a SENAFRONT high-ranking

³²⁵ Videos and photos shared by migrants and asylum seekers (on file with Human Rights Watch); Human Rights Watch interview with a Venezuelan woman that was in the bus during the accident, in Planes de Gualaca, May 2022.

³²⁶ “Chiriquí’s regional prosecutor’s office concludes proceeding to reconstruct a transit accident in which 39 people lost their lives in Gualaca” (“Fiscalía regional de Chiriquí concluye diligencia de recreación de accidente de tránsito en la que perdieron la vida 39 personas en Gualaca”), Ministry of Interior press release, July 4, 2023, <https://ministeriopublico.gob.pa/notas-de-prensa/fiscalia-regional-de-chiriqui-concluye-diligencia-de-recreacion-de-accidente-de-transito-en-la-que-perdieron-la-vida-39-personas-en-gualaca> (accessed September 23, 2023).

³²⁷ Human Rights Watch interview with an Ombudsperson’s Office official in David, March 2023; Human Rights Watch interviews with SNM members in Planes de Gualaca, March 2023.

³²⁸ See, e.g., “Panamá states that it will ‘take time’ to identify the migrants who died in the bus accident” (“Panamá dice que ‘tomará tiempo’ identificar a los migrantes muertos en el accidente de bus”), *France 24*, February 16, 2023, <https://www.france24.com/es/minuto-a-minuto/20230216-panam%C3%A1-dice-que-tomar%C3%A1-tiempo-identificar-a-migrantes-muertos-en-accidente> (accessed March 6, 2024).

³²⁹ See, e.g., “Panama suspends transportation of migrants due to a new bus accident” (“Panamá suspende el transporte de migrantes por un nuevo accidente de autobús”), *El País*, February 28, 2023, <https://elpais.com/internacional/2023-02-28/panama-suspende-el-transporte-de-migrantes-por-un-nuevo-accidente-de-autobus.html> (accessed March 6, 2024).

³³⁰ Message posted on X by @migracionpanama, February 25, 2023, <https://twitter.com/migracionpanama/status/1629640215970164737/photo/2> (accessed March 6, 2024).

official.³³¹ This affected the mobility of migrants and asylum seekers, creating overcrowding at the ERMs and pressure on the scant services provided in the Indigenous communities.

Various officials told Human Rights Watch in 2022 that the buses allowed a few people who could not pay for a ticket to ride.³³² Some of them described the places obtained through this practice as “humanitarian seats,” although many migrants and asylum seekers were required to do work in the ERMs, often in cleaning, to be able to board. But since the fatal accident on February 15, 2023, everyone was required to pay. This, too, exacerbates overcrowding in the Indigenous communities and at the ERMs. Migrants and asylum seekers who would have moved on after a day instead spend several days, or even weeks, in inadequate shelters without a chance to leave.

Tristán Cuña (pseudonym), 36, an Indigenous Wayúu man from Venezuela, worked several years harvesting coca crops in Colombia before crossing the Darién in February 2023.³³³ Tristán had to stay five days in Bajo Chiquito, he said, because of transport problems. He arrived in Lajas Blancas on February 23, a couple of days before the bus to Planes de Gualaca caught fire. When he spoke to Human Rights Watch on March 3, he had spent more than 15 days in the ERM. “I do not have the money to pay for a ticket,” he said, “and there are fewer buses now.” Although he knew that conditions in the San Vicente ERM were much better, he was volunteering at Lajas Blancas, cleaning the shelter’s facilities, in hopes of earning a bus ticket. “If they see that you participate,” he said, “they give you a hand with the bus.”

Other migrants, asylum seekers, and humanitarian workers said that many volunteered at the ERMs for weeks, only to be told by SENAFRONT that no records are kept or privileges granted in return.³³⁴

³³¹ Human Rights Watch interview with a high-ranking SENAFRONT official in Lajas Blancas, March 2023.

³³² Human Rights Watch interviews with SENAFRONT, SNM and Ombudsperson’s Office officials in Metetí and San Vicente, May 2022.

³³³ Unless otherwise noted, this case is based on an interview with Tristán Cuña (pseudonym) in Lajas Blancas, Panamá, March 2023.

³³⁴ Human Rights Watch interviews with migrants and asylum seekers in Lajas Blancas, March 2023; Human Rights Watch interview with humanitarian worker in Metetí, March 2023.

In February 2024, the Ombudsperson's Office told Human Rights Watch that each bus was currently taking two people without pay for "humanitarian reasons." The Ombudsperson's Office assigns the free trips.³³⁵

Protection, Abuses by Security Forces, and Access to Justice

Limited State Presence and Protection

Panama's Darién province is among those with the least state presence and most limited provision of public services.³³⁶

Panama's Ombudsperson's Office says that local state institutions face "challenges in ensuring territorial coverage and presence" in a region marked by "structural poverty."³³⁷ Government authorities recognize that the limited state capacity in the region, including strained capacity of public health facilities and difficulties accessing clean water, pose a challenge to their response to migration.³³⁸

Most migrants and asylum seekers interviewed by Human Rights Watch both in 2022 and 2023 said they had encountered no state authorities until they arrived in the Indigenous communities of Bajo Chiquito and Canaán Membrillo.

SENAFRONT reports conducting 17 operations between 2022 and April 2023 to "counter criminal actions against migrants."³³⁹ From January 2022 to June 2023, the Ministry of Public Safety apprehended 197 people. Of these, 124 were nationals and 77 were foreigners.³⁴⁰

In June 2023, the Ministry of Public Safety launched initiatives known as the Shield Campaign (Campaña Escudo) and the Chocó Operation (Operación Chocó) in Darién

³³⁵ Human Rights Watch phone interview with an Ombudsperson's Office official, February 19, 2024.

³³⁶ Panama's Ombudsperson's Office, *Ombudsperson's Office Report on the Human Rights Situation of Children and Adolescents in the Move and in Border Areas in Panama*, p. 12.

³³⁷ *Ibid.*, p. 27.

³³⁸ Information provided to Human Rights Watch via email by the SNM, June 14, 2023 (on file with Human Rights Watch).

³³⁹ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).

³⁴⁰ "Panama Launches Campaigns 'Shield' and 'Operation Chocó' to Maintain Territorial Control of the Borders" ("Panamá inicia campaña 'Escudo' y 'Operación Chocó' para mantener el control territorial de las fronteras"), Ministry of Public Safety press release June 2, 2023, <https://www.minseg.gob.pa/2023/06/panama-inicia-campana-escudo-y-operacion-choco-para-mantener-el-control-territorial-de-las-fronteras/> (accessed March 6, 2024).

province and border areas of the Guna Yala Indigenous territory. They aim to combat “transnational organized crime, maintain territorial control of the borders, and protect the environment.”³⁴¹ The Chocó Operation was also intended to “coordinate the rejection and return of migrants,” the ministry said.³⁴²

These operations overlapped with a 60-day joint campaign by Colombia, Panama, and the US that started on April 12, with the goal of “end[ing] illicit movement of people and goods through the Darién by both land and maritime corridors, which leads to death and exploitation of vulnerable people for significant profit.”³⁴³

Abuses by Security Forces

The Ombudsperson’s Office informed Human Rights Watch of two incidents related to abuses by SENAFRONT officers in the ERMs. SENAFRONT officers pepper-sprayed one person in the eyes and then denied him medical assistance. In another case, described below, SENAFRONT officers ill-treated a man who stepped in to defend a Haitian man who another SENAFRONT officer was verbally abusing.³⁴⁴ Humanitarian workers reported similar incidents.³⁴⁵

Andrés Midreros (pseudonym), 25, and his wife, both teachers, left Cuba undocumented, he told Human Rights Watch.³⁴⁶ They lived for more than four years in South America—in Suriname, Brazil, Chile, Peru, and Ecuador—before going north and crossing the Darién.

Emerging from the jungle, they spent eight days in late 2022 at the Lajas Blancas ERM. They had no money and hoped to do social work in the ERM to earn a bus ticket north. After four or

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ Panama’s Ministry of Foreign Affairs, Colombia’s Ministry of Foreign Affairs and US Secretary of Homeland Security, “Trilateral joint statement,” April 11, 2023, <https://co.usembassy.gov/trilateral-joint-statement/> (accessed March 6, 2024).

³⁴⁴ Information provided to Human Rights Watch via email by the Panamanian Ombudsperson’s Office, April 13, 2023 (on file with Human Rights Watch).

³⁴⁵ Human Rights Watch phone interview with humanitarian workers, January 2023; Human Rights Watch interview with humanitarian workers in Panama City, February 2023; Human Rights Watch interview with humanitarian worker in Metetí, March 2023.

³⁴⁶ Unless otherwise noted, this case is based on a Human Rights Watch phone interview with Andrés Midreros (pseudonym), January 2023.

five days at Lajas Blancas, Andrés witnessed a SENAFRONT officer insulting a Haitian man, and stepped in to defend him. The officer ordered Andrés to follow him to the SENAFRONT office and, once inside, threatened him with an iron bar, he said. When Andrés tried to run away, a group of about 12 officers dragged him back inside, hit him in the face and body, and held a plastic bag over his head to suffocate him, he told Human Rights Watch.

The next day, all officers at the ERM rotated out, and Andrés and his wife were able to get a free ride on a bus to Planes de Gualaca. Andrés told both the Ombudsperson's Office and the SNM about the incident. SENAFRONT told Human Rights Watch that they had not received any disciplinary complaint against their officers.³⁴⁷

The high number of vulnerable migrants who stay in Panama for brief periods of time coupled with the absence of oversight mechanisms and obstacles to present complaints create an environment that favors impunity for security forces involved in abuses.

In December 2022, a group of UN special rapporteurs and other experts sent a letter to the Panamanian government expressing concern about “allegations of violence against migrants housed in ERMs, including allegations of sexual violence.” The alleged conduct included sexual exploitation by SNM and SENAFRONT personnel, who allegedly asked women and girls staying in the San Vicente ERM to have sex with them in exchange for a place on a bus to Costa Rica.³⁴⁸

The Panamanian Ministry of Public Safety said it had not received any reports of abuses by security forces³⁴⁹ and SENAFRONT told Human Rights Watch that the institution prohibits sexual intercourse between officers and migrants.³⁵⁰

Humanitarian workers interviewed by Human Rights Watch said they saw Panamanian officers displaying “overly familiar attitudes,” meaning in this context sexual harassment,

³⁴⁷ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).

³⁴⁸ Letter from UN experts and special rapporteurs to Panamanian authorities, December 9, 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27726> (accessed September 23, 2023), p. 3.

³⁴⁹ Message posted on X by @MinSegPma, February 11, 2023, <https://twitter.com/MinSegPma/status/1624566001592303616/photo/1> (accessed March 6, 2024).

³⁵⁰ Human Rights Watch interview with a high-level SENAFRONT officer in Lajas Blancas, March 2023.

towards women and girls travelling alone.³⁵¹ They recounted the story of a female migrant who had a sexual relationship with an officer. When the humanitarian workers spoke to her about the officer abusing his power, the woman said she did not want to file a complaint, because he “helps her a lot.”³⁵²

Migrants and asylum seekers who stayed several weeks in the Lajas Blancas ERM mentioned “suspicious conduct” by officers trying to approach alone or young women and girls. One woman said she was “on alert” every time an officer interacted with her 17 and 18-year-old daughters.³⁵³

Dayanara Montúfar (pseudonym), 33, left her hometown, Barranquilla (Colombia) with her 2-year-old son, José Ignacio (pseudonym), and 6-month-old daughter.³⁵⁴ She could not obtain travel authorization from her son’s father, so she walked across the Darién.

On the exhausting journey through the jungle, a friend from the Dominican Republic helped carry José Ignacio. He went ahead at the end, arriving in Panama a day earlier than Dayanara, and Panamanian authorities took José Ignacio into child custody. When Dayanara arrived with the baby, child protection authorities said she would have to wait several days in Lajas Blancas before they could return José Ignacio to her. She waited there for almost two weeks.

“Panamanian guards would engage [migrant women] in late-night conversations,” seeking sex in exchange for help with charging phones or getting into the bus, she said. For example, one day, she gave her phone to a SENAFRONT officer who had offered to charge it. He returned with the phone at 11 p.m. and suggested they should “sit down and talk,” but she declined, saying it was late. Dayanara also told Human Rights Watch about a young woman who was being harassed by two officers. One would come to see her every night, and he slept in her wooden house one night.

³⁵¹ Human Rights Watch interviews with humanitarian workers in Metetí and Lajas Blancas, March 2023.

³⁵² Information provided to Human Rights Watch via email by humanitarian workers, February 2023 (on file with Human Rights Watch).

³⁵³ Human Rights Watch interview with a Venezuelan woman in Lajas Blancas, March 2023.

³⁵⁴ Unless otherwise noted, this case is based on a Human Rights Watch phone interview with Dayanara Montúfar (pseudonym), January 2023.

SENAFRONT told Human Rights Watch that all officers serving at the ERMs receive human rights training from the Humanitarian Border Security Unit (Unidad de Seguridad Fronteriza Humanitaria, USFROH),³⁵⁵ a branch of SENAFRONT created in 2021 with the support of the IOM and charged with providing humanitarian assistance.³⁵⁶ A few members of USFROH also serve in the ERMs.³⁵⁷

Investigations and Accountability

Crimes against migrants in the Darién Gap remain largely uninvestigated and unpunished. Accountability for crimes, including extortion, sexual violence, and murder, is rare. As a humanitarian worker put it, “perpetrators are certain they will face no consequences.”³⁵⁸

The lack of sufficient resources and personnel in the local prosecutor’s office, the absence of a criminal investigation strategy for the Darién, the fact that migrants and asylum seekers who are victims of crimes usually move on after a few days, and limited coordination between Colombian and Panamanian authorities, hamper accountability and undermine efforts to dismantle criminal groups.

Panama’s Attorney General’s Office reports receiving 654 complaints regarding crimes committed in the Darién Gap between January 2021 and December 2023, affecting more than 1,700 victims, and resulting in 26 convictions.³⁵⁹

³⁵⁵ Information provided to Human Rights Watch via email by the SENAFRONT, April 24, 2023 (on file with Human Rights Watch).

³⁵⁶ “Panama expands border security services to guarantee migrants’ rights,” IOM press release, April 21, 2021, <https://programamesoamerica.iom.int/en/news/panama-new-humanitarian-border-unit> (accessed March 6, 2024).

³⁵⁷ Information provided to Human Rights Watch via email by the Ministry of Public Safety, June 14, 2023 (on file with Human Rights Watch).

³⁵⁸ Human Rights Watch interview with a humanitarian worker in Metetí, Panamá, May 2022.

³⁵⁹ The Attorney General’s Office told Human Rights Watch that the requested information regarding the complaints, investigations, and convictions for crimes committed against migrants and refugees entering Panama through the Darién Gap, as well as the disaggregated data of the victims, involved “highly complex components that included the manual verification of the data in the institution’s archives.” Information provided to Human Rights Watch via email by Panama’s Attorney General’s Office, April 26, 2023, January 8, 2024 and March 21, 2024 (on file with Human Rights Watch).

Additionally, the Attorney General’s Office reported over 1,100 victims of migrant trafficking nationwide between January 2021 and December 2023. They charged 78 for this crime in 2021, 88 in 2022 and 24 in 2023.³⁶⁰

The Attorney General’s Office has no strategy for investigating and prosecuting cases in Darién. There is no clear prioritization of cases and little effort to investigate patterns in cases or to analyze them collectively to identify and seek to dismantle criminal groups operating in the area, Human Rights Watch found.³⁶¹

Cooperation between Panamanian and Colombian prosecutors is limited. A prosecutor told Human Rights Watch in March 2023 that they had not arrested anyone in cooperation with Colombia’s prosecutors.³⁶²

The Attorney General’s Office has one prosecutor in Canaán Membrillo and, since June 2023, one in Bajo Chiquito. Prosecutors said they also visited Lajas Blancas ERM once a week.³⁶³ The US Bureau of International Narcotics and Law Enforcement (INL) invested USD\$34.5 million “to strengthen the new prosecutorial offices” including facilities and equipment.³⁶⁴

Efforts of the authorities to identify abuses against migrants are insufficient, leading to high levels of underreporting.

The prosecutor stationed in Canaán Membrillo in 2022 told Human Rights Watch that the office actively seeks to identify potential victims in the one-off moment when migrants and asylum seekers disembark from the “piraguas” or are in line to be registered by the SNM.³⁶⁵ These efforts are superficial and inappropriately public. For instance, Human Rights Watch saw a SENAFRONT official asking a group of dozens of people to raise their hands for identification if they had been sexually abused.

³⁶⁰ Information provided to Human Rights Watch via email by Panama’s Attorney General’s Office, April 26, 2023, and January 8, 2024 (on file with Human Rights Watch).

³⁶¹ Human Rights Watch interviews with prosecutors in Darién and Panama City, May 2022 and March 2023.

³⁶² Human Rights Watch interview with the chief prosecutor for organized crime, in Panama City, March 2023.

³⁶³ Human Rights Watch interview with the chief prosecutor of the Darién regional office, in Santa Fe, March 2023.

³⁶⁴ Information provided to Human Rights Watch via email by the Bureau of International Narcotics and Law Enforcement (INL), August 18, 2023 (on file with Human Rights Watch).

³⁶⁵ Human Rights Watch interview with a prosecutor in Canaán Membrillo, May 2022.

Additionally, in 2021, the Attorney General’s Office distributed a form for people to report crimes. The form, which was available in Spanish, English and Portuguese, included the question “why did you enter Panama irregularly?,” which risks dissuading people from reporting the crimes they have suffered.³⁶⁶ From January 2021 to July 2022, the prosecutor’s office reported that only 33 forms were filled out.³⁶⁷

Fear also dissuades people from reporting crimes.³⁶⁸ “Many people do not have the courage to speak up, they are threatened, and they say they see the perpetrators in the Indigenous communities,” a humanitarian worker said. “When they arrive, they feel unprotected.”³⁶⁹

Migrants and asylum seekers may also report cases once they are in the ERM. But if the prosecutor is not in the ERM when they attempt to make a report, SENAFRONT officers must escort them to the prosecutor’s office in Metetí, half an hour away by car. Many people may find this procedure burdensome and intimidating, especially if they want to report crimes against members of SENAFRONT.³⁷⁰

Women and girls face additional barriers to report crimes. Prosecutors operating in the Indigenous communities are men.³⁷¹ Human Rights Watch identified some cases where prosecutors had interviewed the men in the families, who had reported a robbery but failed to ask if something happened to the women in their group. In a few cases, Human Rights Watch was able to identify women who were sexually assaulted in those incidents but were never heard by the prosecutor.

People from African countries and Haiti, especially women and girls, are less likely than Venezuelan and Cuban women to file complaints, according to humanitarian workers. They

³⁶⁶ When Human Rights Watch reviewed the forms in the prosecutor’s office in May 2022, they had not been translated to French or Creole.

³⁶⁷ Information provided to Human Rights Watch via email by Panama’s Attorney General’s Office, April 26 (on file with Human Rights Watch).

³⁶⁸ Human Rights Watch interview with a prosecutor in Canaán Membrillo, May 2022.

³⁶⁹ Human Rights Watch phone interview with a humanitarian worker, June 2022.

³⁷⁰ Colombia’s and Panama’s Ombudsperson’s Office, “Bi-national Early Warning No.001-2023 for Colombia and Panama,” p. 31.

³⁷¹ The Chief prosecutor in Santa Fe told Human Rights Watch that women officials are not deployed to Indigenous communities for “security reasons.”

are “less familiar with complaint procedures” and “face cultural and linguistic barriers to reporting crime,” a humanitarian worker said.³⁷²

This is compounded by the absence of translators in both Indigenous communities and ERMs. Prosecutors often use translation apps or ask other migrants for help translating if the person reporting a crime does not speak Spanish.³⁷³

Even where the prosecutors identify cases of abuse, the prospect of accountability is very limited. Prosecutors say that they need victims to stay in the country, including to provide testimony or identify potential perpetrators, for the investigations to move forward. A prosecutor and a SENAFRONT officer told Human Rights Watch that the victims are “subjected to the criminal process.”³⁷⁴ Prosecutors and other officials often tell migrants that they need to stay in the ERMs for longer periods of time if they file a complaint, which likely dissuades many from reporting abuses. A prosecutor told Human Rights Watch in March 2023 that “if the victim leaves, the case is very likely to be closed.”³⁷⁵

In 2022, the Attorney General’s Office and the judicial branch signed an agreement to facilitate obtaining anticipated sworn testimony from migrants and asylum seekers to avoid the need for an in-person appearance at trial, a procedure known as “audiencia de prueba anticipada.” According to prosecutors, the process “takes three or four days.”³⁷⁶ Still, in order to provide advance testimony under this procedure, migrants need to participate in a hearing with an attorney or public defender, a delay that increases the risk that migrants and asylum seekers will leave before completing the process.

Hearings under the “prueba anticipada” procedure appear to be rare. Based on information provided by Panama’s justice system, the Ombudsperson’s Office reported that 14 such hearings took place in the Darién province in 2021, 22 in 2022, and 6 between

³⁷² Human Rights Watch interview with a humanitarian worker in Metetí, May 2022.

³⁷³ Human Rights Watch interviews with prosecutors and humanitarian workers in Panama, May 2022, and March 2023.

³⁷⁴ Human Rights Watch interview with a prosecutor and a SENAFRONT officer in Darién, May 2022.

³⁷⁵ Human Rights Watch interview with the chief prosecutor of the Darién regional office in Santa Fe, March 2023.

³⁷⁶ Ibid.; Human Rights Watch interview with the chief prosecutor for organized crime in Panama City, March 2023.

January and February 2023.³⁷⁷ Poor conditions in the in the ERM increase the likelihood that people will move on before providing testimony.³⁷⁸

The Attorney General's office said they ask victims for their phone numbers, social media profiles, and emails to follow up with them after leaving the country.³⁷⁹ Even so, migrants and asylum seekers with pending investigations in Panama told Human Rights Watch they have faced difficulties reaching out to prosecutors working on their cases.³⁸⁰

The nearest forensic doctor, who has the responsibility of conducting medical examinations and documenting the physical and psychological effects of sexual assault, is in La Palma, approximately a two-hour drive from Metetí. In some cases, the forensic physician traveled to Metetí to evaluate the victims. In other situations, the prosecution transported the victim to La Palma or, according to a prosecutor, a general doctor in Metetí conducted the evaluation, and subsequently the forensic doctor interpreted the findings.³⁸¹

The area lacks other essential forensic services. Requesting those services from other parts on the country takes too much "time and resources," said the chief prosecutor in Darién.³⁸² For example, prosecutors in Darién cannot examine corpses for identity recognition, fingerprint identification, or compare DNA samples.³⁸³

In 2023, INL helped establish a "Gessel Chamber," a room designed to allow observation of a victim's testimony while protecting them by strangers' observation, guaranteeing a trustworthy and secure space.³⁸⁴

³⁷⁷ Colombia's and Panama's Ombudsperson's Office, "Bi-national Early Warning No.001-2023 for Colombia and Panama," p. 52.

³⁷⁸ Human Rights Watch interview with the chief prosecutor for organized crime, in Panama City, March 2023.

³⁷⁹ Information provided to Human Rights Watch via email by Panama's Attorney General's Office, April 26, 2023 (on file with Human Rights Watch).

³⁸⁰ Human Rights Watch phone interviews with migrants and asylum seekers, May and June 2023.

³⁸¹ Human Rights Watch interview with the chief prosecutor of the Darién regional office, in Santa Fe, March 2023.

³⁸² Ibid.

³⁸³ In 2022, INL donated US\$358,000 in DNA laboratory equipment which is used to identify victims of human trafficking. However, the equipment is not used to investigate abuses against migrants. Information provided to Human Rights Watch via email by the INL, August 18 and September 21, 2023 (on file with Human Rights Watch).

³⁸⁴ Information provided to Human Rights Watch via email by the INL, August 18, 2023 (on file with Human Rights Watch).

Protection and Assistance to People at Higher Risk

While all of those who cross the Darién face immense risks, people seeking international protection, along with women and children even if not seeking asylum, are especially vulnerable. In Panama, authorities provide them with limited protection.

Children

Around 20 percent of the people crossing the Darién Gap in 2023 have been under the age of 18, compared to 16 percent in 2022. More than 113,000 crossed in 2023, compared to 40,000 during 2022.³⁸⁵ Many are “not just crossing one border, they are moving across several countries, under extreme circumstances,” UNICEF’s regional director for Latin America and the Caribbean said.³⁸⁶

Crossing the Darién is especially difficult for children, physically and mentally. In addition to facing hunger and other privations, children are more likely to get lost, suffer accidents, and be targeted for gender-based violence, especially sexual violence. Whether with family or unaccompanied, they often struggle to keep up with the group.³⁸⁷ Children who are travelling unaccompanied or have been separated from their family members on the way north or in the Darién are “particularly vulnerable to violence, abuse, and exploitation,” UNICEF notes.³⁸⁸

In 2021, a total of 173 adolescents and other children were placed under the care of SENNIAP, the Panamanian agency that intervenes to protect unaccompanied and separated children, and those at risk of statelessness. Of these, 43 had set out across the Darién unaccompanied and 130 had been separated from their families. In 2022, the number more than doubled, to 421, including 299 unaccompanied and 122 separated

³⁸⁵ SNM, “Irregular Transit of Foreigners in the Border with Colombia: Year 2022.”

³⁸⁶ “Seven-fold increase in the number of children walking through the Panamanian jungle towards North America this year,” UNICEF press release, March 30, 2023, <https://www.unicef.org/lac/en/press-releases/seven-fold-increase-number-of-children-walking-through-panamanian-jungle-towards-north-america> (accessed March 6, 2024).

³⁸⁷ Panama’s Ombudsperson’s Office, *Ombudsperson’s Office Report on the Human Rights Situation of Children and Adolescents in the Move and in Border Areas in Panama*, p. 24.

³⁸⁸ “Seven-fold increase in the number of children walking through the Panamanian jungle towards North America this year,” UNICEF press release.

children.³⁸⁹ As of March 2023, SENNIAF cared for 106 children, including 54 who were unaccompanied and 52 who were separated.³⁹⁰

During the past three years, the highest numbers of children in SENNIAF's care have been Haitian, Venezuelan, and Ecuadorian, which aligns with the overall numbers of migrants and asylum seekers. Between January 2021 and March 2023, SENNIAF also received some 52 Brazilian and 35 Chilean children of Haitian descent.³⁹¹ Humanitarian workers and members of SENNIAF said it is harder to work with children who do not speak Spanish or English because they do not have translators to assist them.³⁹²

The SNM identifies unaccompanied or separated children during the registration process, upon arrival at Bajo Chiquito or Canaán Membrillo. SENAFRONT takes care of these children until SENNIAF arrives.³⁹³ "Sometimes security officers [SENAFRONT or SNM] do not properly register the child as unaccompanied or separated, so SENNIAF is never alerted to take them into care," a humanitarian worker told Human Rights Watch.³⁹⁴

Panama's Child and Adolescent's Court establishes measures for protecting the child including appropriate housing, under SENNIAF's care, while identifying their family or an alternative placement.³⁹⁵

In most cases, children are reunited with their families, but as of March 2023, seven children were awaiting alternative family placement.³⁹⁶ Such children are eventually

³⁸⁹ In 2022, SENNIAF reported five cases of children at risk of statelessness and said the cases required conducting DNA testing to establish kinship. Information provided to Human Rights Watch via email by the SENNIAF, March 24, 2023 (on file with Human Rights Watch).

³⁹⁰ Ibid.

³⁹¹ Ibid.

³⁹² Human Rights Watch interviews with humanitarian workers in Metetí, May 2022 and March 2023; Human Rights Watch phone interview with a SENNIAF official, June 2022.

³⁹³ Human Rights Watch interviews with SENAFRONT officers in Lajas Blancas, March 2023; Human Rights Watch phone interview with a SENNIAF official, June 2022.

³⁹⁴ Human Rights Watch interview with a humanitarian worker in Metetí, May 2022.

³⁹⁵ Human Rights Watch interview with a humanitarian worker, May 2022; Human Rights Watch interview with a judge from the Child and Adolescents' Court in Metetí, May 2022; Human Rights Watch interview with a SENNIAF officer, June 2022.

³⁹⁶ Information provided to Human Rights Watch via email by the SENNIAF, March 24, 2023 (on file with Human Rights Watch).

transferred to centers outside Darién province, SENNI AF reported, while alternative placement options are explored through consular processes in their countries of origin.³⁹⁷

The court exercises considerable flexibility in deciding whether to allow unaccompanied adolescents and other children to continue their journey, humanitarian workers told Human Rights Watch.³⁹⁸ Some children arriving with adults who are not their parents are released based on informal letters purportedly from parents, granting authorization for the child to travel with someone else. In some cases, a video call with an adult claiming to be the child’s parent is deemed sufficient approval for the child to continue, judicial authorities and humanitarian workers said.³⁹⁹ When Human Rights Watch interviewed judicial authorities in charge of deciding such cases, they were unable to specify the legal basis of such procedure and stated that “there is no written protocol.”⁴⁰⁰

From January 2021 through March 2023, authorities transferred 240 of 700 such children to a boarding house established in 2021 and managed by SENNI AF, Aldeas Infantiles SOS, and UNICEF.⁴⁰¹

The boarding house accommodates eight children, according to UNICEF,⁴⁰² from newborn through the age of 13—not only migrants and asylum seekers but any child in need of protection in Darién province. In exceptional cases, it takes in girls between the ages of 14 and 17.⁴⁰³ The gap in care for certain ages means adolescents, particularly boys, sometimes must remain in ERMs or be transferred to centers in other areas of the country.⁴⁰⁴

³⁹⁷ Information provided to Human Rights Watch via email by the SENNI AF, March 24, 2023 (on file with Human Rights Watch).

³⁹⁸ Human Rights Watch interviews with humanitarian workers in Darién, May 2022 and March 2023.

³⁹⁹ Human Rights Watch interviews with humanitarian workers in Metetí, March 2023; Information provided by humanitarian workers via email, January 2023.

⁴⁰⁰ Human Rights Watch interview with a judge from the Child and Adolescents’ Court in Metetí, May 2022.

⁴⁰¹ Before 2021, children were taken to SENA FRONT barracks intended for adolescents accused of committing a crime. Human Rights Watch interview with a humanitarian worker in Metetí, May 2022.

⁴⁰² Human Rights Watch interview with a humanitarian worker from UNICEF in Lajas Blancas, March 2023.

⁴⁰³ Information provided to Human Rights Watch via email by the SENNI AF, March 24, 2023 (on file with Human Rights Watch).

⁴⁰⁴ Ibid.

In early 2023, Human Rights Watch received credible reports of ERM authorities locking unaccompanied children in a wooden house in Lajas Blancas without supervision for lack of sufficient space in the boarding house.

Children have stayed at the boarding house for up to 2 months and 15 days, SENNI AF reported.⁴⁰⁵

Children separated from their parents who seek to reunite with them must go through a verification process during which they remain separated from their parents, as neither authorities nor humanitarian groups provide family shelters, SENNI AF reports.⁴⁰⁶

Fifteen children were born in the Darién in 2022.⁴⁰⁷ Although Panamanian law gives nationality to children born there, parents of newborns face challenges in registering their birth. Children born in Panama while their families are in transit to North America face a “high risk of being left stateless,” UNHCR reports.⁴⁰⁸

Women and girls

Between January 2021 and December 2023, around 30 percent of the people crossing the Darién Gap were women, Panamanian government data shows,⁴⁰⁹ yet most of the victims of sexual crimes appear to have been women. The Attorney General’s Office reported that, out of 285 victims of sexual violence in the Darien Gap between January 2021 and December 2023, 252 were women.⁴¹⁰

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

⁴⁰⁷ UNCHR, *Mixed Movements Across the Darién: Bi-National Report Colombia-Panama* (“Movimientos mixtos a través del Darién. Informe binacional Colombia-Panamá”), n.d., <https://www.acnur.org/media/65783> (accessed March 6, 2024).

⁴⁰⁸ Ibid.

⁴⁰⁹ SNM, “Irregular Transit of Foreigners in the Border with Colombia: Year 2023;” SNM, “Irregular Transit of Foreigners in the Border with Colombia: Year 2022;” SNM, “Irregular Transit of Foreigners in the Border with Colombia: Year 2021” (“Tránsito irregular de extranjeros por la frontera con Colombia: año 2021”), n.d., https://www.migracion.gob.pa/images/img2023/pdf/IRREGULARES_POR_DARIEN_DICIEMBRE_2021.pdf (accessed March 6, 2024).

⁴¹⁰ Information provided to Human Rights Watch via email by Panama’s Attorney General’s Office, January 8 and March 21, 2024 (on file with Human Rights Watch).

As noted above, women and girls are disproportionately targeted for sexual abuse, including rape, while crossing the jungle. In 2022, the UN Committee on the Elimination of Discrimination against Women highlighted “the prevalence of gender-based violence against migrant women, particularly Afro descendant women, including those of Haitian origin, who are in transit through the [Panamanian] territory of the Darién Gap.”⁴¹¹

In June 2023, the Panamanian Ministry of Women announced that it would open a Comprehensive Care Center (Centro de Atención Integral, CAI) in Metetí to offer legal, psychological, and counseling services to women who are victims of violence, including “vulnerable migrant women.”⁴¹² According to the Ombudsperson’s Office, the office opened in December 2023.⁴¹³

In addition, women and girls who are pregnant or breastfeeding face heightened risks in the jungle. Some 10 percent of travelers interviewed by UNHCR said they had traveled with a pregnant or lactating woman.⁴¹⁴ Without prenatal check-ups or assistance in delivery, women who give birth in the jungle face serious health risks. A lack of sanitation facilities and clean water increases the likelihood of infections and complications during pregnancy and childbirth.

During a visit to the Canaán Membrillo Indigenous community in May 2022, Human Rights Watch interviewed several pregnant women who had experienced bleeding during the journey and arrived looking for medical attention.

⁴¹¹ CEDAW Committee, “Concluding observations on the eighth periodic report of Panama,” UN Doc. CEDAW/C/PAN/CO/8, March 1, 2022, para. 23.

⁴¹² “Metetí will have a Center for Comprehensive Care” (“Metetí contará con un Centro de Atención Integral”), Panama’s Ministry of Women press release, n.d., <https://mujer.gob.pa/meteti-contara-con-un-centro-de-atencion-integral-cai/> (accessed March 6, 2024).

⁴¹³ Human Rights Watch phone interview with officials of the Ombudsperson’s Office, March 2024.

⁴¹⁴ UNHCR, “Darién, Panama: Monitoring of Mixed Movements Protection - January 2024” (“Darién Panama: Monitoreo de Protección de Movimientos Mixtos - Enero 2024”), February 15, 2024, <https://data.unhcr.org/en/documents/details/106700> (accessed February 20, 2024).

“I started bleeding two days ago, in the jungle,” **Ariana Quijano** (pseudonym), a Peruvian woman who was three months pregnant, told Human Rights Watch.⁴¹⁵ Authorities in Canaán Membrillo told at her arrival there was no doctor to help her. “I hope I can rest, and the bleeding will stop. They said that at the UN camp, they will assist me,” she said, meaning the San Vicente ERM four to five hours away by boat. Ariana hoped to get to the United States.

Lesbian, Gay, Bisexual, and Transgender (LGBT) people

Panamanian authorities do not collect disaggregated data on the number of LGBT people crossing the Darién Gap. But human rights groups described their vulnerability related to their sexual orientation or gender identity.⁴¹⁶

MSF does not keep a specific tally of LGBT people who have suffered sexual violence crossing the Darién Gap, but they have responded to multiple cases and believe that many go unreported. UN special rapporteurs and experts also reported sexual violence cases against LGBT people in 2021 and 2022.⁴¹⁷

Transgender people crossing the Darién Gap told MSF that, to protect themselves, they felt forced to dress and behave in ways associated with their sex assigned at birth. Officials, and even humanitarian aid workers, laughed at a group of transgender women, MSF reported, and used discriminatory language against them.⁴¹⁸

Asylum Seekers

Those who are forced to flee their countries and who arrive in Panama through the Darién Gap have limited access to the asylum process.⁴¹⁹ Panama’s efforts are focused on

⁴¹⁵ Unless otherwise noted, this case is based on a Human Rights Watch interview with Ariana Quijano (pseudonym) in Canaán Membrillo, Panamá, May 2022.

⁴¹⁶ See, e.g., “Crossing the Darién Gap, Terror with Differentiated Impact for Women and LGBTIQ+ People” (“Cruzar el Tapón del Darién, un terror con impactos diferenciados para mujeres y personas LGBTIQ+”), Caribe Afirmativo press release, September 22, 2022, <https://caribeafirmativo.lgbt/cruzar-el-tapon-del-darien-un-terror-con-impactos-diferenciados-para-mujeres-y-personas-lgbtq/> (accessed March 6, 2024).

⁴¹⁷ Letter from UN experts and special rapporteurs, December 9, 2022, p. 4.

⁴¹⁸ “Darién: We, the Trans Migrants, are Also Human Beings” (“Darién: Las migrantes trans también somos seres humanos”), May 31, 2023, *La Silla Vacía*, <https://www.lasillavacia.com/historias/historias-silla-llena/darien-las-migrantes-trans-tambien-somos-seres-humanos/> (accessed March 6, 2024).

⁴¹⁹ Human Rights Watch expects to analyze Colombia’s efforts to ensure access to asylum in a later report as part of this series.

facilitating migrants' and asylum seekers' prompt transit across the country and appear designed to deter them from lodging asylum claims in Panama.

A lack of “procedural guarantees and basic safeguards” delayed the asylum process and, for some, resulted in denial of the right to seek protection, the Center for Gender and Refugee Studies (CGRS), a legal and advocacy organization based in the United States, reported in April 2023.⁴²⁰ Panamanian authorities make little to no effort to provide information about the process.⁴²¹

Applications for refugee status are received by the National Office for Refugee Assistance (Oficina Nacional para la Atención de Refugiados, ONPAR), which is under the Ministry of Interior.⁴²² The office is responsible for collecting information related to asylum applications and denying or admitting the case for consideration by the National Commission for Refugee Protection (Comisión Nacional de Protección para Refugiados, CONARE), comprised of several cabinet members and other high-level officials,⁴²³ which will decide to grant or deny recognition of refugee status.⁴²⁴

⁴²⁰ CGRS, *Far from Safety: Dangers and Limits to Protection for Asylum Seekers Transiting through Latin America* (San Francisco: Center for Gender & Refugee Studies, 2023) https://cgrs.uchastings.edu/our-work/publications/far-safety-dangers-and-limits-protection-asylum-seekers-transiting-through?utm_source=substack&utm_medium=email (accessed March 6, 2024), p. 13.

⁴²¹ Human Rights Watch interview with humanitarian workers in Panama, May 2022 and March 2023.

⁴²² Decree 5 of 2018, Ministry of Interior, <https://www.mingob.gob.pa/onpar/wp-content/uploads/sites/2/2018/03/Decreto-N5.pdf> (accessed March 6, 2024).

⁴²³ The National Commission for Refugee Protection is composed of the deputy ministers of Interior, Foreign Affairs, Labor and Social Welfare, as well the director of the SNM, the head of the national Red Cross and representatives of the Ministry of Foreign Affairs and the Police. The regional representative of UNHCR and director of ONPAR also have the right to speak in the commission, but do not have a vote. Decree 23 of 1998, <https://docs.panama.justia.com/federales/decretos-ejecutivos/23-de-1998-feb-12-1998.pdf> (accessed March 6, 2024), art. 12.

⁴²⁴ Decree 5 of 2018, Ministry of Interior.

ONPAR does not have an independent budget, has limited staff—30 people as of May 2022⁴²⁵—and has had difficulties operating the system for processing refugee applications—originally created for processing public procurements—and digitalizing case files.⁴²⁶

Panamanian law does not establish a specific deadline for responding to refugee applications,⁴²⁷ which, according to UNHCR, take an average of 3.2 years from registration to an admissibility decision, as of May 2023.⁴²⁸

“We have made efforts to ensure that the processing time does not exceed six months,” ONPAR Director Lorenzo Hincapié told Human Rights Watch by email in June 2023. The backlog had been reduced by 50 percent, compared to 2019, he said, and approximately 7,850 cases were pending evaluation.⁴²⁹ Hincapié said the office received some 45 refugee applications a month, and each of ONPAR’s lawyers has a minimum of 20 case files a month to analyze for admissibility.⁴³⁰

UNHCR considers that the “main challenge is at the admissibility stage.” In 2021, only four cases were admitted, increasing to eleven in 2022, representing less than one per cent of those who applied for that year.⁴³¹ UNHCR and CGRS reported that in this stage, ONPAR is deciding on the substance of the case and “is not applying the lower ‘manifestly unfounded’ admissibility standard,”⁴³² which requires applications to be clearly fraudulent

⁴²⁵ Human Rights Watch interview with then-director of ONPAR, May 2022. On March 16 and April 18, 2023, Human Rights Watch sent a letter to ONPAR asking for information about its staff members. ONPAR responded on April 11 and June 14, 2023. It did not provide updated information on the number of staff members but noted that one of the main challenges it faced was the need for “more human resources.” Information provided to Human Rights Watch via email by the ONPAR, June 14, 2023 (on file with Human Rights Watch).

⁴²⁶ Ibid.

⁴²⁷ Decree 5 of 2018, Ministry of Interior; Information provided to Human Rights Watch via email by the ONPAR, June 14, 2023 (on file with Human Rights Watch).

⁴²⁸ UNHCR, “Asylum System in Panama Factsheet January – December 2023,” January 16, 2024, <https://data.unhcr.org/en/documents/details/106100> (accessed March 6, 2024), p. 2.

⁴²⁹ Information provided to Human Rights Watch via email by the ONPAR, June 14, 2023 (on file with Human Rights Watch). According to UNHCR, the number of cases pending was of approximately 17,600 in 2019; 12,800, in 2020; 10,600, in 2021; 8,400, in 2022; and 8,200, in 2023. See UNHCR, “Asylum System in Panama Factsheet January – December 2023,” p. 1.

⁴³⁰ Information provided to Human Rights Watch via email by the ONPAR, June 14, 2023 (on file with Human Rights Watch).

⁴³¹ UNHCR, “Asylum System in Panama Factsheet January – December 2023,” p. 2.

⁴³² Ibid., p. 3; UNHCR, “Asylum System in Panama Factsheet-February 2023,” March 20, 2023, <https://data.unhcr.org/en/documents/details/99653> (accessed March 6, 2024), p. 3; CGRS, *Far from Safety*, pp. 14-15.

or not related to the criteria for the granting of refugee status to be rejected at an early stage.⁴³³ In other words, they're rejecting a large number of cases early on because they're applying an improperly high standard. UNHCR also noted that the "process for manifestly unfounded claims lacks clarity and procedural guarantees."⁴³⁴

According to public data from ONPAR, between 2020 and 2022, the office received around 2,000 applications for refugee status, admitted over 50 and rejected some 5,000.⁴³⁵

In the few cases where the application is not rejected at an early stage, the asylum seekers receive a temporary ID (Carné de persona solicitante admitida a trámite), good for six months and renewable for up to two years.⁴³⁶ The temporary ID allows them to remain in Panama while their case is considered by the CONARE. If CONARE recognizes refugee status, the SNM grants one-year documentation, which allows refugees to process a work permit.⁴³⁷

By December 2023, 2,716 people had refugee status in Panama, UNHCR reports, an increase compared to the 2,589 in 2022.⁴³⁸ In 2023, Panama recognized an "unprecedented number" of 134 refugees.⁴³⁹

⁴³³ See, e.g., UNHCR, "The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum No. 30 (XXXIV) – 1983," October 20, 1983, <https://www.unhcr.org/publications/problem-manifestly-unfounded-or-abusive-applications-refugee-status-or-asylum> (accessed September 22, 2023).

⁴³⁴ UNHCR, "Asylum System in Panama Factsheet January – December 2023," p. 3; UNHCR, "Asylum System in Panama Factsheet-February 2023," p. 3.

⁴³⁵ ONPAR, "Historic Statistics of ONPAR 2018 – August 2022" ("Estadísticas de ONPAR Histórico 2018 – agosto 2022"), n.d., <https://www.mingob.gob.pa/estadisticas-de-onpar-historico-2018-agosto-2022/#toggle-id-2.%20T> (accessed September 23, 2023). The publicly available data appears to have some inconsistencies and gaps. On April 18, Human Rights Watch sent a letter to ONPAR requesting information on the number of applications for refugee status that had been submitted and approved in 2021, 2022 and 2023. ONPAR responded on June 14. It did not include information regarding 2021 and 2022 and said that 2023 had been a "significant year" in which they had, so far, granted refugee status to three people.

⁴³⁶ Panama's Ministry of Interior, *Informative Guide for Refugees and People Requesting Refugee Status in Panama* ("Guía informativa para las personas refugiadas y solicitantes de la condición de refugiado en Panamá"), September 2015, <https://www.mingob.gob.pa/onpar/wp-content/uploads/sites/2/2020/11/GUIA-INFORMATIVA-REFUGIADOS.pdf> (accessed September 23, 2023), p. 10; UNHCR, "Asylum System in Panama Factsheet January – December 2023," p. 2.

⁴³⁷ Panama's Ministry of Interior, *Informative Guide for Refugees and People Requesting Refugee Status in Panama*, p. 11; UNHCR, "Asylum System in Panama Factsheet January – December 2023," p. 2.

⁴³⁸ *Ibid.*, p. 2.

⁴³⁹ *Ibid.*

The numbers seeking asylum in Panama after crossing the Darién Gap are small but growing: 14 in 2021, 17 in 2022, and 32 from January through June 2023, according to ONPAR.⁴⁴⁰

On January 25, 2024, ONPAR opened an office in Metetí, with two officials working a one-week shift each.⁴⁴¹ This presence, albeit limited, could help increase access to asylum. Prior to the establishment of their office, it took several weeks for ONPAR agents to visit the ERM and perform an admissibility interview. However, ONPAR is still not permanently in the ERMs, nor in the Indigenous communities.

ONPAR relies on the SNM, UNHCR and Norwegian Refugee Council (NRC) as primary receiving authorities. “We are the ones providing information to individuals, conducting their first preliminary interview, and referring the cases to ONPAR,” said a delegate of the NRC in Metetí. Without interpreters on staff, Hincapié told Human Rights Watch, the agency depends on the NRC, which “kindly arranges and covers the cost of translation services.”⁴⁴²

While waiting for an admissibility decision, asylum seekers must stay at an ERM. This discourages many with valid claims from seeking protection in Panama.⁴⁴³

After the surge of the Covid-19 pandemic, UNHCR concluded refugees and asylum seekers in Panama were facing setbacks in accessing basic rights, including a decline in the quantity and quality of their food and capacity to pay rent, risking eviction.⁴⁴⁴

In addition, refugee children who cannot present complete, “certified school records from their country of origin are sometimes denied access to education or refused a diploma,”

⁴⁴⁰ Information provided to Human Rights Watch via email by the ONPAR, June 14, 2023 (on file with Human Rights Watch).

⁴⁴¹ “New ONPAR Facilities in Metetí” (“Nuevas instalaciones de ONPAR en Metetí”), Ministry of Interior press release, January 25, 2024, <https://www.mingob.gob.pa/nuevas-instalaciones-de-onpar-en-meteti/> (accessed February 20, 2024); Human Rights Watch phone interview with officials from the Ombudsperson’s Office, February 19, 2024.

⁴⁴² Information provided to Human Rights Watch via email by the ONPAR, June 14, 2023 (on file with Human Rights Watch).

⁴⁴³ Human Rights Watch interview with a humanitarian worker in Metetí, May 2022.

⁴⁴⁴ “UNHCR Study Finds that Refugees in Panama Face Challenges to Access Basic Rights” (“Estudio de ACNUR revela que refugiados en Panamá enfrentan dificultades para acceder a derechos básicos”), UNHCR press release, October 8, 2021, <https://www.acnur.org/noticias/comunicados-de-prensa/estudio-de-acnur-revela-que-refugiados-en-panama-enfrentan> (accessed March 6, 2024); UNHCR, “Panama: Protection Monitoring Round 4 – Venezuelans” (“ACNUR Panamá: Monitoreo de Protección (HFS) Ronda 4 – Venezolanos”), July 31, 2022, <https://data.unhcr.org/en/documents/details/95773> (accessed March 6, 2024).

the US Department of State noted in its 2022 Human Rights Practices report.⁴⁴⁵ And Panamanian law lists professions, like medicine, nursing and some engineering, that only Panamanian citizens are allowed to practice, restricting refugee access to several forms of skilled and unskilled employment.⁴⁴⁶

For those who are denied refugee status, Panama offers limited regularization pathways or complementary protection solutions, meaning they have few alternatives to regularly stay in the country.

On July 13, 2023, Panama created a two-year Temporary Protection Permit (Permiso Temporal de Protección) for migrants with irregular status who have been living in the country for a year or more. It costs US\$950.⁴⁴⁷ Those who receive this permit are not automatically authorized to work in Panama and must apply separately for the work permit.⁴⁴⁸

⁴⁴⁵ US State Department, “2022 Country Reports on Human Rights Practices: Panama,” March 20, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/panama/> (accessed March 6, 2024).

⁴⁴⁶ See, e.g., “What are the professions reserved only for Panamanians” (“¿Cuáles son las profesiones reservadas solo para panameños?”), Legal Solutions Panama, n.d, <https://legalsolutionspanama.com/profesiones-reservadas-para-panamenos/> (accessed March 6, 2024).

⁴⁴⁷ Decree 112 of 2023, Ministry of Public Safety, signed into law July 13, 2023, https://www.gacetaoficial.gob.pa/pdfTemp/29824_B/GacetaNo_29824b_20230713.pdf (accessed March 6, 2024), art. 6.

⁴⁴⁸ Decree 7 of 2023, Ministry of Labor, https://www.gacetaoficial.gob.pa/pdfTemp/29826/GacetaNo_29826_20230717.pdf (accessed March 6, 2024), art. 1.

IV. Conclusion and Recommendations

Colombia and Panama are failing to effectively protect the right to life and physical integrity of transiting migrants and asylum seekers, and to investigate violations effectively, promptly and thoroughly. Steps taken to ensure access to food, water, and basic health services are insufficient to address humanitarian needs both in the migrant populations and local communities that have experienced longstanding marginalization and neglect.

As detailed below, both countries' authorities should do more to assist and protect migrants and asylum seekers crossing their countries and ensure meaningful criminal investigations against armed groups and bandits that abuse them.

At the same time, all governments in the Americas should adopt a coordinated and rights-respecting regional response to the increasing scale and complexity of migration in the Americas.⁴⁴⁹ Seizing the occasion of the 40th anniversary of the Cartagena Declaration, governments in the region and the United States should work to ensure such a response, including by reversing measures that effectively prevent access to asylum and force people into such dangerous crossings as the Darién Gap and implementing a region-wide temporary protection regime that would grant all Venezuelans and Haitians temporary legal status.

To the Colombian state:

Protect and Assist Migrants, Asylum Seekers, Refugees, and the Local Population in the Darién Gap

- Appoint a senior official or advisor in charge of coordinating the response in the Darién Gap, including by cooperating with humanitarian agencies and the Panamanian government.

⁴⁴⁹ See Human Rights Watch, *"This Hell Was My Only Option."* See also, Human Rights Watch, *The Venezuelan Exodus: The Need for International Protection and the Region's Response* (Human Rights Watch: New York, 2018), <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>.

- Enhance the presence and capacity of national and local institutions in Urabá, including by:
 - Increasing the staff and funding of Migración Colombia, ICBF, the Attorney General's Office, and the Ombudsperson's Office in the Colombian side of the Darién Gap.
 - Increasing the budget for municipalities to respond to the needs of migrants and asylum seekers, including by taking into account migrant population in the criteria determining the budget for municipalities under the General System of Contributions (Sistema General de Participaciones).
 - Creating an oversight mechanism to ensure the adequate use of these funds, and increasing their staff members who are dedicated to responding to migration.
 - Appointing a national government special advisor on migrant and asylum seeker issues who would support and advise municipalities in the Urabá region about existing legislation.
 - Working with mayors' offices in the Colombian side of the Darién to strengthen their working groups and ensure they effectively increase humanitarian assistance by working closely with humanitarian organizations and national government agencies.
 - Working with local authorities to revise their development plans to ensure that they take into consideration the arrival and transit of migrants and asylum seekers and establish appropriate contingency plans.
 - Increasing the staff and funding of local family commissioners and establishing a boarding house in the Urabá region for separated or unaccompanied children.
 - Establishing support spaces for migrant population and ensuring that it is easily accessible for migrants and refugees and takes into account recommendations of humanitarian organizations.
 - Establishing the Ombudsperson's Office's "House of Rights" in Acandí.
 - Establishing a shelter or housing alternative for vulnerable migrants and asylum seekers to sleep at the beaches or in the streets.
 - Providing adequate security and protection to humanitarian workers in the area.
- Ensure periodic visits by government officials to verify private shelter conditions in Acandí and Capurganá to ensure that the rights of migrants and asylum seekers are

respected there, and that migrants and asylum seekers receive assistance from government or humanitarian agencies.

- Conduct periodic assessments of the conditions of the boats transporting migrants and refugees.
- Ensure the implementation of the 2023 “roadmap” established by the Intersectoral Commission to Combat Migrant Smuggling to assist children, including adolescents, whose rights are threatened or have been violated in connection with migrant smuggling, including by disseminating its content with local and regional government offices.
- Work with humanitarian organizations to conduct periodic surveys on the number of migrants and asylum seekers in Urabá, identify their needs, and share this information with the Panamanian government on a regular basis.
- Improve conditions in the departing municipalities both for local people and migrants and asylum seekers, including by prioritizing the implementation of initiatives included in the PDET, particularly those related with infrastructure, health, water and sanitation, and food.
- Work with humanitarian organizations, local communities, and the Panamanian government to create communications campaigns with objective, credible, and sufficient information to counteract misinformation about the risks of crossing the Darién Gap, the rest of the journey north, and immigration policies in Colombia and abroad.
- Work with humanitarian organizations, local communities, and the Panamanian government to create a joint mechanism to rescue or recover and identify the bodies of people who go missing in the Darién Gap.
- Work with humanitarian organizations, local communities, and the Panamanian government to create a joint mechanism to identify vulnerable migrants and asylum seekers, including unaccompanied children, pregnant people, or people with medical conditions, and ensure an appropriate response upon their arrival in Panama.
- Work with the Panamanian government to create a joint reporting mechanism, via hotline or mobile phone app, for migrants and asylum seekers to report disappearances, deaths, and other crimes.

Bolster Efforts to Respond to the Gulf Clan’s Control in Urabá and Investigate Abuses in the Darién Gap:

- Increase the presence of prosecutors, investigators, and judges in the Urabá region and ensure that they work in coordination with the security forces, particularly to investigate the finances of the Gulf Clan and its connection with politicians and corrupt actors.
- Open an Attorney General’s Office’s “investigative project” in the Colombian side of Darién and review the criteria to assign these projects, making sure that areas with strong presence of armed groups are not excluded, even if the reported levels of violence appear to be lower.
- Instruct police, prosecutors, and investigators to proactively seek to identify and investigate abuses on beaches, as well as at the border crossing, including by receiving input from civil society groups and humanitarian organizations.
- Ensure that prosecutors investigate the role of the Gulf Clan in taking migrants and asylum seekers across the Darién Gap, including by allocating prosecutors of the working group to investigate human trafficking, migrant smuggling, and related crimes to the Urabá region.
- Ensure that any future ceasefires or negotiations with the Gulf Clan include clear protocols and safeguards to prevent the group from expanding its territorial control and committing additional abuses.

To the Panamanian state:

Protect and Assist Migrants, Asylum Seekers, Refugees, and the Local Population in the Darién Gap:

- Work with UN and humanitarian NGOs to develop an inter-sectoral contingency plan to respond to the situation in the Darién and ensure assistance and protection to migrants, asylum seekers, and the local population, considering the needs of specific groups, considering their ethnicity, origin, race, age, gender, disability, and sexual orientation.
- Appoint a senior official or advisor in charge of coordinating the response in the Darién Gap, including by cooperating with humanitarian agencies and the Colombian government.
- Modify the “controlled flow” strategy (also called “humanitarian flow strategy”) to establish a clearly articulated plan that considers the needs of migrants and

asylum seekers and ensures their right to seek asylum and to be free from any arbitrary restriction on movement.

- Enhance institutional capabilities in the Darién region, particularly those of the Ombudsperson's Office, ONPAR, SENNIAF, Ministry of Health, and Ministry of Women, including by ensuring an increase presence of female staff and of translators, and that these agencies are present in the Indigenous communities or reception stations.
- Allow and facilitate the work of humanitarian organizations in Indigenous communities and migrant reception stations.
- Improve conditions in Indigenous communities both for Indigenous people and migrants and asylum seekers, including by:
 - Prioritizing efforts to ensure the economic and social rights of Indigenous people in the Darién province, including in Bajo Chiquito and Canaán Membrillo, especially by improving social investment to ensure access to electricity, drinking water, sewage system, trash disposal and latrines.
 - Ensuring that healthcare centers in Bajo Chiquito and Canaán Membrillo are adequately staffed and stocked with medicines, have pre-natal care and pediatric care, and include designated boats or vehicles to ensure the rapid and secure transfer of people in need of specialized medical attention.
- Reform migrant reception centers in accordance with camp management guidelines established by UN agencies and humanitarian organizations, including by:
 - Working with humanitarian organizations to review the Temporary Accommodation Manual to ensure that it takes into account the large number of people crossing the Darién Gap, the risks and abuses to which they are exposed, and the likelihood that the number of people in transit will increase or remain high in future years.
 - Working on a restructuring plan for all migrant reception stations to improve the facilities and expand their capacity to accommodate the number of people arriving.
 - Working with humanitarian and UN agencies to establish specific monitoring and oversight mechanisms to identify, report and investigate cases of abuses by security forces and others, including cases of sexual abuse.
 - Ensuring appropriate illumination inside and outside reception stations.
 - Increasing access to drinking water and the number of latrines and showers, along with maintaining appropriate gender segregation and privacy.

- Providing an adequate supply of housing units that offer privacy and include security measures, ensuring that nobody requires migrants and asylum seekers to pay for shelter.
- Creating safe areas designated for women and children.
- Ensuring the permanent presence of SENNIAF and ONPAR staff in the reception centers.
- Investigating the conditions of the food and water provided in the camps and ensuring that the food is adequate for all migrants and asylum seekers, including children of all ages.
- Ensuring that any restriction on movement by migrants and asylum seekers is established by law, are proportionate and necessary to ensure legitimate goals.
- Conducting periodic assessments about the conditions of the canoes and buses transporting migrants and asylum seekers and establish reasonable price limits.
- Increase the capacity of the boarding facility for children in Metetí, including by creating a space for unaccompanied or separated adolescent boys, and a housing alternative for children and their families who are waiting for authorities to determine whether the child is being accompanied by a parent or guardian, is at risk of statelessness, or faces other risks.
- Work with humanitarian organizations, local Indigenous people, and the Colombian government to create a joint mechanism to rescue people or to recover and identify bodies of those who go missing in the Darién Gap, including by:
 - Asking migrants and asylum seekers whether they know of people who are missing and for information on the location of the bodies they saw in the jungle when they provide their personal information to immigration officers in Bajo Chiquito or Canaán Membrillo.
 - Working with local Indigenous communities to identify the places where people went missing.
 - Instructing SENAFRONT to conduct periodic visits to places in the Darién Gap that are often transited by migrants and asylum seekers.
- Develop, disseminate, and implement written protocols for the identification and care of separated and unaccompanied children. These protocols should, among other things:

- Establish necessary measures to ensure that migration officers identify unaccompanied and separated children promptly and on a priority basis; and children's arrivals are properly registered after conducting a safe and private interview.
- Contain a clear roadmap for officers and humanitarian workers once they identify unaccompanied or separated children, including specific responsibilities and competences of each institution.
- Appoint a qualified and supervised guardian or advisor who will support the child during the required procedure.
- Prohibit the retention of unaccompanied or separated children in the reception stations and instead require their immediate transfer to the boarding facility.
- Prioritize asylum claims, regularization processes, or search for family members of unaccompanied or separated children and ensure that these procedures are conducted by qualified officials.
- Assess carefully the nature and implications of the relationships of separated children traveling with caregivers.

Bolster Investigations into Abuses Against People Crossing the Darién Gap

- Develop a criminal investigation strategy to identify patterns in abuses committed against migrants and asylum seekers and to seek the dismantling of criminal groups attacking them.
- Increase the staffing and funding of the Attorney General's Office in Darién, particularly in Bajo Chiquito, Canaán Membrillo, and in the migrant reception stations, and ensure that there are female staff members in these areas.
- Increase forensic capacity in Darién, in particular, by deploying a forensic doctor in Metetí or Santa Fe and establishing some basic forensic services such as DNA testing.
- Ensure the presence of translators during interviews held at Indigenous communities, migrant reception centers and/or the prosecutor's office.
- Instruct prosecutors to proactively seek to identify cases of abuses, including of sexual violence, and ensure adequate training to guarantee respect to victims' rights and prevent re-victimization.
- Increase efforts to coordinate investigations with Colombia's Attorney General's Office, particularly on abuses committed in border areas.

- Ensure that migrants and asylum seekers in the migrant reception centers who want to report crimes are not escorted by security forces to the prosecutor's office.
- Ensure full implementation of the 2022 agreement that allows judges and prosecutors to consider anticipated testimony from migrants and asylum seekers to avoid the need for an in-person appearance at trial (the procedure known as “prueba anticipada”).
- Guarantee that migrants and asylum seekers will receive timely and necessary information about their cases even if they decide to continue their journey.
- Develop, disseminate, and implement protocols for the identification, support, and investigation of abuses that occur in the Darién Gap, with a specific focus on cases of sexual violence. These protocols should, among other things:
 - Establish discreet and confidential mechanisms to identify victims, including by deploying qualified personnel in the Indigenous communities and reception centers that actively engage with migrants and asylum seekers to identify signs of trauma and safe and private spaces accessible to victims.
 - Contain a roadmap for officials to follow up once they identify a victim of abuse, including concrete responsibilities and competencies of each institution to provide timely protection, medical and psychological care, legal advice, and access to justice.
 - Include mechanisms to ensure migrants and asylum seekers receive adequate information in writing and in multiple languages about the process, what to expect from the criminal complaint and their right to present a complaint without being required to stay in Panama.
 - Include mechanisms to ensure the physical and psychological safety of the victim by respecting their wishes and guaranteeing confidentiality, including by ensuring, when possible, a same-gender interviewer, translator and doctor, especially when requested by the victim, and relocating the victim to safe housing.
 - Guarantee safeguarded interviews in protected environments, including in a Gessel Chamber, and minimize the number of times the victim is required to narrate what happened.
 - Establish a mandatory “prueba anticipada” hearing for all the cases once the victim has voluntarily agreed to move forward with the criminal complaint.

- Ensure ex officio investigations about sexual violence even when the victim decided not to present a criminal complaint, ensuring the victim's voluntary participation in the criminal process.

Increase Efforts to Protect Migrants, Asylum Seekers, and Refugees in the Country

- Strengthen the capacity of the asylum system, including by:
 - Establishing a dedicated budget for ONPAR and progressively increasing its staffing, including of translators.
 - Reforming the current asylum legislation to ensure that decisions on asylum can be adopted more often, including by considering replacing high-level officials in the ONPAR with lower-level members authorized to make asylum decisions.
 - Augmenting the workforce to alleviate the backlog of pending requests and set clear and reasonable deadlines for completing the processing to reach a decision.
 - Ensure that, during the initial screening stage of the process, asylum applications are only rejected based on the 'manifestly unfounded' admissibility standard.
 - Guaranteeing access to health care, education, and a special work permit while their applications are pending for asylum seekers whose cases have been admitted but not yet granted.
 - Ensuring that migrants and asylum seekers receive adequate information in writing and in multiple languages about asylum when they arrive in Panama including about who can present an asylum claim, specifications about the procedure and legal standards applied in each stage, and an estimated timetable for each stage.
- Review the current regularization process for irregular migrants in the country, including by ensuring that processing fees are not prohibitively high.
- Make more flexible the requirements to recognize diplomas proving education received by refugee and migrant children abroad.
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- Incorporate into national law the expanded refugee definition from the Cartagena Declaration and apply it when making refugee status determinations.

- Amend the law to ensure that asylum seekers and refugees are no longer excluded from any professions for which they are otherwise qualified.

To the Office of the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM)

- Establish an inter-agency coordination mechanism in Panama to respond to the challenges of increased migration, following the example of the GIFMM in Colombia and ensuring that the mechanism has the capacity to identify gaps in assistance and where available donor funds should be directed.
- Build on the experience of the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) to ensure monitoring, documentation, and analysis of migration of people of all nationalities, including Haitians, Cubans, and Ecuadorians.
- Analyze country-of-origin conditions and provide guidance to states on Ecuadorians' asylum claims given the country situation.
- Increase information available to migrants and asylum seekers in the Darién Gap about regional immigration policies and asylum systems, including in the US, as well as information about alternative safe and legal pathways that might be accessible, and about the risks associated with irregular migration before and after migrants and asylum seekers cross the Darién Gap.
- Continue to support the Quito Process and other regional initiatives aimed at ensuring safe and complementary pathways, regularization, and integration programs.
- Increase technical and economic support to migration authorities and asylum systems throughout the region.
- Continue facilitating assisted voluntary returns for migrants and asylum seekers, ensuring the program's voluntariness and implementing mechanisms to prevent coercion.

To the US Government and all international donors

- Establish or expand safe, orderly, and regular pathways for migration and enhance the availability and flexibility of such pathways for people considering entering the Darién Gap.
- Fund credible efforts to improve the humanitarian response in the Darién Gap, including to ensure dignified migration centers and other shelters; increase

humanitarian aid, improving the conditions in departing municipalities in Colombia and Indigenous communities in Panama; and to prevent and investigate abuses, including sexual violence, against migrants.

- Increase funding for the 2023-24 Regional Refugee and Migrant Response Plan (RMRP) and ensure similar efforts for Haitian and other migrants and refugees in South America.⁴⁵⁰
- Support credible efforts to increase government presence and the enjoyment of economic and social rights in Colombia's Urabá and Panama's Darién regions.
- Ensure transparency in the collection, storage, and use of BITMAP data by US and Panamanian agencies, mechanisms to guard-rail the data and to prevent racial profiling in compliance with international human rights standards.

To Members of the United Nations Human Rights Council

- Support establishment of an international mechanism to monitor rights abuses at borders, as called for by civil society and the special rapporteur on the human rights of migrants at the 53rd session of the Human Rights Council.⁴⁵¹

To the UN High Commissioner for Human Rights

- Closely monitor and publicly report on the human rights situation in the Darién Gap, publicly express concern about restrictive immigration policies and protection gaps that put the rights of migrants, asylum seekers, and refugees at risk and call on states to end those policies and practices.

To the UN Special Rapporteur on the Human Rights of Migrants

- Request visits to both sides of the Darién Gap, in line with Panama's and Colombia's standing invitation to Special Procedures, to document the impact of

⁴⁵⁰ As of February 2, 2024, only 21.2 percent of the 2023 RMRP was funded. See Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, "RMRP 2023 Funds Reported as of February 2, 2024," n.d., <https://www.r4v.info/en/funding> (accessed February 20, 2024).

⁴⁵¹ See, e.g., "Joint Letter: UN Human Rights Council Should Urgently Respond to Rights Violations at International Borders," June 27, 2023, <https://www.hrw.org/news/2023/06/27/joint-letter-un-human-rights-council-should-urgently-respond-rights-violations>; Human Rights Council, Interactive Dialogue with the UN Special Rapporteur on Migrants. 11th Meeting, 53rd Regular Session, June 26, 2023, <https://webtv.un.org/en/asset/k1m/k1m49gokpo> (accessed February 20, 2024).

restrictive immigration policies and protection gaps on migrants' rights, and report to the Human Rights Council on the situation.

To the UN Office for the Coordination of Humanitarian Affairs

- Conduct visits, as requested by the affected countries' government, to assess and analyze priority needs of the migrant population and local communities on both sides of the Darién Gap, taking into account the specific needs people in particular situations of vulnerability, including children, LGBT people, and women.
- Support other UN agencies, humanitarian organizations and the Colombian and Panamanian government in developing response plans and strategies.
- Consider including more information about humanitarian needs in the Urabá region related to migrants and asylum seekers in the Colombia Humanitarian Response Plan (HRP) and developing an HRP for Panama.

To the Inter-American Commission on Human Rights

- Request visits to the Darién Gap, in line with Panama's and Colombia's invitation to document the impact of restrictive immigration policies and protection gaps on migrants' rights and share information with the Inter-American Court as it monitors compliance with the judgment issued in the *Vélez Loor vs. Panama* case.
- Closely monitor and publicly report on the human rights situation in the Darién Gap, publicly express concern about restrictive immigration policies and protection gaps that put migrants' and asylum seekers' rights at risk and call on states to end those policies and practices.

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Neglected in the Jungle

Inadequate Protection and Assistance for Migrants and Asylum Seekers Crossing the Darién Gap

In 2023, over half a million people crossed the Darién Gap, a swampy jungle between Colombia and Panama, most with the intention of heading to the United States. During their journey through this difficult terrain, many people from the Americas, including Venezuelans, Haitians, and Ecuadorians as well as people from Asia and Africa experienced serious abuses, including sexual violence. Dozens, if not hundreds, have lost their lives or gone missing trying to cross.

Neglected in the Jungle: Inadequate Protection and Assistance for Migrants and Asylum Seekers Crossing the Darién Gap, the second in a series of Human Rights Watch reports on migration via the Darién Gap, focuses on Colombia's and Panama's responses to migration across their joint border. It identifies specific failures by both governments to effectively protect and assist these people—including those at higher risk, such as unaccompanied children—as well as to investigate abuses against them.

Whatever the reason for their trip, migrants and asylum seekers crossing the Darién Gap are entitled to respect for their human rights during their journey. Colombia and Panama can and should do more to ensure their rights, including by taking appropriate steps to ensure access to food, water and basic health services and strengthening efforts to prevent and investigate abuses.

(above) Migrants sit under a sign marking the Panama-Colombia border during their trek across the Darién Gap, May 9, 2023.

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(front cover) Migrants and asylum seekers climb down a muddy hillside trail in the Darién Gap, a swampy jungle at the Colombia-Panama border, November 20, 2022.

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