

STATE PARTY EXAMINATION OF PANAMA'S THIRD AND FOURTH PERIODIC REPORT

58TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Panama ratified the Convention on the Rights of the Child (CRC) on 12 December 1990. On 26 September 2011, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic report of Panama. It was last examined on 19 May 2004.

Opening Comments

The delegation of Panama was led by S.E. Niruka Del. C. Palacios the Vice Minister for Social Development. She was supported by a delegation of representatives of the Ministry of Justice, Ministry of Foreign Affairs, the National Secretariat for Children Youth and Family, the Superior Court of Justice for Children and Adolescents of the judicial organ, the National Institute of Statistics and Census, the Ministry of Labour and Workforce Development and the Permanent Mission in Geneva.

Ms Palacios expressed her pleasure in addressing the Committee on the application of the CRC in Panama. She explained that it was important to share visions and aspirations in relation to children, who made up 34 per cent of the Panamanian population, which constituted a three per cent decrease since 2000. She highlighted that in the last five years there had been a steady increase in social investment, which had reinforced public policy for children and adolescents. Ms Palacios noted that the government was aware that more needed to be done to address the socio economic disparities experienced throughout the country.

Further to the previous set of Concluding Observations issued by the Committee, Ms Palacios

noted that the government had acted, in consultation with civil society organisations, to create a comprehensive legal framework on children's rights, which was currently being discussed by the National Assembly. This project had also led to the creation of the National Secretariat on Children, Adolescents and the Family, which in turn had led to the establishment of corresponding public policies.

Ms Palacios pointed out that 30 per cent of the landmass of Panama had been attributed to indigenous communities under conditions of collective property rights. Guaranteed access to land had contributed to reduced poverty among affected communities, which were better able to subsist and provide for themselves.

Concerning civil rights and freedoms, Ms Palacios informed the Committee that Panama had drafted a Bill, which was currently before the National Assembly, to address the rights of children whose fathers had been victims of armed conflicts in neighbouring countries. To date, 975 people had been granted permanent residence in Panama under the Temporary Humanitarian Statute. Concerning birth registration, the Electoral Tribunal had initiated a project in 2009 entitled "Register Me, Make Me Visible". Since then, the number of unregistered children was estimated to have decreased from 14 per cent to 4.5 per cent.

Amongst the institutions that the State had created to protect children and family rights, Ms Palacios noted the National Secretariat for Childhood development and Family Care to safeguard the right of all children to live with their family and the Advisory Council for early childhood. Furthermore, the Mother and Father programme allowed parents to carry out their roles with respect for the rights of their children. Programmes for children with disabilities, Basic Health and Wellbeing and the Guardian Angel programme to provide maternal and health care for children under five years old, had also been implemented. Ms Palacios explained that since 2003, there had been a universal programme to significantly reduce infant mortality rates, for example by providing vaccinations against mumps and measles to children under one year of age in rural areas, as well as a supplementary food programme to improve the nutritional state of indigenous, urban and families with children with disabilities. The "Assert Yourself" programme, which generated policies for comprehensive development for boys, girls and adolescents, as well as the "Make a Move for Panama" and other literacy programmes, had also addressed the fuller implementation of the CRC in Panama.

Further significant developments included the creation of Juvenile Assemblies for young children to approve major bills and to have their voice heard in issues regarding regulations of student affairs, the promotion of family values and adoption of a public policy for comprehensive care to newborns. Ms Palacios explained that the State had worked to eradicate child labour and a national plan had been formulated to eliminate the worst forms by 2015 and to completely eradicate it by 2020. To conclude, Ms Palacios explained that it was essential to make changes in social structures to eradicate violence, poverty and to strengthen society with equality. She hoped for democracy with equity and opportunities and looked forward to joining efforts with the Committee to express unity in the best interests of the child.

Jorge Cardona Llorens and Marta Mauras welcomed the delegation from Panama and highlighted that the meeting was an opportunity to make room for improvement with the assistance of the Committee. They explained that once the State received the Concluding Observations and Recommendations from the Committee, this would allow for a dialogue

with civil society and international organisations to improve the overall implementation of the CRC. Mr Cardona asked whether the State had plans to distribute the Concluding Observations as he felt it would be a strong basis for promoting understanding of the spirit of the CRC, which he felt was lacking in the country.

The Rapporteurs commended Panama's efforts to adopt a comprehensive legal framework on children and youth. They explained the need for a definition of the child throughout Panamanian law that was in harmony with the CRC. For example, the CRC established the age of a child to be those under 18 years of age, while in Panama a female child could marry at 14 and a boy child could marry at 16. This was not seen by the Committee as in line with the best interests of the child, which, along with other fundamental principles of the CRC, should form the constitutional core.

The Rapporteurs noted their concern for signs of regression in some areas of legislation such as adoption, discrimination, lack of prevention and protection of teen pregnancies. They asked what could be done to support families so that children could exercise the right to remain with their families. Mr Cardona highlighted that action needed to be taken to ensure security and reduce the number of people living on the streets. Mr Cardona this fed into issues of non-discrimination and asked whether there were any policies for the elimination of discrimination against minorities.

The Rapporteurs asked the delegation for clarification on how the implementation of child-related policies and programmes were coordinated throughout the country, at the institutional level, and whether a comprehensive national plan for children had been created. Finally, the Rapporteurs noted the to the positive steps that had been taken to address sexual exploitation of children, particularly in the tourism industry, but raised concern about protection of children living and working on the street. In conclusion, they noted that the government had accepted most recommendations relating to children at the Universal Periodic Review, but added that further steps needed to be taken.

General measures of implementation

Dissemination and Training

The Committee questioned if information on child rights was made available in a child friendly format. The Committee questioned if child rights were integrated into universities in study, research and Master degree programmes. The Committee asked if there were specific training for public prosecutors, lawyers, doctors, journalists, police and teachers to uphold the rights of children.

The delegation answered that a guide on the social education of children and the conflict of laws had been distributed to more than 9000 children in schools. The delegation stated that in addition to this there had been workshops and exhibitions to represent each right. The delegation noted that the Secretariat for the family launched a publicity campaign, which targeted the mass media, to highlight the rights of children and the principle of the CRC. The delegation stated that extensive training was provided to national police and the judicial school provided seminars training people on human rights and the rights of children. The delegation noted that the ministry of education was considering opening a separate study programme on the CRC. The delegation stated they participated in Children's Day 2009 which celebrated the rights of the child with UNICEF.

Budget

The delegation noted that in 2009, 45 per cent of the total budget was spent on children as they were committed to strengthening the rights of children. The delegation explained that this incorporated health programmes, supplementary vitamin A and Iron programmes in all public schools, a networking programme and a family voucher scheme to give access to food.

The Committee stated 45 per cent was an impressive figure but noted that it was not completely earmarked for boys and girls in adolescence. The Committee questioned how figures on the impact of the investment could be determined on boys, girls and adolescents. The Committee questioned what had been done on housing, water and sanitation in addition to health and education. The Committee explained that the CRC stipulated for a comprehensive policy and specific budget which targets children with the facility to monitor the impact of the budget. The Committee notes that without a comprehensive plan a comprehensive budget would not be achieved.

The delegation explained if the budget for children was under one umbrella it would be difficult to track and understand the expenditure. The delegation understood the committees concern and the importance to establish a comprehensive law to collaborate a single budgetary framework.

Data Collection

The Committee noted in 2004 there were insufficient measures to collect data, especially in vulnerable situations. The Committee was concerned as the information in the census of 2000 lacked the democratic composition of descendents. The Committee questioned the progress on improving the process and whether another census had been planned. The Committee asked if technical assistance was being provided by UNICEF.

Implementation of Rights

The Committee commended Panama's ratification of virtually all Conventions in this area but questioned why the initial reports for the two Optional Protocols of the CRC were seven years overdue. The Committee commended prioritising early childhood but noted the state had separated between early childhood and other children. The Committee questioned why was the early childhood body was in a separate category and not under the same leadership as other services. The Committee questioned the responsibility assigned to the first lady, what was the public status of the office and whether she had a budget. The Committee questioned if the first ladies office was a department of government and was concerned about the institutional sustainability of the council of the first lady. The Committee noted the state had two separate entities from an organisational and legislative point of view which did not match up between theory and practice.

The delegation stated a new secretariat and advisory council would support a comprehensive plan for early childhood coordinated in a fashion for different bodies. The delegation explained that the national secretariat for children and adolescence would draw up a global strategy and consensus based approach to the recommendations. The delegation stated that focus was on children under five as this would ensure a better quality of life and in order to help mothers develop early learning strategies for the future. The delegation explained the first ladies office was a coordinated aspect and helped give real and effective force to the

programme for the ministry of social development and the secretariat for the advisory council. The delegation stated that the implementation of public strategies would be made sustainable in the country.

Supremacy

The Committee noted the supremacy of the CRC over other texts that related to the rights of children. The Committee noted that given the amendment to Convention of 2004 all International norms would prevail over the domestic law and constitution itself. The Committee referred to the age discrepancies between the constitution and domestic law in relation to the economic exploitation of children in labour and asked if there were cases where the supremacy of International laws had been invoked. The Committee noted that the constitution established a higher value of human rights than domestic law.

Legislation

The Committee commended there had been positive trends in legislation. The Committee noted that the comprehensive bill to codify the CRC had been in consideration since 2005. The Committee stated that the bill had been suspended after it reached stalemate in parliament. The Committee noted the opportunity had been missed to implement a comprehensive law covering all age brackets and provisions of the convention.

The delegation explained the legal framework for children and adolescents was very broad. The delegation stated the project to draw up a code to the legal framework for children and adolescents had not been abandoned as a whole. The delegation stated the government of Panama intended formulate a comprehensive childhood law in consensus with civil society and relevant bodies.

International Cooperation

The Committee commended that at least 70 NGOs who provided services in care, training, provision of meals received over 2,600,000 dollars when the report was written. The Committee explained that the value of civil society and NGOs lies not only in the service given but the ability to assess needs of children on the ground and contribute to solutions. The Committee questioned if the state had involved NGOs in monitoring the programme, in policy development and if NGOs were considered when raising awareness of child rights in Panama. The Committee noted that the present secretariat was located in Panama City and not in regional areas which meant the cooperation with NGOs could be strategic. The Committee asked what role NGOs had played in the preparation of the report and written replies and if NGOs are consulted to identify the needs and gaps in developing policies.

Monitoring

The Committee noted the creation of the Ombudsman and that the annual report had been received. The Committee questioned whether a follow up to the report was planned and how this was prioritised. The Committee was concerned as there was no guiding body to coordinate all institutions. The Committee questioned why the existing national council for children had been eliminated to create a service for children and the family. The Committee asked if the state had the resources to carry out the institution described.

The Delegation explained it had created mechanisms to co-ordinate policies and to promote

decentralised private and public institutions. The delegation stated when the secretariat was established by law it was preceded by a number of directives and a number of ministers were brought in, controllers office, education ministry, when looking at the structure it had the same structure as the existing council, duplication of effort in terms of functions. The delegation explained that the Secretariat was a substitute for the council.

General principles

Non Discrimination

The delegation informed the Committee that the government is making progress in comprehensive development in indigenous districts to improve poverty indicators, education and health. The delegation explained the plan being implemented on production, food security, creation of income and infrastructure to reduce poverty and exclusion among new generations of indigenous people, to provide them with better opportunities. The Committee questioned if the plan for the indigenous population covered the entire population.

The delegation stated there were three districts in the design and developments of the plan. The delegation explained they had a lot of work to do to make the African descended population visible and ensure that their rights were not violated. The delegation stated they could identify how many there were in the population in information designated by gender and territory. The delegation explained the development of the national secretariat and the ministry worked to coordinate policies to ensure these groups were made aware of their status and thus fully enjoy their rights.

Civil rights and freedoms

Protection from Abuse and Neglect

The Committee questioned the availability of victim support and a support programme for those who had suffered from abuse and neglect. The Committee questioned what measures had been taken to protect children who had been victims of sexual abuse. The Committee questioned what had happened to the cases of border police professionals who had raped girls. The delegation explained that complaints to the national secretariat for sexual abuse cases had amounted to 518 sentences. The Committee questioned the legal obligations of the non abusive parent of the child victim. The Committee asked how sexual abuse was detected.

Birth Registration

The Committee acknowledged the efforts of birth registration in the country through birth registration campaigns. The Committee explained that the Law of 2007 was regulating birth registration to some extent but did not provide a solution to border areas where it was difficult to access birth registry offices. The Committee noted that despite the birth registration system for children of African descent and indigenous populations continued to be a problem. The Committee asked for information on birth registration for African and Indigenous people. The Committee stated 37.8 per cent of children in 2009 had not been registered due to the lack of logistic facilities, translation and interpretation in remote areas.

The Committee noted registries were ignorant to children born of minorities and negligently granted Panamanian nationality to all children. The Committee questioned what had been done to train officials and whether mobile registry offices would be allowed for children in remote areas to register the birth. The delegation stated documents 54 and 61 had been created to work on the issue of registration. The delegation explained the legal framework

allowed children of foreign parents to have temporary residence in the country. The Committee noted from the written responses valid proof was required to satisfy the criteria that children were born in the territory. The Committee questioned what valid proof meant.

The delegation stated to establish proof of birth in the country there were a set of standards. The delegation explained one of the standards to confirm the birth occurred in Panama was the requirement of 5 witnesses but this had been reduced to 3. The delegation noted they had been working to process residence so all children born in Panama could enjoy the same rights.

Freedom of Expression

The Committee commended the progress made on the freedom of expression but noted there were requirements, simply including the article was not enough. The Committee questioned the legal provisions in place on the right of expression, how these rights applied to children, protection mechanisms and questioned what remedies had been set up for the violation of this right. The Committee questioned traditional attitudes which violated the freedom of expression in family settings. The Committee questioned the right of play in relation to minorities and indigenous children. The Committee noted legal actions which could be taken against formal government and against journalists if they had been seen to censor the press. The delegation noted that all reporters and journalists used this right, as did the government and specific programmes. The Committee questioned the role of the media. The Committee were concerned children were not heard in political questioning.

The delegation noted there was full freedom of expression in Panama but there had been isolated incidents where legal entities issued relevant statements. The delegation noted freedom of expression in written form and stated children have the right to express themselves. The delegation explained youth assemblies had been created allowing young children to express their opinions. The delegation noted the assert yourself tour shared communications with children's parents and peers to educate them on how child rights can be upheld. The delegation stated hotline 147 allowed young people to bring any violation of their rights to the ministry of social developments attention. The Committee noted the image the press portrayed of adolescents could be manipulated.

Freedom of Thought, Conscience and Religion

The Committee questioned why this right had not been referred to in the report. The Committee asked if there had been any conflict on the exercise of this right. The Committee questioned if freedom of conscience had been respected in institutions in relation to diet and religion. The Committee asked if the state party had provided funding for certain religions. The Committee questioned the limitations on the freedom of children to wear religious clothing. The Committee noted this was a direct connection to opting out of religious education as the privacy of the child would be infringed.

Access to appropriate information

The Committee noted adequate information on sexual and reproductive health to teens was a matter of principle. The Committee explained that children did not have access to information on this through the school system or health centres unless they were accompanied by an adult. The Committee asked for the delegations opinion on this matter.

Early Marriage

The Committee noted the legal age for marriage was 16 for boys and 14 for girls. The Committee explained all individuals under 18 were children and asked whether the age for marriage and intercourse had been reconsidered. The Committee noted the age of consent for intercourse in Panama was 14 which in other states was statutory rape. The Committee noted the increase in underage pregnancies in girls under 16 and boys between 15 and 18. The Committee stressed the increase of child pregnancies affected the right to education and contributed to problems facing children in their teens.

The delegation stated there would be no problem in raising the age to 18 but there was a matter of appropriate discussions and a necessary consensus. The delegation noted the government had been developing a sexual education programme to protect children in primary and middle schools through local health centres and education centres.

Family Environment and alternative care

Family Environment

The Committee noted data indicated 25 per cent of households were headed by women. The Committee explained the number of new families was 50 per cent and there were a smaller number of extended families. The Committee stated that 17.32 per cent of children were born to married parents but a large percentage was unmarried. The Committee asked if these were maintenance issues and if there was a direct impact on children had this been taken into account.

Standard of Living

The Committee noted a high proportion of poor families in Panama. The Committee questioned if there were programmes for the preparation of parenting to help with life situations and to develop social skills for young people who are planning to have families.

Adoption and alternative care

The Committee noted the bill for the Hague Convention on Adoption had not been given priority over domestic law. The Committee obliged the delegation to act with the Hague Convention. The Committee explained that the planned national legislation contained articles which were grounds for concern and stated Act 61 needed to be revised to conform with the Hague Convention on Adoption. The Committee stated the purpose of the bill should be to prevent children being removed from the family environment.

The Committee explained the bill made clear preference to an adoption of a national family or origin of extended family. The Committee noted biological family definition had been extended to only apply to grandparents. The Committee asked for clarification of the difference between national adoption and international adoption. The Committee explained 280 international adoptions was a high level in comparison to the number of national adoptions. The Committee stated the private association in inter country adoption and asked for measures provided for supporting national adoption.

The Committee asked if parents who had been told they were not appropriate to act as parents could appoint someone else to act as parents on their behalf. The Committee explained this

could lead to commercial aspects and conflicts with the CRC. The Committee stated the need to prevent what was behind adoption and related to the sale of children. The Committee asked the delegation to justify speedy adoptions.

The delegation Stated there was a new draft bill in relation to the national secretariat of children in the family. The delegation noted that the amendments of Act 61 which governed national adoption in Panama acted as a normative exercise. The delegation stated Panama respects conventions it was signatory to, reform Act 61 under obligations under the Hague Convention. The delegation stated it would take up every word for help so the bill can fully comply with the CRC.

Basic Health and Welfare

Health and Health Services

The Committee commended the state party for the progress made in relation to HIV/AIDS especially for children and adolescents. The Committee noted the capacity of HIV programme was weak despite international cooperation from UNICEF and asked what had been done to strengthen the programme. The Committee asked how a demand was created for HIV services including anti viral treatment clinics.

The Committee noted the empowerment of girls and what was in place to strengthen their gender awareness and training regarding HIV. The Committee noted the state party kept children living with HIV/Aids, with no family, in the home of San Jose Diablo and asked how long the children would stay there. The Committee asked if this created a stigma for and what services were within the home. The Committee asked where the children go after they leave the home. The delegation explained there were health programmes in the country including Vitamin A and Iron supplement programmes.

Standard of Living

The Committee noted that a low standard of living and poverty coexist as the income distribution in Panama has the 2nd worst distribution in Latin America. The Committee questioned the requirement for sustainability to become part of a network and questioned if this was the role of the government. The Committee explained there were 70,000 poorer families in the country and food subsidies covered 10,000 families. The Committee noted the level of subsidies averaged 50 dollars. The Committee questioned how sustainable change could be brought through a programme based only on subsidies. The Committee explained employment issues were the structural reason for poverty. The Committee asked if it would be possible to make water and basic sanitation available.

The Committee called for an adequate standard of living for all children for human protection. The Committee questioned how the cash transfer programme was monitored and asked how the opportunities network programme reached the poorest areas. The Committee called for a multi dimensional approach to poverty reduction amongst children which would focus cultural social and gender dimensions. The Committee explained this would allow the state to develop appropriate responses and transform the lives of children. The Committee explained poverty was focused in indigenous areas and in rural areas where African descents were focused. The Committee stated that there were disparities in the standard of living especially within indigenous populations of African ascent

The delegation stated a network of opportunities allowed the question of poverty to be tackled in the country. The delegation explained they had tried to break the cycle of poverty to ensure a better future. The Delegation noted that 80,000 families was not the total number in extreme poverty and was aware of the challenge. The delegation noted there was a secretariat to deal with strategies for inclusion of African descendants.

Children with Disabilities

The Committee noted children with disabilities had different requirements and asked what measures were in place to allow children with disabilities to express themselves. The Committee noted the Children with Disabilities 2010 report noted 2 x more than what had been said on the number of children with disabilities. The Committee was concerned as only 29 per cent of children with disabilities were within education and questioned what happened to the large number of children with disabilities who are not in inclusive education.

The Committee noted that disabled children had been excluded from public life and had no information and nothing was clear regarding listening to them. The Committee stated the main issue is the inclusion of disabled children into society as a whole and how this was done. The Committee noted that there were more disabilities in indigenous populations than other communities. The Committee questioned if religious institutions were given information on disability policies.

The delegation explained they had a national secretariat for disabilities as part of an established policy. The delegation noted the secretariat had a formal structure which covered all policies and strategies to ensure integration of children with disabilities. The delegation noted the Guardian Angel programme which gave direct economic support to children with severe disabilities or at least their parents. The delegation explained they had tried to ensure the inclusion of children with disabilities in comprehensive educations as well as special educations. The delegation stated they had established regulations to protect minors with disabilities, there were parks in the capital for recreational activities with children with disabilities. The delegation noted the Special Olympics in Panama which was would raise awareness.

Education, leisure and cultural activities

Education

The Committee noted the state was on track in relation to universal basic education but was concerned for drop out rates. The Committee explained only 85 per cent of children reached the 5th grade. The Committee stated education covered 4-15 year olds but the number of indigenous populations were lower with a higher drop out rate. The Committee asked if there was an alternative education system or vocational system for those who are outside of the educational system. The Committee asked the ratio between teachers and children in the class room and how many levels were in each class room. The Committee questioned if pupils opinions were heard on the national curriculum. The Committee questioned how the state alleviated the gap in equality between public and private education.

The Committee questioned the nature of public education when religion was concerned. The Committee was pleased the delegation spoke about schools established for indigenous children which taught in their own language. The Committee asked if the majority of children were interested in taking part in these schools were able to learn ingenious languages so children could interact with one another. The Committee noted during the coffee harvest

season in Costa Rica there was evidence that they did not have education during this time and the Committee asked of their standard of living during this time period.

The delegation stated work was being done on inclusive education for indigenous children. The delegation explained work was being done on writings in the indigenous children's mother tongues, done in pre-school and kindergarten levels. The delegation stated when children go to basic primary schools they will continue learning their language.

The delegation stated a food supplement programme was available under the educational system. The delegation noted in primary schools, children receive a breakfast and at higher levels students were given a lunch depending on location. The delegation explained school uniforms were provided through coupons, either through school at the outset of the year where given book bags or other school supplies. The delegation noted teachers had to sign attendance cards to prevent school drop outs.

Special protection measures

Rehabilitative Care

The Committee noted the lack of several issues in the review procedure for children within the case system and noted some of the children were not attending school. The Committee questioned if the children were successfully integrated regarding the outcome of the care system. The Committee asked if the state was measuring the efficiency and effectiveness of the child protection system.

Sexual Exploitation

The Committee noted there had been no mention of exploitation of children in the hotel industry. The delegation explained they had been working on a behaviour code of conduct for the last 2 years with NGOs and various government offices at national level which had generated a positive feeling from tourism organisations. The delegation explained in June 2010 57 cases of commercial sexual exploitation were investigated at the National Supreme Court and 2 rulings resulted in strict sentences. The delegation stated national assemblies were considering a national plan to eradicate sexual exploitation from 2009. The Committee questioned why the number of cases heard did not match the number of convictions. The delegation noted that this was part of the public prosecutors office and they would provide a response.

The committee questioned how the 1 dollar airport tax helped to eradicate sexual exploitation and whether it had a specific purpose. The delegation noted that the fund had been collected by the National Commission and there was inter institutional management for it to be used. The delegation explained all initiatives had been carried out with funds of institutions in the tourism industry and other sectors of society such as UNICEF. The delegation stated there were many organisations they were working with to prevent child prostitution. The delegation noted the law of 16th March 2007 recognised the importance of the eradication of child prostitution and noted campaigns had been set up to provide support for victims.

Child Labour

The Committee commended the ambitious programme with the ILO to eradicate child labour. The Committee explained by 2010 there were 2000 children who had been protected from the worst forms of child labour and reintegrated into normal life. The Committee doubted it would be possible to eradicate child labour completely in 4 months as it had been cut by a 3rd

in over 4 years. The Committee asked for a clear answer on how child labour was monitored and what was planned to reduce child labour. The Committee explained that if there was no monitoring mechanism child labour could not be eliminated. The Committee noted no permits were granted to children between 12-14 who worked in agriculture and questioned if this was a political motive. The Committee noted nothing had been mentioned on domestic work and explained that 9 per cent of girls between 10 and 14 and 18.3 per cent of girls between 10 and 17 were domestic workers. The Committee questioned what measures would be taken to target domestic work.

The delegation noted the commitment to the ILO Convention 138 regarding the minimum age of labour and the June ILO conference. The delegation explained that the ILO road map ensured the rates of child labour had fallen and the delegation hoped Panama would have eradicated the worst of child labour by 2014 and completely by 2020. The delegation stated since the ratification of the ILO Conventions there had been an institution of social dialogue on labour with private companies and most representative organisations. The delegation noted the labour institute since 1992 was now a bilateral institution which 20 years on was still working. The delegation noted the institute had been chosen by government to be the grass routes driving force in the country. The delegation explained the ministry of labour did not allow any child to work in any situation including domestic work and agriculture under 14 even if it had been stated in legislation. The delegation noted there was a constant monitoring by labour inspectors to ensure the conditions of the period of work.

The delegation noted the highest rate of child labour was within Indigenous peoples. The delegation stated the issue of child labour in the agriculture and coffee harvest was an issue of essential importance to Panama and the ministry of labour had taken recommendations from many international organisations including the WTO to establish the most appropriate measures to eradicate child labour in Panama. The delegation stated that 40 per cent of children working in agriculture was alarming and would do everything possible to ensure they would instead be in school, health systems and carry out sports and cultural activities.

Refugee Children

The Committee welcomed the strengthening of the legal framework by adopting a law on refugees. The Committee noted the temporary humanitarian regime was a positive development. The Committee noted there was no adequate coordination responsible for children for overseeing asylum system. The Committee referred to Decree no23 of 1998 and noted the existence of legal gap in the provision as an asylum seeker could work whilst the application was being granted but they would not be entitled to support in this process. The Committee explained that in some reports their living conditions were inadequate and their children were becoming more vulnerable. The Committee asked what protection could be given by government. The Committee questioned if this meant no documentation was asked of them. The Committee noted children under 18 could not be interviewed to determine refugee status when they needed to be heard to seek asylum.

The delegation shared the Committees concern on asylum seekers and the regulation of migrant families. The delegation noted the immediate inclusion of refugee children in the education system without specific documentation. The delegation explained that children were not normally asked for prior school records but this was necessary to finish schooling.

Children of Minorities or Indigenous Populations

The Committee noted there were 7 indigenous communities in Panama that amounted to

420,000 Panamanians, 200,000 of those were children and of which 45 per cent in education, 100 per cent were enrolled in primary level but a high level were absent because of poverty, lack of capacity and lack of infrastructure, lack of bilingual training and teacher training and curriculum. The Committee recalled it was up to the state to guarantee appropriate reparations for minorities and indigenous people taking into account of basic services required for their development and for the displaced people who had incurred damages because of economic development project.

The committee noted that basic measures of drinking water and sanitation are indispensable to ensure children from indigenous populations have access and a high level of mortalities. The Committee explained within minority groups and indigenous populations there needed to be work on different programmes to avoid children going to work in coffee harvests and to avoid torture, trafficking and drugs and specific problems in border communities. The Committee explained the high level of poverty in indigenous populations' in particular African descendants and a low access to education in rural areas. The Committee questioned if all the rights of indigenous people were taken into account.

The delegation noted there were 5 indigenous groups in Panama. The delegation noted economic development affected vulnerable and indigenous populations. The delegation agreed there was a need to ensure comprehensive protection of all rights be available and highlighted the state would always respond through programmes. The delegation noted there was no methodology for social impact at the moment but in relation to environment there were a lot of information and the delegation considered people may need to have been relocated. The delegation explained that during discussions between community and company the environmental impact had been assessed. The delegation noted they were interested in developing social impact assessments as had been done with environmental assessments. The delegation noted various laws needed to be complied with in relation to trade, industry and environment. The delegation noted the importance of development.

Sale, trafficking and abduction

The Committee questioned if Panama was a country of origin and destination for the Sale of Children. The Committee stated the state talked of the bill on trafficking but the Committee noted there was no legislative text on this subject. The Committee asked the delegation to explain the lack of specific statistics expressed in the Universal Periodic Review and a low number of trials. The Committee questioned what measures had been taken to protect children who had been sold and children who were victims of child pornography.

Corporeal Punishment

The Committee regretted no progress had been seen regarding recommendations made in 2004 on the abolishment of corporeal punishment and the implementation of legislation in school and care institutions. The Committee questioned whether there were plans to adopt legislation and to abolish corporeal punishment in all settings and to impose appropriate sanctions. The Committee noted to the need for a complete definition of corporeal punishment in order to have affective legislation and to raise awareness. The Committee questioned what had been done to raise awareness of corporeal punishment to develop the rights of children in society.

The Committee noted efforts to combat domestic violence but remained concerned about the mistreatment of children. The Committee stated the issue of girls who suffered from

corporeal punishment came before the state party in the UPR dialogue and recommendations were made to remedy this issue through legal action. The Committee noted Act 38 on domestic violence included a possibility of punishment as long as physical damage was not inflicted. The Committee requested a specific provision to strictly prohibit any form of punishment. The Committee questioned whether child victims of corporeal punishment could complain directly. The Committee questioned if the advice line was independent to the Ombudsman and if complaints could be received by another body. The Committee asked if a specific complaint was made what would be done.

The delegation noted Panamanian legislation did not allow corporeal punishment. The delegation noted the concern on corporeal punishment and recognised the need for a stronger campaign for children's rights. The delegation noted there hadn't been an analysis of what the legal provision would provide but ensured there would be a positive response to this provision. The delegation recognised this and noted there was a need for far reaching education on the consequences of corporeal punishment. The delegation explained they would proceed with the education campaign with the pending issue on national agenda. The delegation explained campaigns had been run to inform children about hotlines available for victims of corporeal punishment. The delegation explained that the Line 147 did not work 24/7 but did receive a huge amount of complaints from carers and sometimes children.

The delegation explained there were various ways they would deal with allegation of ill treatment. The delegation explained someone would be sent onto the ground and the complaint would then be forwarded to the relevant directorate under the public ministry. The delegation noted it would be checked if the allegation was physical, ill-treatment or negligence. The delegation stated it would be the concern of the legal advisor of the court of justice and legal bodies which were asked to act would carry out investigations. The delegation explained that national legislation would take the issue forward to deal with the allegation and it would be channelled through the national secretariat. The delegation stated that the relevant department would investigate and the necessary legal proceedings would commence.

Juvenile Justice

The Committee explained the statistics for juvenile delinquency had not increased and 3 per cent of total serious offences had been committed by children. The Committee noted the penal age had been brought down from 14 to 12 which was a complete contradiction of what was in the CRC. The Committee noted that lowering the criminal age of responsibility from 14 to 12 punished children for being recruited by gangs of delinquents and stressed they could come under criminal jurisdiction. The Committee asked what Juvenile Police was and how many officers there were and what training was given.

The Committee noted it had been decided that social educational sanctions would be eliminated and measures of deprivation had been increased. The Committee stated this justified their concerns for society and highlighted the responsibility of a government. The Committee pointed out that it was not enough for the committee to hear that the state would rethink strategies to prevent the victimisation of children. The Committee explained that if one of the strategies would be a curfew they would remain concerned. The Committee noted there continues to be a lack of comprehensive policy inspired by real concept. The Committee noted the need for dialogue in the media, with the media and children themselves with what it means to have rights.

The delegation noted Act 40 and referred to the criminal age of responsibility. The delegation stated the age of criminal responsibility was lowered to 12 as gangs recruited children under 12. The delegation explained there was no evidence that this happened in Panama now. The Delegation stated they would strengthen strategies so children and adolescents would not become criminals. The delegation stated the recommendations would help govern civil society and produce a law which would establish a whole system to protect the rights of children and adolescents.

Torture and deprivation of liberty

The Committee noted the long period of pre-trial detention and increased criminal penalties. The Committee noted the lack of programme for rehabilitation in detention centres. The Committee questioned if detainees in juvenile detention had visitation rights from their families and medical staff to assess the mental and physical needs of the child. The Committee questioned whether juvenile detainees could access education and if their religious rights were respected. The Committee questioned what happened to the children after detention. The Committee questioned what had been done to monitor the administration of detainees.

The Committee stated the curfew continued as the state would detain children in the street. The Committee children in the street should not be assumed to be criminals. The Committee explained finding the family immediately would be difficult and depriving the child of liberty was against the spirit of the CRC. The Committee explained children should not be taken away to be protected. The Committee asked how the delegation would rescind this measure.

The delegation stated children and adolescents were brought to the national secretariat after arrestment when all other methods were exhausted. The delegation explained children were only taken to the police station when no family was found. The delegation explained the following day appropriate evaluations were taken with a social worker and psychologist. The delegation explained they would investigate the concerns of children who may not be protected in the night hours.

The Committee noted the serious problem of 3 fires in temporary shelters in less than 1 year. The Committee questioned how this would be prevented from reoccurring. The Committee questioned the use of tear gas that in the detention centres. The Committee stated the victims and teenagers should not be punished.

The delegation recognised the problem in temporary shelters and noted 5 teenage deaths. The delegation noted the government had been setting up a structural reform plan to improve rehabilitation programmes by 2012. The Delegation hoped they would improve conditions in prisons and respond to the concerns of the Committee.

The Committee questioned the measures in place for negligent officers and how many were under questioning. The Committee stated the Law 2010 did not make provision for officials being tried whilst carrying out duties. The Committee stated their concern of was impunity.

The delegation explained officials had been questioned which resulted in the suspension of one staff member. The delegation stated 9 members of the police force and 2 custody agents were being tried. The delegation noted if there was criminal responsibility through investigation and trial under law 74 the person in question would be suspended and a sentence would be carried out. The delegation was aware these measures affected the rights of children and would review and perhaps suspend the measures to come up with different strategies. The delegation hoped they would improve the rate of young people whose liberty

had been affected and would continue to work with civil society and UNICEF.

Children in Armed Conflict

The Committee stated the national army constitution was abolished in 1994. The Committee noted there were 4 different forces in the country and asked the age of recruitment for those organisations. The Delegation stated that there was no established age of recruitment for children into the armed forces. The delegation explained children can sign up at their own will and enter into the armed forces at 18 years of age but they must have identity documents.

Concluding Remarks

The Country Rapporteurs thanked the delegation for the sincere dialogue and stated that many of the Committees concerns and doubts had been answered. The Country Rapporteurs commended that Panama had made progress in many areas but there were still significant lacking in the comprehensive system. The Committee stated they would have liked to have had more information regarding domestic workers, Columbian children crossing borders, those being recruited or those born in Panama and recruited by armed group in Columbia right to cultural activities, right to play and a more detailed discussion concerning education. The Committee noted that no information had been given on teenage health including teenage pregnancy. The Committee notes although many questions had been answered there had been no discussion had been given on maternity rate, measures on the care of the community and mechanisms to remove children from institutions and vulnerable children. They praised the mechanism instilled by the Head of Delegation to widely disseminate fact dialogue and conclusions from the session across the country. The Committee stated that this was important as it was a learning process for everyone. The Committee concluded that it was the task of the government and commitment of leadership to form a needed normative framework was needed to interpret the CRC as a protective guardian and to move to a rights based culture. The Country Rapporteurs hoped they would shortly receive initial reports to the Optional Protocols that had been ratified by Panama. They closed by thanking the delegation, looking forward to the reports and seeing activity undertaken in relation to the Committees recommendations.

The delegation thanked the committee for the continual work they have done to process the rights of the Convention. The delegation stated that there were challenges facing the work on the rights of the child. The delegation explained that the comments of the Committee would be followed. The delegation stated that they were committed to strengthening the legal system in implementing international instruments. The delegation explained that they would make efforts to reduce disparities in afro and indigenous populations claiming that the human rights in Panama would be fully enjoyed by all people and no effort would be spared in the enjoyment of the rights of the child. The delegation stated that they were aware of future challenges and is prepared to cooperate with UNICEF and the ILO to strengthen road map for 2012 and others who support Panama to protect their children. The delegation stated that all efforts would be undertaken to protect every child was an essential and legal observation to eradicate the cycle of poverty. The delegation reassured the committee that they would work hard so the relevant child right information was distributed across the country as they were aware of the problem. The delegation explained that adolescents and family worked hand in hand with the institutions in Panama and they were prepared to collaborate with the Committee. The delegation remained objective to civil society and International government to focus on the rights of children in our country.