Committee on the Rights of the Child
Eighty-second session

Summary record (partial) * of the 2408th meeting
Held at the Palais Wilson, Geneva, on Thursday, 12 September 2019, at 3 p.m.

Chair: Mr. Pedernera Reyna

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Initial report of Panama on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Initial report of Panama on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/PAN/1; CRC/C/OPAC/PAN/Q/1 and CRC/C/OPAC/PAN/Q/1/Add.1)

1. At the invitation of the Chair, the delegation of Panama took places at the Committee table.

2. Ms. Rodríguez Suárez (Panama) said that peace constituted the foundation of Panamanian society. There was no civil war or international armed conflict taking place in Panama, and under the terms of its Constitution the country had no armed forces. There were no armed groups operating outside the law, and the use of national territory for the purposes of conflict or hostilities was prohibited. The Government was committed to upholding the spirit of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to preventing any activities that might impact on its fundamental principles. Accordingly, Panama had ratified the 16 Hague Conventions relating to the conduct of hostilities and methods of combat and all of the Geneva Conventions relating to the proper treatment of victims of armed conflict.

3. The Government interpreted the best interests of the child as a cross-cutting element in the shaping of public policies relating to the rights of children. In national legislation, a child was defined as a person under the age of 18 years old. The right to life was fully guaranteed from the moment of conception. The minimum age for recruitment to the security forces was 18.

4. In recent years, the Government had improved its handling of issues relating to irregular migration. Article 93 of Decree-Law No. 3 of 2008 provided for the creation of short-stay shelters for foreign nationals requiring the protection of the National Migration Service. Pursuant to Executive Decree No. 5 of 2018, which had brought national legislation on child protection matters into line with international standards, children had the right to submit their own asylum applications.

5. The care pathway in place for unaccompanied children was aligned with the protocol for the identification of children in need of international protection and the provision of support services. A child-friendly space had been created in Darién to cater for the needs of children in the area close to the border with Colombia, and a similar facility was planned on the border with Costa Rica, with technical input provided by the United Nations Children’s Fund (UNICEF).

6. Pursuant to Executive Decree No. 1 of 2016, the list of the worst forms of child labour had been revised. The work of the directorate of the Ministry of Labour and Workforce Development responsible for combating child labour and protecting young workers was aligned with the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

7. Mr. Jaffé (Country Rapporteur), welcoming the submission of the State party’s initial report following its ratification of the Optional Protocol in 2001, said that he wished to commend the State party for having adopted legislation regulating the possession, carrying, import, export and trade of firearms, ammunition and related materials, and for having endorsed the Safe Schools Declaration on the protection of students, teachers and schools in situations of armed conflict. It would be helpful if the delegation could confirm that no exceptions could be made to the minimum age requirement of 18 years for recruitment to the civilian security service.

8. He would be grateful for details of the composition of the national standing committee responsible for implementing and following up on national and international human rights commitments. It was unclear whether the consultation process undertaken during the preparation of the State party’s report had involved discussions between the relevant government bodies regarding matters relating to the Optional Protocol. It would be interesting to know whether civil society organizations and any children’s or youth
organizations had also participated in the consultation process. He would appreciate information on whether the national standing committee and the National Secretariat for Children, Adolescents and Family were provided with sufficient staff and resources for the reporting process required under the Optional Protocols.

9. Given that each of the various government entities involved in implementing the Optional Protocol shared responsibility for promoting its dissemination and providing training for the relevant professionals, he wished to know whether there was any oversight of the multiple training programmes in operation. It was unclear whether there was a consolidated curriculum in place or whether each programme was created in an ad hoc manner.

10. While there was no record of children having been recruited by armed groups or used in hostilities in the State party, he would appreciate the delegation’s comments on the accuracy of reports that children might have been recruited by cross-border non-State armed groups, particularly in remote Afro-Panamanian and indigenous communities.

11. The Committee would welcome clarification as to why the data provided on the number of child asylum seekers in the State party included minors up to the age of 17 years old only. He wished to know whether it was likely that the figures in question represented an underestimation of the real number of child asylum seekers in Panama. It would be useful to learn whether staff who interviewed child asylum seekers received sufficient training and whether they met with the children on multiple occasions in order to establish a rapport with them.

12. Ms. Sidikou (Country Rapporteur) said that she wished to know what measures the State party had taken to prevent the cross-border recruitment of indigenous children and children of African descent by non-State armed groups operating in Colombia. She also wished to know what measures it had taken to raise awareness of the Optional Protocol and to which parties those measures were directed. In addition, she wondered what the National Secretariat for Children, Adolescents and Family and the Ministry of Education had done to develop courses covering the Convention and the Optional Protocols thereto. It would be interesting to know whether any such courses were part of the curricula in primary or secondary schools or in teacher training programmes.

13. She would welcome a comment from the delegation on the efforts that had been made to identify and rehabilitate asylum-seeking children or other child migrants who might have been recruited by armed groups or used in hostilities in their countries of origin. She would also welcome data, broken down into relevant categories, on such children.

14. Mr. Jaffé said that he wondered whether private companies, including those providing security services, could hire persons under the age of 18 to perform non-hazardous tasks, and, if so, whether the authorities were not of the view that it was detrimental to children to work side by side with armed adults doing dangerous work. Would it not be better if non-State armed groups, including private security companies, were explicitly prohibited from employing anyone under the age of 18 in any circumstances? The State party should also consider prohibiting the recruitment of children by armed groups in a section of the Criminal Code other than the section devoted to crimes against humanity, as the recruitment of a child by an armed group should be prosecuted and punished in all situations, not just in the case of crimes against humanity. As the State party had noted in its replies to the list of issues (CRC/C/OPAC/PAN/Q/1/Add.1, para. 11) that there were no non-State armed groups with a permanent presence in its territory, he wished to know which groups of that kind were known to have, or to have had, an occasional presence.

15. Ms. Sidikou said that she would like to know what steps the State party had taken to ensure that former child soldiers under its jurisdiction had the right to protection and special assistance and what means of remedy and redress were available to them. She would also like to know what human and financial resources were allocated to give effect to the provisions of the Optional Protocol.

16. Mr. Jaffé said that he wished to know what the Government was doing to respond to the challenges inherent in combating the armed criminal gangs known in the region as maras. He wondered, for instance, how many children were involved with such gangs; how child
gang members were treated by the police, the justice system and social service authorities; and whether they were entitled to protective measures or simply subjected to harsh punishment. In the same connection, he wondered what firearms regulations had been introduced in an attempt to combat gang violence and whether the curfews that had apparently been imposed in some neighbourhoods but not others were not a form of discrimination.

17. He would welcome additional information on the work done by the Ombudsman’s Office, particularly in respect of the Optional Protocol. It would also be interesting to know whether there were children in Panama who were prominent human rights defenders and, if so, whether they were given support, consulted on policy matters and protected from any dangers they might face as a result of defending human rights.

18. Ms. Sidikou said that she wished to know what steps the State party was taking to coordinate all efforts to implement the Optional Protocol. Lastly, she wished to know whether the State party had persons qualified to provide care and support to children involved in or otherwise affected by armed conflict.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

19. Ms. Rodríguez Suárez (Panama) said that there were no exceptions to the rule forbidding the recruitment of children to the civilian security forces. Security guards had to be at least 21 years old.

20. Mr. Falcón Moreno (Panama) said that the National Human Rights Commission, which was composed of representatives of a variety of institutions, met periodically to put together reports on the country’s human rights record. The Commission was also developing a national human rights plan. Executive Decree No. 7 of 17 January 2012, under which the Commission had been established, provided for the participation of civil society in its work. The Ombudsman’s Office formed part of the Commission, but it was an independent institution that administered its own budget.

21. Appropriately disaggregated data were not always available. Efforts were being made to improve data collection, however, not least with a view to ensuring that public programmes and policies had solid quantitative bases. In 2011, after nearly 20 years, a number of refugees who had been confined to the province of Darién had been granted permanent residence under Executive Decree No. 81 of 2011, as had been recommended by the Human Rights Committee.

22. Ms. Rodríguez Suárez (Panama) said that the National Border Service had a new department whose members had been given specific training on the rights of the child and worked in close consultation with the National Secretariat for Children, Adolescents and Family. Another inter-agency prevention initiative had been the establishment, in 2017, of the National Intersectoral Committee for the Prevention of Violence against Children and Adolescents, which was responsible for the design and implementation of strategies and other initiatives to combat all forms of violence against children and adolescents. The Intersectoral Committee also coordinated the work of relevant agencies at the local and national levels. The National Multisectoral Strategy for the Prevention of Violence against Children and Adolescents 2018–2022 had been adopted in 2018 in follow-up to a recommendation made by the Committee on the Rights of the Child. Municipal boards for the protection of children and adolescents were responsible for carrying out the tasks set out in the action plan that accompanied the strategy.

23. Mr. Falcón Moreno (Panama) said that mandatory courses on human rights were part of the programme of study at the country’s national police academy. Courses on human rights were also required for promotion within the ranks of the National Police.

24. Ms. Rodríguez Suárez (Panama) said that the personnel of the National Secretariat for Children, Adolescents and Family included psychologists and social workers. Information on the possible participation in armed conflicts of children who arrived in Panama in search of international protection was lacking, but all such children had access to social and other services on an equal basis with Panamanian children.
25. The Secretariat had a dedicated department responsible for outreach activities to promote children’s rights. Those activities involved groups of children and adolescents and took place in schools and other community venues. The Secretariat provided support, including in the form of training on children’s rights, for the establishment of municipal advisory councils composed of children and adolescents. The views expressed by adolescents on those advisory boards had informed the National Multisectoral Strategy developed by the National Intersectoral Committee for the Prevention of Violence against Children and Adolescents.

26. Ms. Rodríguez Suárez (Panama) said that her Government would provide additional information in writing on some of the issues that had been raised, including details of the resources allocated to the protection of children. It had recently conducted a study on investment in child-related issues, in collaboration with UNICEF. It had also developed a child-specific multidimensional poverty index, in order to identify any gaps that needed to be addressed through public policy.

27. Mr. Falcón Moreno (Panama) said that no persons under 18 years old worked for private security companies in Panama. Article 118 of the Labour Code stipulated that minors were prohibited from performing tasks that placed their life, health or morals at risk.

28. Ms. Rodríguez Suárez (Panama) said that, as part of the implementation of the recently adopted Protocol for the Identification, Referral and Assistance of Child and Adolescent Asylum Seekers in Need of International Protection, the documents and forms that were used during interviews with children were being reviewed. Standardized forms were being developed, in collaboration with international organizations, in order to ensure that children’s views were properly documented, their best interests were taken into account and child victims of armed conflict were identified.

29. Ms. Ayoubi Idrissi, noting that over 90 per cent of asylum applications submitted by adults were rejected by the Panamanian authorities, asked what proportion of asylum requests made by children were successful.

30. Ms. Rodríguez Suárez (Panama) said that her Government would provide updated information in writing on the number of asylum applications received from children and adolescents that were being processed and the number that had been granted. Since the issuance of Executive Decree No. 5 of 2018, there had been no more than 20 such requests per year. It should also be noted that the National Secretariat for Children, Adolescents and Family worked with the National Office of Refugee Affairs to provide psychosocial support for asylum-seeking children.

31. Mr. Jaffé said that he would like to know whether asylum-seeking children were provided with legal representation and received legal aid during the asylum application process and whether they could file an appeal if their applications were rejected. He also wondered whether there was a children’s parliament or an equivalent body at the national level in Panama.

32. Ms. Rodríguez Suárez (Panama) said that children seeking asylum had access to the same legal services as adult asylum seekers, including legal representation provided by international non-governmental organizations such as the Norwegian Refugee Council. There was no children’s parliament in Panama; however, child participation at the municipal level had an impact on policymaking at the national level.

33. Ms. Sidikou said that she wished to know whether the advisory councils of children and adolescents operated at the municipal level only; whether those councils were open to all children; and what other child participation mechanisms had been set up at the community level. She would also like to know what proportion of the national budget had been allocated to the implementation of the Convention and the Optional Protocols thereto.

34. Mr. Madi said that it was not clear whether national law explicitly prohibited the recruitment of children by non-State armed groups and established extraterritorial jurisdiction for offences committed under the Optional Protocol.

35. Ms. Rodríguez Suárez (Panama) said that the advisory councils of children and adolescents operated at the municipal level and were widely accessible. Activities were
organized in schools and community groups in order to identify which children were interested in joining the councils and to ensure that children of all backgrounds were represented, including Afro-Panamanian and indigenous children. There were plans to expand the advisory council initiative over time.

36. **Mr. Falcón Moreno** (Panama) said that Act No. 48 of 2004 prohibited gang membership and the possession and trade of banned weapons. The extraterritorial application of the Optional Protocol had been established insofar as article 20 of the Criminal Code stipulated that Panamanian criminal law applied to certain offences committed abroad, such as offences that were committed against a Panamanian or had an impact on Panamanian territory.

37. **Mr. Madi** said that the provisions mentioned did not refer specifically to non-State armed groups or to offences committed under the Optional Protocol. Under article 4 (2) of the Optional Protocol, Panama was required to criminalize the recruitment of children by non-State armed groups, regardless of whether such groups existed in the State or whether the State was involved in an armed conflict. Until it did so, it would remain unable to prosecute offences of that kind committed abroad by Panamanian nationals and residents. Similarly, Panama should explicitly establish extraterritorial jurisdiction over offences committed under the Optional Protocol, in order to prevent impunity.

38. **Ms. Rodríguez Suárez** (Panama) agreed that the legislative changes recommended by Mr. Madi would strengthen the national legal framework.

39. **Ms. Ayoubi Idrissi** asked whether an accessible version of the Optional Protocol had been produced and disseminated among children; whether teachers received training on the content of the Optional Protocol; and whether civil society had participated in the preparation of the State party’s report.

40. **Ms. Rodríguez Suárez** (Panama) said that child-friendly information regarding the Convention had been disseminated and would be revised to include more information about the Optional Protocol.

41. **Mr. Falcón Moreno** (Panama) said that, although civil society played an important role in Panama, it had not been invited to participate in the preparation of the report, for it had not shown much interest in the Optional Protocol. However, the Government planned to work on raising awareness of the Optional Protocol as a preventive tool.

42. **Mr. Jaffé** said that the delegation’s responses had shed light on the situation of children and child rights in Panama and the progress made by the State party in implementing the Optional Protocol. He was impressed by the State party’s proactive, preventive approach to many of the issues covered by the Optional Protocol. His main criticism was that the voice of children had not come across strongly enough in the State party’s report.

43. **Ms. Rodríguez Suárez** (Panama) said that she wished to thank the Committee for the constructive dialogue, which had covered not only the progress made by her country but also the legislative and institutional challenges that it faced. Panama was aware of the need to improve its prevention and monitoring mechanisms in order to identify child rights violations with greater accuracy and without any form of discrimination. It remained wholly committed to implementing the Convention and the Optional Protocols thereto and was ready to take all the necessary steps to bring its legislation into line with international standards. It would continue to work together with the treaty bodies and to follow up on their recommendations.

44. **The Chair** said that additional information could be submitted in writing within the next 48 hours. He hoped that the State party would disseminate the Committee’s concluding observations, including in a child-friendly format, and that it would take them into account in the development of its public policies.

45. **The delegation of Panama withdrew.**

*The discussion covered in the summary record ended at 5.20 p.m.*