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Racial Discrimination: a Crime Without Punishment in Panamanian Society

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Panama has made progress in the fight against racial discrimination but still lacks the necessary legal framework to bring perpetrators to justice. This was the main conclusion of a report published by the Office of the UN High Commissioner for Human Rights (OHCHR) and Panama’s Ministerio de Relaciones Exteriores on Nov. 14.

The report, based on an OHCHR visit to Panama in January this year, highlights a number of significant steps taken toward eradicating discrimination but also lists omissions and failings. The OHCHR welcomed the creation of the Comisión Nacional contra la Discriminación (CND), in 2002, and the approval of a law against discrimination in the workplace, as well as the creation of the Secretaría del Consejo de la Etnia Negra, a government bureau that works to advance the rights of Afro-Panamanians and defend the preservation of their culture.

One achievement of the Secretaría del Consejo de la Etnia Negra has been putting together a Plan de Inclusión de la Etnia Negra, which includes plans to reduce poverty among the Afro-Panamanian population, the creation of a trust fund to finance development projects, plans to approve a law that would give pay benefits to the descendants of Panama Canal workers, a scheme to resolve land disputes in the provinces of Colón and Darién, better access to health care and education for the black population, and respect for its religious beliefs and practices.

However, the OHCHR expressed its concern because Panama still lacks a legal framework that forbids and punishes racial discrimination, and it recommends the approval of an anti-discrimination law enabling the prosecution of racists in both the public and private spheres.

Professor Gersán Joseph Garzón of the CND explains that racism and discrimination is deeply rooted in Panamanian society. Throughout the 20th century, Caribbean immigrants who worked on the construction of the Panama Canal suffered discrimination, and today minorities continue to be targeted by racists. Thousands of African and Caribbean laborers were brought to Panama to build the canal between 1850 and 1855. Although the canal has played a major role in the country’s economic growth, Panama remains one of the most unequal countries in the region.

The report addresses the roots of racial discrimination and urges the government to promote cultural and educational programs that look at history in a critical light so that new generations can grow up in an environment that is more tolerant and respectful of cultural differences.

"The legacy of slavery and a number of negative aspects of the market economy continue to have a profoundly negative impact on the Afro-Panamanian communities," said Verene Shepherd, who presided the OHCHR working group.
Public policies have ignored Afro-Panamanians

OHCHR experts stressed that, to work toward the eradication of racism, it is important to "stop denying that the problem exists" and guarantee that Afro-Panamanians can enjoy the same legal rights in accordance with international human rights conventions.

The latest census, carried out in 2010, showed that 9.2% of the Panamanian population is of Afro-Caribbean descent, mainly of Jamaican or Barbadian origin, and most of this group live below the poverty line. The 2010 census was the first to include detailed information about the plight of the indigenous and Afro-Panamanian population, an important step toward establishing the needs and priorities of Panama’s minority groups in order to design policies that address their main concerns.

"Panama has a great diversity. Like all Latin American countries, it faces a number of challenges linked to its history and its multiethnic and multicultural makeup," said Shepherd during a press conference held to announce the conclusions of the report. "We are worried about the unequal distribution of wealth and the lack of opportunities for Afro-Panamanians."

Professor Garzón said, "The Afro-Panamanian community faces a dire plight because the country’s economic growth has not reached a significant number of black people, who have been subjected to social exclusion and harassed by the police, who are often guilty of racial profiling. ... Citizens are harassed because of the color of their skin, as the police consider anyone who has dark skin to be a criminal suspect."

"Black men and women have to struggle; it’s always harder for them to make progress in life, they live in a vulnerable context, public policy rarely takes them into account as such policies tend to be very general. They suffer prejudice and they are seen as people who cannot be trusted purely because of the color of their skin, because of where they live, and in some cases for wearing their culture’s traditional attire, because they don’t have much money, or because of how they speak," Garzón added.

The OHCHR working group visited Panama City and Colón, where it met with national and local government representatives, nongovernmental organizations (NGOs), civil society organizations, and Afro-Panamanian community leaders.

The northern province of Colón has one of the largest Afro-Panamanian communities in the country and is also one of the poorest and most violent. Paradoxically, it has one of the largest export-processing zones in Latin America as well as several ports of strategic importance.

Shepherd says that, during her visit, an Afro-Panamanian child told her: "Our schools are awful, we have nowhere to play, and we are subjected to violence at home and on the streets"