

child rights connect

## Country session: Panama OPAC

Date of session: 12 September 2019 (82<sup>nd</sup> Session)

### Background information

[OHCHR press release](#)

[Webcast](#)

[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 May 1996
<a href="#">Updated document</a>	11 July 2017
<a href="#">Annexes</a>	-

OPAC	
No. of report	1º
Due date	08 September 2003
Submission	20 November 2017

Written replies	
Submission	3 June 2019
Due date	15 May 2019
<a href="#">Annex</a>	-

Additional comments: The delegation explained that members of civil society had been involved in drafting the report, even though they had not been specifically convoked.

#### *Public reports from children's rights defenders*

##### [Alternative reports and additional information](#)

NGOs	Human Rights Watch Juvenile Justice Advocates
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## State delegation

The [delegation of Panama](#) consisted of representatives of the National Secretariat for Childhood, Adolescence and Families, the National Commission for Human Rights, the Ministry of External Relations, and the Permanent Mission of Panama to the United Nations Office at Geneva.

## CRC Committee's Rapporteurs

Name & Last Name	Country
Sidikou Aissatou Alassane	Niger
Philip Jaffé	Switzerland

## Dialogue description

### I. Character of the dialogue

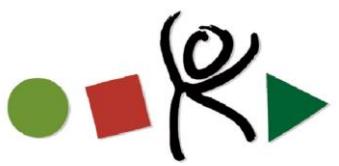
The atmosphere of the dialogue was constructive, open and cooperative. The quality of the dialogue was well coordinated, and the State delegation provided detailed and honest answers to the Committee members' questions.

### II. General assessment made by the Committee

The Committee appreciated the efforts made by the State - it had ratified the Convention as well as its Optional Protocols – but regretted the hard part remained, namely, to find the best way to implement them. However, the dialogue was there to reinforce actions that contributed to the implementation of the OPAC and the Committee commended the Government for having a forward-looking, proactive way of identifying and filling gaps.

### III. Main issues discussed:

- **Recruitment of children:** Panama is one of the few countries that did not have a standing armed force. There were no armed forces and therefore no recruitment of children. However, the delegates were asked to confirm that there was no exception to the age requirement for persons wishing to join Panama's civil security forces. The State Party replied that the organic laws of the security forces require any person to be over the age of 18 as a requirement for joining them. Regarding the reports of recruitment of children by non-State armed groups at the border, including Afro-descendants and indigenous children, the Committee asked if the State party intended to promulgate an explicit ban on the recruitment of children in non-State armed groups, including private security forces. Panama replied that the strict provisions of article 448 of the Criminal Code, which criminalize recruiting children, includes prohibition of recruitment of children by civil security forces. Regarding private security agencies, there is a clear requirement to be 21 years of age to participate in the activities of such agencies.
- **Asylum-seeking and refugee children:** There are no armed conflicts in Panama, however, as it is a destination for asylum seekers, the Committee asked which measures have been taken to identify and support children who might have been involved or used in hostilities. The delegation explained that, in 2018, the Government had adopted a protocol to attend to the needs of children under international protection. This protocol sought to establish guidelines on how to best determine the best interest of the child and identify if a child being supported was a victim of armed conflict. The Government was developing an Inter-Institutional Protocol for



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the comprehensive protection of children and adolescents in the context of international migration. Director of the National Secretariat for Childhood, Adolescence and Families, said that children who had been victims of armed conflict were treated on the same footing as any child in Panama and received specific support. Programmes were carried out in schools and communities in that regard. In terms of the border-prevention, measures have been taken to create a special unit for children and adolescent in coordination with the National Secretariat. The delegation explained that border patrol agents were provided with specific training on the rights and needs of children and adolescents. Education on human rights is obligatory in the police academy. To reach the higher ranks in the police force, a certain number of hours of specialized training in human rights was mandatory.

- **Child participation:** The Committee requested information about children who acted as human rights defenders and, more broadly, on children's participation in social and political affairs. The experts asked Panama if it was equipped with a children's parliament at the national level or another mechanism allowing for the national representation of children. Panama replied that they supported the creation of advisory councils at local level for children and adolescents as a participation mechanism and recognized the need to establish a children's parliament to ensure children participation at all levels.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention concerning the following areas:

- **Coordination:** The Committee recommends Panama to establish an efficient body at a high level with sufficient authority and a strong mandate to coordinate all activities related to the implementation of the Optional Protocol at the cross-sectoral, national, provincial and local levels. The State party should ensure that such a coordinating body is provided with the necessary human, technical and financial resources for its effective operation.
- **Allocation of resources:** The Committee recommends the State party: enhancing its efforts to make the principles and provisions of the Optional Protocol widely known to the members of the security services and the public at large, in particular in a child-friendly manner for children and their families; ensuring training on the harmful effects of all the offences referred to in the Protocol and on preventive measures to combat them and strengthening the active and systematic consultation with children, in the promotion and implementation of children's rights, including their participation in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.
- **Data:** The Committee recommends Panama providing the Committee, in its next periodic report under the Convention, with up to date and disaggregated data on asylum-seeking, refugee, migrant and unaccompanied children who enter the State party and may have been recruited or used in hostilities abroad.
- **Dissemination and awareness-raising:**  
The Committee recommended the State party to enhance its efforts to make the principles and provisions of the Optional Protocol widely known, in particular in a child-friendly manner for children and their families and to strengthen efforts to actively and systematically consult children, including through representative non-governmental organizations and children's associations, in the promotion and implementation of children's rights, including by ensuring their participation in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.



- **Prevention of recruitment by non-State armed groups:** The Committee urges the State party to take all measures necessary to prevent recruitment of children and to protect them from violence by non-State armed groups; to establish appropriate mechanisms to identify children at risk of being recruited by non-State armed groups and to develop awareness-raising and educational programs on the negative consequences of participating in armed conflicts in border areas.
- **Human rights and peace education:** In line with its GC 1, the Committee recommends the State party including human rights and peace education in the curricula of all schools and in teacher training programmes, with specific reference to the Optional Protocol.
- **Prohibition and criminalization of recruitment by non-State armed groups:** The Committee recommends that the State party promptly enact in its legislation the explicit prohibition and criminalization of the recruitment of children under the age of 18 years by non-State armed groups.
- **Extradition and extra-territorial jurisdiction:** The Committee recommends Panama to establish and exercise extraterritorial jurisdiction over crimes prohibited by the Optional Protocol without the criterion of double criminality and to include offences prohibited under the Optional Protocol in all extradition treaties concluded with other State parties to the Optional Protocol.
- **Measures of disarmament, demobilization and social reintegration:** The Committee urges the State party to ensure assistance and support to migrant, refugee and asylum-seeking children, who may have been recruited and/or used in hostilities abroad. In that regard the Committee urges the State party to establish a mechanism for early detection and take all necessary measures to ensure its effective functioning. It also recommends to take all necessary measures, including careful assessment of the situation of children who may have been involved in armed conflicts abroad, reinforcement of the legal advisory services available to them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance, to ensure that such children are provided with physical and psychological recovery and have access to rehabilitation and reintegration programmes.

## Next State report

CRC	
No. of report	2º
Due date	10 January 2023

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.