



**Country session:** Panama

**Date of session:** 77<sup>th</sup> Session 17<sup>th</sup>-18<sup>th</sup> January

**Context**

The Committee welcomed the open dialogue with the State party and commended it on the ratification to many international instruments, namely OPIC, and a number of policy changes undertaken in line with the Convention. However, the Committee reveals great concern in the areas of legislation, non-discrimination, violence against children, adolescent health, access to education and administration of juvenile justice.

**Background information**

[OHCHR press release](#)

**Webcasts** [here](#) and [here](#)

[Audio file](#)

**Reporting**

**Reporting methodology**

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

**State report:**

Common core document	
<a href="#">Initial submission</a>	5 <sup>th</sup> March 1996
<a href="#">Updated document</a>	11 August 2017

CRC:		OPAC:		OPSC:	
No. of report	5 <sup>th</sup> -6 <sup>th</sup>	No. of report	-	No. of report	-
Due date	10 <sup>th</sup> July 2016	Due date	-	Due date	-
Submission	12 <sup>th</sup> July 2016	Submission	-	Submission	-

<a href="#">Written replies to LOIs and Annexes</a>	
Submission	13 <sup>th</sup> October 2017
Due date	15 <sup>th</sup> October 2017

**Public reports from children’s rights defenders**

<a href="#">Alternative reports</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• REDIS</li> <li>• Child Helpline International</li> <li>• Cultural Survival Indigenous Children’s Rights</li> <li>• Global Initiative to End All Corporal Punishment</li> </ul>

- IBFAN
- Observatory for the Rights of Children and Adolescents
- La situación de los NNA en zonas Rurales
- REDNANIAP

### State delegation

The delegation was headed by Yazmñin Cárdenas, Director-General of the National Secretariat for Childhood, Adolescent and Family. She was accompanied by eleven further members, most of them from specialised ministerial positions and almost half being from child-focused governmental agencies.

### Committee's Task Force members

Name & Last Name	Country
Mr. Jorge CARDONA LORRENS	Spain
Ms. Ann Marie SKELTON	South Africa

### Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was interactive, with the discussion being around the technical need for implementation and creation of legal provisions that are in line with the CRC and protect children in all situations. There were some tensions between delegation and Committee when discussing the matter of the curfew applied to children in certain areas.

ii. General assessment made by the Committee

The Committee congratulated the country on ratifying various protocols since the last session but advised the State to submit their report for OPSC, which is currently delayed by fifteen years.

iii. Main issues discussed:

- **Budget Allocation and Legislation:** The Committee showed concern over the fact that Panama is the only country in the region without a comprehensive bill on the rights of the child since the legislative process to adopt it has been abnormally long and it believed adequate coordination is not possible due to the plethora of ministries.
- **Non-discrimination:** The Committee showed “deep concern” over the stereotyping of indigenous and African-descent children, LGBTI children, those of low social background and migrant children. Although admitting the curfew as an impact on all children, the Committee highlighted that it affects African-descent children disproportionately. Moreover, the Committee worried that media campaigns regarding the curfew serve to further stigmatise adolescents and urged that the curfew be eliminated.
- **Juvenile Justice:** The Committee expressed grave concern over the curfew imposed to children and the subsequent free mandatory ID card all children must carry with them if out during curfew times.

Moreover, the Committee showed deep concern over the fact that children can be deprived of their liberty if they have broken the curfew under illegal circumstances and that thirty thousand children were accused of doing so in the year 2015. The Committee also argued that adolescents make up a very small percentage of serious crimes committed and, as such, the curfew cannot be justified on the grounds of public security and the best interest of the child.

- **Violence Against Children:** The Committee urged the country delegation to engage in comprehensive and disaggregated data collection so that adequate policies to fight violence against children can be put in place and develop a strategy for children abuse. The delegation replied that such a strategy was currently being drafted by a Committee but the Committee has yet to meet.
- **Torture, Cruel, Inhuman or Degrading Treatment:** The Committee showed grave concern over two fires in juvenile justice facilities in 2011 and the continuing practice of female genital mutilation (FGM) on new-born girls in certain communities.

## Recommendations of the Committee

- **Legislation:** The Committee recommended the adoption of a bill establishing a system of guarantees and comprehensive protection for the rights of children and adolescents, adoption of a comprehensive law recognising children as rights-holders in line with previous recommendations and General Comment No.5. The Committee advises the State to ensure adequate and sufficient allocation of resources for the implementation of the law and the creation of a system for this at national, provincial and municipal level.
- **Non-discrimination:** The Committee urges Panama to allocate adequate resources for the implementation of the Inter-Agency Strategic Plan for Young People 2015-2019, encourage the development of a code of conduct for media personnel and journalists, guarantee continuous monitoring of the depictions of children and adolescents in the media, take measures to combat the negative association of Afro-Panamanian and other adolescents with crime and reinforce police officers training on the rights of all children. The State party was also advised to ensure that all cases of discrimination against children are addressed effectively, including through education and dissemination and penal sanctions, guarantee children's access to psychosocial and legal counselling in cases of discrimination.
- **Violence Against Children:** The Committee advised Panama, on corporal punishment, to revise the Family Code to forbid it explicitly in all settings, conduct awareness raising actions and seek technical assistance from UNICEF. On violence, abuse, neglect and sexual exploitation the Committee recommended continuous awareness raising and prevention for domestic violence and child abuse, establish mechanisms for reporting cases of sexual exploitation and abuse, namely in schools and public institutions, establish a national database on violence against children, allocate adequate resources to the Rights Protection Special Unit of the Secretariat of Children, Young Persons and the Family to adopt a holistic approach to recovery, support and investigate cases of abuse, mistreatment and violence.
- **Adolescent Health:** The Committee advised Panama to reinitiate the dialogue on a law on sexual and reproductive education in mandatory school curricula, adopt a gender-sensitive non-discriminatory communication strategy on this topic for adolescents and parents, guarantee easy access to affordable contraceptives, allocate sufficient resources to the National Council for the Care of Adolescent Mothers, decriminalise abortion in all cases and review legislation to ensure the best interests of pregnant girls are protected and their views are respected, and offer youth friendly health services.



- **Education:** The Committee recommends the State party to increase the coverage and quality of education services at all levels and comprehensive early childhood services. Also on this topic, the Committee recommended the State party to strengthen and allocate adequate resources to bilingual programmes, improving the participation of indigenous children in education. Finally, the suggested the State to address school dropouts at all levels, allocate additional resources to improve the quality of teaching, particularly in indigenous and rural areas and consider using the infrastructural budget for such improvements instead of the educational budget.
- **Juvenile Justice:** The Committee urges Panama to raise the minimum age of criminal responsibility to an internationally accepted standard, reintroduce the provision that forbids the extension of pre-trial detention without exceptions, guarantee children in conflict with the law have access to qualified and independent legal aid from the beginning and throughout the process. Moreover, the Committee recommended the promotion of non-judicial measures for children accused of criminal offences by expanding the re-education programme and alternative measures at sentencing such as community service whenever possible and ensure that detention is used only as a last resort and for the shortest possible period, with regular review.

### Sustainable Development Goals

In its Concluding Observations, the Committee mentioned the following Sustainable Development Goals and underlined more efforts needed to be undertaken by the State party in these areas:

- Target 3.3 on reduction and care of HIV/AIDS;
- Target 3.8 on achieving universal health coverage;
- Target 4.1 to ensure free, equitable and quality primary and secondary education to all girls and boys;
- Target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children;
- Target 16.5 on substantially reducing corruption;
- Target 16.9 on providing legal identity for all, including birth registration;

### Next State report

CRC	
No. of report	7 <sup>th</sup>
Due date	10 <sup>th</sup> January 2023

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