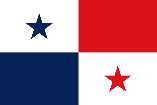
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# Women in Prison: Panama

## Analysis from the National Preventive Mechanism

# | October 2024

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Pamana

# I. Facts and Figures

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| --- | --- |
| UNCAT Ratification  24 August 1987 | OPCAT Ratification  2 June 2011 |
| National Preventive Mechanism (NPM)  [Mecanismo Nacional para la Prevención de la Tortura y otros Tratos o Penas Crueles, Inhumanos o Degradantes](https://mnpt.defensoria.gob.pa/inicio) [[National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment] (NPM)](https://mnpt.defensoria.gob.pa/inicio) | |
| NPM legal framework  Law No. 6 (22 February 2017) | NPM operationalisation  Since 2018 |
| NPM structure  Directorate attached to the Ombuds Institution of the Republic of Panama. | NPM composition  8 members (5 women) |

|  |  |  |  |
| --- | --- | --- | --- |
| Prison population | Women in prison -Characteristics | Prisons  for women | Prison staff |
| Total prison population  24,110 | Foreign women  98 | Number of women's prisons  4 | Prison staff (total)[[1]](#footnote-1)  139 |
| Women in prison (total)  1,183| 4.9% | Pregnant women  3 | Women-only prisons  2 | Women prison officers[[2]](#footnote-2)  129 (92.8%) |
| Sentenced women  893 | Older women (over 60 years)  60 | Mixed prisons with separate units for women  2 |  |
| Women in pre-trial detention  290 | Older women (over 60 years)  60 |  |  |
| *Source: [General Directorate of the Penitentiary System, Monthly Statistics, June 2024.](https://www.datosabiertos.gob.pa/dataset/e4c06dc1-ba82-40f4-be0c-784b6d1b6d43/resource/be19eef1-cffb-4353-a046-0ce8a4b54b29/download/poblacion-penitenciaria-junio-2024.pdf)* | Women with disabilities  15  *Source: National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, April-June 2024.[[3]](#footnote-3)* | *Source: National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, April-June 2024.* | *Source: National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, April-June 2024.* |

# II. Recommendations

Body searches

* The Ministry of Government is urged to progressively replace the exclusive use of tactile techniques in body searches with the use of non-invasive technologies through the acquisition of sensors and electronic inspection or detection equipment. These technologies can help ensure greater efficiency in the detection of prohibited substances and items, while reducing the discomfort and potential humiliation associated with manual searches.
* The Ministry of Government is urged to provide ongoing training for staff responsible for conducting searches, both in non-invasive search techniques and in the importance of respecting the human rights and dignity of women deprived of their liberty. This includes raising awareness of the psychological and emotional impact that these practices can have on detainees, in accordance with Rule 33.1 of the Bangkok Rules, and such training should be facilitated not only by security agencies but also by internal mental health agencies (prison health), civil society organisations and technical experts from the Ministry of Health .
* The General Directorate of the Penitentiary System is urged to verify the protocol of searches, through supervisory visits in which compliance is certified, taking into account the differentiated approach to gender and human rights, especially for vulnerable groups.

Disciplinary sanctions

* It is recommended that the General Directorate of the Penitentiary System should not practice the transfer between penitentiary centres as a disciplinary measure, but that the sanctions should be served in facilities designed for this purpose in such a way that they do not affect the technical progressive plan and family relationships.

Conditions of habitability

* It is recommended that General Directorate of the Penitentiary System improve the conditions of habitability, throughthe renovations that have been stalled in CEFERE, and that they proceed to allocate funds for the tendering of renovation works in the other penitentiary centres of the country that include specific areas such as: isolation, conjugal visits, differentiation by profiles that comply with the minimum guarantees of habitability and access to basic services.

Solitary confinement, isolation

* It is recommended that the General Directorate of the Penitentiary System limit the use of isolation measures to situations that are strictly necessary and justified for security reasons and for a period of no more than 15 days, otherwise it would be considered prolonged isolation, based on international standards on deprivation of liberty.
* It is recommended to the General Directorate of the Penitentiary System that in the case of women deprived of liberty with mental health conditions and psychosocial disabilities, measures such as isolation should not be used, but rather that they should be housed in special spaces for this type of population, according to their profiles. This is in accordance with the provisions of Numeral 5 of Article 46 of Law 55 of 2003, which reorganises the Penitentiary System.[[4]](#footnote-4)

Health

* It is recommended that the General Directorate of the Penitentiary System ensure, through the Ministry of Health, timely mental health care for women deprived of their liberty, in accordance with the provisions of Bangkok Rule 12. The constitution of another technical board for each penitentiary facility resources should be earmarked for the constitution of another technical board for each penitentiary facility.
* It is recommended that the Ministry of Government, togetherwith the technical board of the facilities and the Ministry of Health, create and update a digital medical register of the female prison population suffering from these medical-psychiatric conditions and the treatment provided to them, in order to prevent these women deprived of their liberty from falling into crisis situations due to a lack of treatment.

Means of coercion

* It is recommended that the Ministry of Government implement mechanisms to supervise the use of means of coercion in women's prisons and that they respect human rights and a gender-specific perspective and apply disciplinary sanctions to their custodial staff or refer cases to the directorate of police responsibility for investigation in the case of external security and file complaints with the Public Prosecutor's Office in the event that cases of excessive use of force are identified.
* It is recommended that the Ministry of Government strengthen training sessions for internal and external security staff in the facilities on the appropriate use of force in order to avoid situations that could lead to ill-treatment or possible torture.

Alternatives to detention

* It is recommended that the National Assembly of Deputies promote an initiative to revise the Penal Code and the Code of Criminal Procedure. This revision should focus on implementing alternatives to imprisonment in the phases of investigation and serving the sentence, based on a differentiated analysis and with a gender-specific perspective. This proposal should involve the participation of various sectors such as the judiciary, the Public Prosecutor's Office, the Ombuds Institution, the MNPT, civil society, among other actors.
* It is recommended that the judiciary strengthen the implementation of alternative measures to pre-trial detention (to trial judges) and to deprivation of liberty in prisons (to compliance judges), where the last resort is to avoid overcrowding in prisons, to favour mechanisms for re-socialisation and social reintegration and to ensure fairer and more adequate treatment for women in prisons, protecting their human rights.

Separation

* It is recommended that the Ministry of Government urgently allocate resources, within its budget, for the creation of a specialised centre for women who have committed less serious crimes, taking as a reference the El Renacer Penitentiary Centre which houses male prisoners, as this would not only significantly improve conditions for these women, but would also reduce existing discrimination based on gender and contribute to a fairer and more equitable penitentiary system, thereby guaranteeing respect for their rights and facilitating their rehabilitation and effective social reintegration.

Pregnant women

* It is recommended that the Ministry of Health and the Ministry of Government ensure that pregnant women receive adequate medical attention and prenatal care during their imprisonment to protect their health and that of the baby.
* It is recommended that the Ministry of Health and the Ministry of Government establish clear policies and protocols for the care of pregnant women in prison, including access to nutritious food, specialised medical care and dignified living conditions. In addition, it is essential to provide psychological and social support to these women, as well as to ensure that their rights are respected at all stages of pregnancy, childbirth and postpartum.

# Detention Issues

Currently, in the Republic of Panama, despite the fact that the female prison population is only 4.96%, there are alarming levels of overcrowding in three of the four female prisons (CEFERE Panama, Llano Marin and Algarrobos).

In addition, there is no minimum-security prison for women prisoners who have committed non-serious crimes, unlike the male prison population, which has the El Renacer Prison, which constitutes clear discrimination against women prisoners who have committed minor offences, exacerbates overcrowding and is contrary to the distribution by criminological profile, affecting adequate re-socialisation.

## Mental healthcare

It is imperative to address the mental healthcare of women deprived of liberty in prisons from a gender-specific perspective, taking into account issues such as pregnancy, their role as mothers and within the family, the care of children and other family members, elderly people, people with disabilities, some of whom are the sole breadwinners and leave the family deprived, situations that are aggravated in the context of imprisonment.

Mental healthcare and access to mental healthcare for women deprived of liberty in the country's women's prisons pose major challenges, ranging from timely medical care, monitoring of pharmacological and therapeutic treatments, participation in activities and programmes and, finally, healthy coexistence with the rest of the population.

This lack of a timely approach has adverse consequences for the emotional well-being, rehabilitation and re-socialisation of women in prison.

In accordance with the above, common points were found in the women's facilities, such as the following:

* Absence of psychiatrists and psychologists in prisons, so that care must be provided externally, which implies the mobilisation of women prisoners to receive timely care, entailing the risk of missing appointments, which affects access to medication in a timely manner that affects crisis situations and violence of women prisoners suffering from these disorders, taking into account the lack of both human resources (external security for the transfer) and materials (lack of vehicle and fuel for the transfer).
* Lack of medicines (psychotropic drugs) in the pharmacies of the penitentiary clinics, as well as in the external health centres that serve to the female population of the facilities.
* Lack of mental health programmes or psychosocial care programmes, with a systemic approach, aimed at both women prisoners and custodial and administrative staff, in a way that allows them to manage crisis situations involving this population, as established in Bangkok Rule 33 and the National Mental Health Technical Administrative Regulations.
* Lack of spaces or cells for people who have additional psychosocial needs.

In this regard, it is important to note that the Ombuds Institution of the Republic of Panama will continue to promote the health and overcrowding reduction roundtables with the participation of the DGSP, MINSA and the judiciary, with the aim of collaborating in the development of strategies that effectively address mental healthcare in prisons.

These actions are also complemented by the education and board roundtables run by the Ombuds Institution.

## Means of coercion

In Panama, there is a protocol on the use of coercive methods established in Law 55 of 2003 that reorganises the Penitentiary System; however, this is not based on a gender-specific approach, on the contrary, the guidelines do not distinguish between the male and female population, which leads to certain situations are generated in women's centres, namely: coercive measures, such as the use of physical force, handcuffs, shackles, the use of restraint devices (taser or stun gun) and the application of disciplinary sanctions, are used as methods to maintain order and discipline within the facilities, which, if used excessively or inappropriately, without a gender-specific analysis, can result in ill-treatment, abuse and risks of torture towards women deprived of their liberty.

The lack of training of custodial and external security staff on the use of force and the protocol for its appropriate use has been identified, so that it does not constitute ill-treatment and possible torture of the detainees.

## Body searches

Currently, in women's prisons, searches are carried out by external security units of the National Police and when there is any follow-up due to suspicion of a security situation in CEFERE Panama, there is an office of the Police Investigation Directorate (DIP) that is in charge of this function.

In the country's women's prisons, body searches are carried out on admission to the facility, as well as at every exit for medical, judicial or other purposes; in addition, this process is carried out for family visits, legal representatives and judicial authorities.

On the basis of the above, searches are carried out manually, as the facilities lack sensors and electronic inspection or detection equipment to replace the use of tactile techniques that are often demeaning and humiliating.

It is important to underline that these activities are carried out by female staff and in the event that children and adolescents are present during the visits, the searches are carried out by specialised units of the Police for Children and Adolescents, in private places away from the rest of the people and in the presence of their parents or legal guardian.

There is currently a protocol for searches[[5]](#footnote-5), established in Law 55 of 2003 that reorganises the Penitentiary System, which contains the guidelines to be used in the facilities; it contemplates procedures aimed at vulnerable groups.

## Solitary confinement, isolation

Given the overcrowding, the sections that were previously considered for isolation have been transformed into common areas, no longer called isolation or reflection areas, but just another living area. In some facilities, women who have been sanctioned share space with others who have not been sanctioned, with periods of confinement that start at 15 days and in some cases are prolonged. Disciplinary isolation practices are not adequately managed, negatively impacting the mental and physical health of the inmates.

In the Colón Penitentiary Centre, the absence of a specific area to house women with disciplinary sanctions forces the sanctioned inmates to serve their punishment in the common cells.

This results in the joint confinement of all prisoners in the cell, even those not sanctioned, for periods of 15 to 30 days, limiting their participation in daily activities.

This practice violates the rights of unsanctioned women prisoners and reflects the urgent need to reform confinement policies and improve prison infrastructure.

In the Female Rehabilitation Centre (CEFERE), the situation is serious due to the reuse of the maximum-security area for inmates with behavioural and mental health problems. This particularity also occurs in the women's facilities of Los Algarrobos and Llano Marín. In the case of CEFERE, the cells have bars and two to three women are placed in each cell, in an environment of isolation that aggravates their situation.

In the case of Los Algarrobos and Llano Marín, although the cells do not have bars, the area is small and very overcrowded. Similarly, the conditions in these areas for the three facilities mentioned are inadequate for the specific needs of the inmates, which negatively affects their mental health and violates their human rights.

Transfer as a disciplinary sanction

Another aggravating factor in this practice is that, although this measure can be imposed as a disciplinary sanction within the facility where they are serving their sentence, in other cases, due to the seriousness of the offence, they are transferred to other prisons located in other provinces of the country, which has a negative impact on family unity due to the geographical distances involved.

Isolation as a segregation measure

Similarly, isolation can be implemented as a segregation measure for people who have mental health conditions or additional psychosocial needs, in crisis conditions, and who are not receiving therapeutic medical care or timely medication.

Impact on inmates

Prisoners in this space face prolonged isolation, which can deteriorate their mental health, and the lack of adequate separation and specialised programmes for each group represents a violation to their rights and specific needs.

Prolonged confinement can have devastating effects on mental and emotional health, contravening Nelson Mandela Rule 44. Lack of diagnosis and treatment for women with additional psychosocial needs can lead to crises and acts of violence, resulting in segregation and cruel treatment.

This situation places them in a position of greater vulnerability, suffering stigmatisation and social exclusion, which increases the risk of ill-treatment by prison staff.

The physical conditions of these areas, with the exception of the Nueva Esperanza women's facility in Colón, are inadequate, with poor ventilation, lack of lighting and sanitary facilities in poor condition, which affects the mental health of the women and increases the risk of mistreatment.

CEFERE Panama, in particular, presents extreme unsanitary conditions in the confinement area, which have been denounced to the authorities as ill-treatment, inhuman and degrading.[[6]](#footnote-6)

# Women in Special Situations of Vulnerability

## Pregnant women

The issue of pregnant women in Panama's women's prisons is of utmost importance and requires urgent attention. Currently, there are no spaces for pregnant women. They live together with the rest of the population in the same cells and living conditions. Two of the four centres had three cases, two in CEFERE and one in Llano Marín, of pregnant women who received basic prenatal care in the external health centres that provide services to the prison population.

# Alternatives to Detention

Alternatives to imprisonment are available to women who do not commit serious crimes and whose sentences do not exceed 4 years' imprisonment in some cases and 5 years' imprisonment in others.

In cases involving offences not exceeding 4 years' imprisonment, a woman deprived of her liberty may opt for sentence replacement if she is a first-time offender and in cases not exceeding 5 years' imprisonment, a woman deprived of her liberty may apply for community work, based on the approval of the technical board.

Similarly, for offences punishable by 3 years or less imprisonment, they may give rise to conditional suspension of the prison sentence and the application of alternatives such as weekend detention, house arrest or payment of day-fines.

They can also be released on probation if they have served two thirds of their sentence, if they have a promise to work or if they are studying.

In Panamanian criminal law, serious crimes carry a penalty of deprivation of liberty of 5 years or more. These crimes include crimes against public health, for which many women are currently detained in women's prisons in the country as they carry sentences ranging from 6 years to 25 years.

Despite the above, women may have access to alternative measures to deprivation of liberty, in the case of pregnancy or childbirth up to one year after the birth; in the case of women over 70 years of age or older or who are seriously ill or unable to look after themselves, they may opt for hospitalisation in a health centre or the mental health institute, subject to a report from the Institute of Legal Medicine.

They could also apply for house arrest, in which case they would have to meet other requirements such as having a home where they could serve the sentence or having a family member willing to take care of the woman deprived of her liberty.

A gender-specific analysis is essential to understand the motives that lead women to commit these crimes. Without this analysis, women will continue to be imprisoned without considering alternative measures such as bail, home detention, labour measures or the use of electronic devices such as bracelets.

# Other Relevant NPM Information on Women in Prison

* MNPT, https://www.defensoria.gob.pa/wp-content/uploads/2021/06/Evaluacion-nacional-de-la-situacion-de-las-mujeres-privadas-de-libertad-con-condiciones-adicionales-de-vulnerabilidad.pdf
* MNPT[,https://www.defensoria.gob.pa/wp-content/uploads/2021/03/Informe-Especial-de-visita-al-Centro-Femenino-de-Rehabilitacion-Dona-Cecilia-Orillac-de-Chiari.-CEFERE.pdf](https://www.defensoria.gob.pa/wp-content/uploads/2021/03/Informe-Especial-de-visita-al-Centro-Femenino-de-Rehabilitacion-Dona-Cecilia-Orillac-de-Chiari.-CEFERE.pdf)

This report is part of the Global NPM report on Women in Prison.

Access the full report here: [www.apt.ch/global-report/](http://www.apt.ch/global-report/)

1. Refers only to staff working in the 4 women's prisons. [↑](#footnote-ref-1)
2. Refers only to staff working in the 4 women's prisons. [↑](#footnote-ref-2)
3. Information provided on visits to women's prisons in the period April-June 2024. [↑](#footnote-ref-3)
4. "Article 46. Persons deprived of liberty belonging to different categories shall be housed in different facilities or in different sections of facilities, according to their sex and age, their background, whether they are primary or recidivists, their health conditions, the reasons for their detention and the treatment to be applied to them, for the purpose of avoiding epidemics, criminal contamination and promiscuity. For this purpose, the following rules shall apply: (...) 5. Persons deprived of liberty with communicable diseases and mental illnesses shall be separated from the rest of the prison population, either in public service hospitals or in the corresponding prison clinic". [↑](#footnote-ref-4)
5. https://www.sistemapenitenciario.gob.pa/wp-content/uploads/2019/06/Resoluci%C3%B3n-N%C2%B0-978-de-11-de-abril-de-2018-Requisas.pdf, [↑](#footnote-ref-5)
6. <https://www.defensoria.gob.pa/wp-content/uploads/2021/03/Informe-Especial-de-visita-al-Centro-Femenino-de-Rehabilitacion-Dona-Cecilia-Orillac-de-Chiari.-CEFERE.pdf> [↑](#footnote-ref-6)