



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Third and fourth periodic reports of States parties
due in 2008

Panama* **

[31 March 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

** The annexes may be consulted at the secretariat.

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I. Introduction

1. The third report of the Republic of Panama to the Committee on the Rights of the Child has been drawn up in accordance with the legal obligations ensuing from the ratification of the Convention on the Rights of the Child, while due consideration has been given to the "General guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention", adopted by the Committee at its 343rd meeting on 11 September 1996; the document bearing the same title, which was adopted by the Committee at its thirty-ninth session on 3 June 2005, and the recommendations made to the State of Panama by the Committee at its 971st session on 4 June 2004 (CRC/C/15/Add.233).

2. In this report, emphasis is placed on the legislative, administrative and programmatic measures that Panama developed in the period 2003-2007 in order to implement the rights recognized through the ratification of the Convention.

3. The following salient measures have been taken in the legislative area: Enactment of various rules aimed at ensuring the exercise of the rights of the child, especially in relation to health; strengthening of provisions recognizing the right to name and nationality; special protection of children and adolescents from all forms of exploitation; recognition of the rights of children with disabilities and of indigenous population groups; and adoption of rules designed to ensure the sustainability of the social policies currently implemented.

4. In the area of public policies, mention must be made of the development of programmes for overcoming social inequalities, such as the Opportunities Network Programme, the Child Labour Eradication Programmes, the National Health Plan for Children and Adolescents, the National Immunization Programme, the Primary Health Care Coverage Enhancement Programme and the National Plan for the Integration of Persons with Disabilities.

5. Despite these achievements, the data compiled reveal the need for joint efforts to ensure the adoption of a comprehensive system for the recognition and protection of the rights of children and adolescents in accordance with the obligations assumed under the Convention. It is therefore urgent for Panama that an Act for the comprehensive protection of children and adolescents is adopted and that a specialized agency responsible for coordinating and organizing the national policy for children and adolescents is created.

6. Most of the statistical data contained in this report have been compiled by the Office of the Comptroller General (Contraloría General de la República) and complemented through other national surveys carried out in certain areas during the period considered, such as the National Survey on Child Labour, 2000, and the National Survey on the Prevalence of Disabilities, 2006, and with specific statistics released by other Government agencies.

7. In certain cases, official statistics for 2007 were not yet available when the report was drafted and, as a result, the study was based on data related to 2006.

8. The main source of documentation on national policies in support of children and adolescents has consisted in the annual management reports drawn up by the various Government bodies, supplemented by interviews with Government agencies and the respective validation processes.

9. This report consists of eight chapters, of which the third chapter addresses the general measures of implementation adopted by the country in accordance with the Convention; the fourth deals with the definition of the child and the adolescent in the national legislation; the fifth concerns the implementation of the general principles

underlying the Convention; the sixth discusses civil rights and freedoms; the seventh focuses on family environment and alternative care; the eighth describes the situation regarding basic health and welfare in respect of children and adolescents; the ninth presents the situation regarding education, leisure and cultural activities for children and adolescents; and the tenth refers to special protection measures for specific groups.

II. The national context

A. Population

10. Panama's population in 2007 was estimated at 3,339,780, including 1,257,270 children and adolescents, who accounted for 39 per cent of the total. Males and females accounted respectively for 51 and 49 per cent of the population.¹

11. In recent years, Panama has experienced a demographic transition as the percentage of children and adolescents decreased while the elderly population increased. It has been estimated that, by 2050, children and adolescents will account for 19 per cent of the total population.²

Estimated total population and number of persons under 19, 2003-2007

<i>Year</i>	<i>Total population</i>	<i>Persons under 19</i>	<i>Percentage of persons under 19</i>
2003	3 116 277	1 257 270	40
2004	3 172 360	1 269 469	40
2005	3 228 186	1 280 984	40
2006	3 283 959	1 291 830	39
2007	3 339 781	1 302 179	39

Source: Office of the Comptroller General.

B. The economic context

12. Based on GDP, the production of goods and services in Panama increased by 11.2 per cent in 2007 compared to 2006. According to Statistics and Census Directorate calculations, in 2007 GDP at constant 1996 prices amounted to US\$ 16,966.1 million, displaying an annual increase of US\$ 1,710.0 million, while in 2003 GDP had amounted to US\$ 12,182.8 million, having increased by 4.3 per cent. That upward trend is continuing.

13. According to the Monthly Index of Economic Activity (IMAE) of the Office of the Comptroller General, economic activity up to November 2006 showed a cumulative increase of 8.02 per cent compared to the same period in 2005. The country's current economic activity prospects are good. Growth is driven by the activities of storage and telecommunications, hotels and restaurants, transport, trade, construction, financial brokerage, agriculture and property development.

¹ Estimates of the Office of the Comptroller General, as at 1 July 2007.

² Ministry of Health, National Plan for Children and Adolescents, 2008-2001.

C. Human Development Index

14. With a Human Development Index (HDI) of 0.812, Panama ranks sixty-second on the HDI scale and is classified as a high HDI country. As the following table shows, Panama's HDI has risen progressively over the years:

Year	Human development index	Rank	Category
2005	0,812	62	High human development
2000	0,797	49	Medium human development

D. Income distribution and poverty

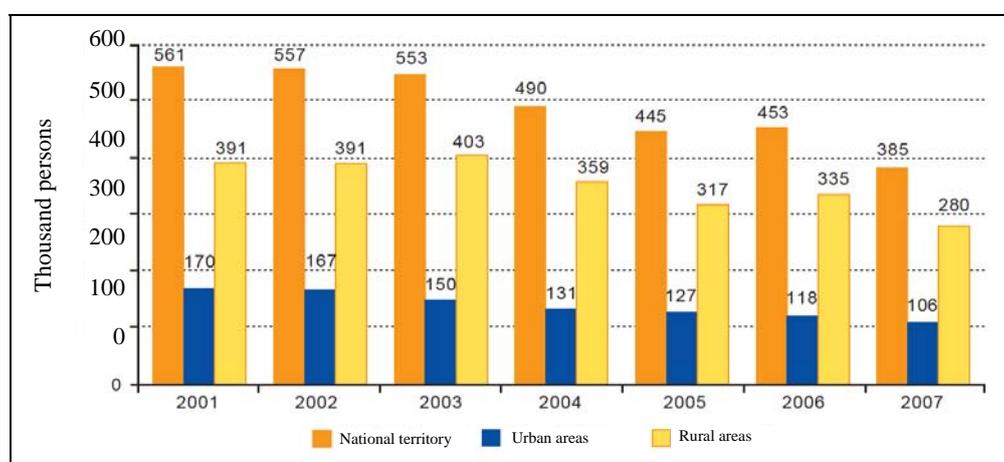
15. According to the Economic Commission for Latin America and the Caribbean (ECLAC) survey entitled "Panama: Poverty and Income Distribution, 2001-2007"³, poverty and extreme poverty in Panama declined steadily during the period 2001-2007. Moreover, household income has increased in real terms and income distribution has progressively changed.

16. In fact, the percentage of persons living in extreme poverty decreased from 19.2 per cent in 2001 to 11.7 in 2007, namely by 7.5 percentage points, while in the same period overall poverty decreased from 36.7 to 28.6 per cent, namely by 8 percentage points.

17. The number of persons living in extreme poverty declined during that period by approximately 176,000, or 31.4 per cent, to a 2007 level of approximately 385,000.

Graph III.8

Panama: Development of poverty, 2001-2007



Source: ECLAC, on the basis of official household survey figures.

³ United Nations, ECLAC, August 2008.

Table III.1

Panama: Development of poverty and extreme poverty, 2001-2007

(In thousand persons)

Year	Entire Country			Urban areas			Rural areas		
	Extreme poverty	Non-extreme poverty	Total poverty	Extreme poverty	Non-extreme poverty	Total poverty	Extreme poverty	Non-extreme poverty	Total poverty
2001	561	508	1 069	170	293	463	391	216	606
2002	557	546	1 103	167	321	488	391	225	616
2003	553	546	1 099	150	326	476	403	220	623
2004	490	529	1 019	131	292	423	359	237	596
2005	445	535	980	127	308	435	317	228	545
2006	453	502	955	118	283	400	335	219	554
2007	385	553	938	106	291	396	280	262	542

Source: ECLAC, on the basis of official household survey figures.

18. With regard to the geographic distribution of poverty, the survey shows that "of the 385,000 persons living in extreme poverty, 72.7 per cent reside in rural and 27 per cent in urban areas. Most of the poor, including the extremely poor, live in rural districts. In fact, of the total number of persons faced with some form of poverty (938,000), approximately 58 per cent belong to the rural population".

19. The lowest extreme-poverty rate, 5.2 per cent, was observed in the metropolitan areas (Panama City and Colón), while the income of 51.9 per cent of the inhabitants of indigenous districts was below the extreme-poverty line.

Table III.6

Panama: Poverty and extreme poverty rates by region, 2001-2007

(Per cent)

Region	Extreme poverty			Poverty		
	2001	2004	2007	2001	2004	2007
Eastern Region	51.7	35.9	19.6	70.6	56.7	48.9
Metropolitan region	10.9	7.4	5.2	26.1	21.5	18.2
Central region	25.0	23.5	16.3	47.3	43.4	37.6
Western region	19.0	16.8	15.9	39.4	38.2	36.2
Indigenous districts region	76.0	63.6	51.9	89.0	86.6	80.5
National Total	19.2	15.7	11.7	36.7	32.7	28.6

Source: ECLAC, on the basis of official household figures.

Eastern region: Darién.

Metropolitan region: Panamá and Colón.

Central region: Herrera, Los Santos, Coclé and Veraguas.

Western region: Chiriquí and Bocas del Toro.

Indigenous districts region: Indigenous districts.

20. In the period 2001-2007, poverty rates declined as a result of economic growth and improved income distribution. According to the above survey, the downward trend in poverty indicates that "Panama is on track to achieve, by 2015, the first target of the Millennium Development Goals, namely halving the rate of extreme poverty; and, if that

trend is maintained, it is quite possible that the country's rate of total poverty will also be halved".

Table III.8
Panama: reduction of extreme poverty, 2001-2007
(Per cent)

<i>Year</i>	<i>Extreme poverty</i>	<i>Reduction index</i>
1990	16.2	0.0
2001	19.2	-37.5
2002	18.7	-30.2
2003	18.1	-23.2
2004	15.7	5.7
2005	14.0	26.7
2006	14.1	26.5
2007	11.7	55.1
2015	8.1	100.0

Source: ECLAC, on the basis of official household survey figures.

21. In the period 2001-2007, substantial progress was achieved with regard to income distribution. There remain, however, noticeable disparities between rural and urban households in terms of resources and, as a result, the levels of poverty and extreme poverty are higher in the rural areas.

22. In the same period, the income gap between the wealthiest 10 per cent and the poorest 40 per cent of the population was significantly reduced. Thus, according to the ECLAC survey, the ratio between the income of the two groups, 18.5 in 2001, had fallen to 14.9 six years later; while the Gini coefficient also decreased from 0.55 in 2001 to 0.52 in 2007.

Table III.11
Panama: income concentration indicators, 2001-2007

<i>Inequality indicators</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
National territory							
Variation of logarithms	1.382	1.285	1.330	1.231	1.138	1.225	1.043
Gini	0.550	0.562	0.559	0.535	0.523	0.534	0.519
GE(1)/Theil	0.561	0.602	0.583	0.517	0.495	0.533	0.505
Atkinson (1.5)	0.624	0.611	0.616	0.586	0.561	0.588	0.538
Urban areas							
Variation of logarithms	0.938	0.935	0.940	0.844	0.848	0.840	0.752
Gini	0.493	0.509	0.502	0.476	0.473	0.479	0.467
GE(1)/Theil	0.447	0.485	0.464	0.403	0.401	0.426	0.411
Atkinson (1.5)	0.493	0.506	0.502	0.463	0.467	0.470	0.436
Rural areas							
Variation of logarithms	1.264	1.087	1.133	1.100	1.007	1.142	0.929
Gini	0.540	0.553	0.552	0.544	0.524	0.547	0.525
GE(1)/Theil	0.548	0.622	0.592	0.566	0.509	0.581	0.540

Inequality indicators	2001	2002	2003	2004	2005	2006	2007
Atkinson (1.5)	0.598	0.568	0.574	0.563	0.530	0.576	0.515

Source: ECLAC, on the basis of official household survey figures.

23. Despite such income distribution improvements, however, Panama is still one of the countries with the highest income concentration. In 2007, while the poorest 40 per cent of households received 10.4 per cent of aggregate income, the respective income share of the wealthiest 10 per cent was 38.6 per cent, namely almost four times greater.

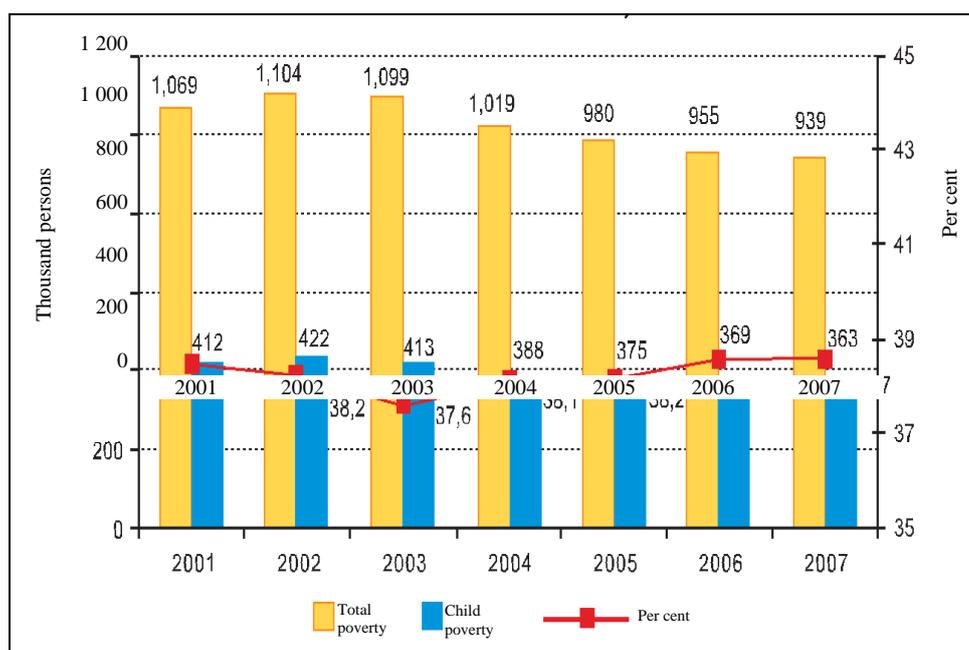
24. An analysis of the situation of children under 12 in the above survey concluded that, in 2007, of every four extremely poor persons one was a child; and the situation was quite similar among poor persons.

25. It is estimated that *approximately 163,000 children under 12 live in households with income insufficient for ensuring them access to adequate food; while, in the case of 363,000 children and adolescents, the household may be able to provide them with minimal nutrition but lacks the additional resources necessary for meeting their non-food needs.*

26. Although the number of children living in conditions of poverty and extreme poverty has steadily declined, their percentage has not significantly changed during the current decade.

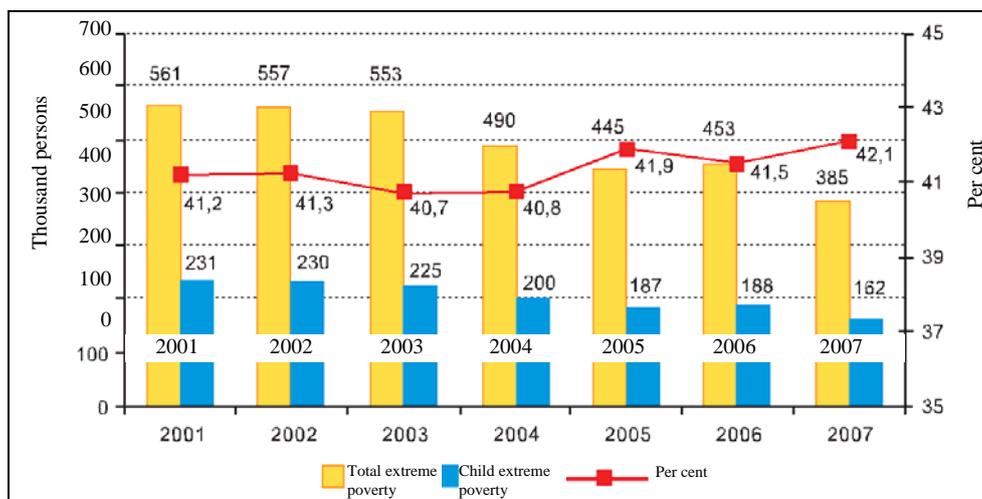
Graph IV.2

Panama: Total and child poverty, 2001-2007



Source: ECLAC, on the basis of official household survey figures.

Graph IV.1

Panama: Total extreme poverty and child extreme poverty, 2001-2007

Source: ECLAC, on the basis of official household survey figures.

III. General measures of implementation

A. Alignment of national legislation with the Convention in the period 2003-2007

27. The Committee recommended that Panama should develop and implement a comprehensive legislative policy to integrate the provisions and principles of the Convention into domestic laws. It further recommended that Panama should expedite the promulgation of a comprehensive code for children through a participatory process that must include civil society, particularly children.

28. In order to abide by this recommendation and as part of a gradual process of alignment of national legislation with the principles of the Convention, the Government of Panama, through Executive decree No. 109 of 31 May 2005⁴, set up a commission to draw up a draft Act on the comprehensive protection of children and adolescents with a view to adopting framework legislation which would recognize the country's children and adolescents as possessing full rights, establish an institutional framework in line with the principles of the Convention and create conditions enabling minors to develop in a secure environment guaranteeing their well-being, education, health and fair treatment.

29. The above Commission included representatives from various bodies of the executive, the legislature and the judiciary, multi-sector organizations, the Ombudsman's Office, NGOs and international organizations for the defence and promotion of the human rights of children and adolescents.

⁴ Paragraph 118 of Panama's second periodic report (CRC/C/70/Add.20) refers to Executive decree No.26 of 15 April 1997 (Official Journal No.2371), which designated a commission to carry out a study and prepare a proposal for framework legislation on childhood and adolescence. Owing to other priorities, however, the proposal was postponed. The outcome of that working group was the first draft of the Act on the Special System of Adolescent Criminal Responsibility (Act No.40 of 1999). Once that task was accomplished, the Commission's work was concluded.

30. The Commission's work was aimed primarily at formulating a proposal for creating a system for the comprehensive protection of children and adolescents, strengthening the role of the family, the community and the State in implementing the rights in question, and ensuring that all children and adolescents in Panama begin their life under conditions of equality and enjoy appropriate opportunities for all-round development, on the basis of a decentralized system offering procedures for the full promotion, implementation and defence of the rights of the child. The proposed legislation endeavours to change the social approach inherent in the Family Code, whose provisions regarding children and adolescents are based on the guardianship model.

31. On 7 November 2007, the Government, through the Ministry of Social Development, presented the draft Act on the comprehensive protection of children and adolescents to the National Assembly⁵. Discussion on the draft is currently pending.

32. Although resulting from broad-based consultations and multi-sectoral consensus which had included civil society organizations working for the protection of the rights of children and adolescents, the above legislative initiative did not receive the necessary support in the National Assembly.

33. During the period considered, Panama made considerable progress towards creating a national legal framework in line with the stipulations of the Convention. Generally speaking, however, as a consequence of social and ideological conditions experienced by the Panamanian society, the national legislation on the rights of children and adolescents does not yet enjoy the anticipated recognition.

34. As a result, the main legislative achievements of the period relate to the areas of the rights to education and health, the disabled persons' right to inclusion and the recognition of the principle of non-discrimination towards the indigenous peoples and the black ethnic community.

35. The Acts and executive decrees adopted by Panama in the period 2003-2007 and related to the rights of children and adolescents are listed below.

36. Acts:

(a) Act No. 2 of 14 January 2003 establishing the compulsory teaching of English in public and private primary and secondary education establishments and containing other provisions;

(b) Act No. 39 of 30 April 2003 amending and inserting articles on the recognition of paternity in the Family Code and containing other provisions;

(c) Act No. 46 of 46 June 2003 amending articles of Act No. 40 of 1999 on the special regime governing juvenile criminal responsibility and containing another provision;

(d) Act No. 54 of 24 July 2003 encouraging innovation and educational excellence in public and private special, primary general and secondary education establishments and teachers;

(e) Act No. 57 of 7 August 2003 creating the National Programme of Anti-Drugs Education in public and private education establishments and containing other provisions;

(f) Act No. 68 of 20 November 2003 regulating the rights and obligations of patients regarding information and free and informed decision;

⁵ Draft Act No. 371.

- (g) Act No. 16 of 31 March 2004 containing provisions on the prevention and criminalization of offences against sexual integrity and freedom and amending and inserting articles in the Criminal Code and the Judicial Code;
- (h) Act No. 48 of 30 August 2004 criminalizing membership in a gang and prohibited arms possession and trade, providing for measures for the protection of the identity of witnesses and amending articles of the Criminal Code, the Judicial Code and Act No. 40 of 1999;
- (i) Act No. 56 of 15 December 2004 establishing the third Sunday of July as Day of the Child and containing other provisions;
- (j) Act No. 29 of 1 August 2005 reorganizing the Ministry of Youth, Women, Children and Family Affairs ;
- (k) Act No. 41 of 1 December 2005 amending and inserting articles in Act No. 7 of 1997 creating the Ombudsman's Office, and containing another provision;
- (l) Act No. 50 of 21 December 2005 amending Act No. 13 of 1997 establishing the general outline and instruments for the development of science, technology and innovation, creating the National Secretariat of Science, Technology and Innovation as an independent institution and containing another provision;
- (m) Act No. 54 of 28 December 2005 amending and inserting articles in Act No. 100 of 1974 reorganizing the Population Register;
- (n) Act No. 52 of 19 December 2006 amending articles of Act No. 11 of 1992 establishing scholarships for students and athletes who are outstanding in sport;
- (o) Act No. 29 of 20 July 2006 regulating the use of school books in primary general and secondary education establishments;
- (p) Act No. 31 of 25 July 2006 regulating the registration of vital facts and other legal acts related to civil status, and reorganizing the National Directorate of the Population Register of the Electoral Court;
- (q) Act No. 4 of 8 January 2007 creating the National Neonatal Screening Programme and containing other provisions;
- (r) Act No. 15 of 22 May 2007 laying down measures for streamlining pre-trial procedures in ordinary criminal proceedings and special proceedings involving juvenile criminal responsibility, and containing other provisions;
- (s) Act No. 17 of 22 May 2007 amending and inserting articles in Act No. 31 of 2006 on the Population Register and repealing articles of the Electoral Code;
- (t) Act No. 10 of 23 January 2007 establishing national contests of circles of readers, story writing and narration, drawing and painting, music, song, theatre and other areas of the arts;
- (u) Act No. 17 of 22 May 2007 amending and inserting articles in Act No. 31 of 2006 on the Population Register and repealing articles of the Electoral Code;
- (v) Act No. 22 of 22 June 2007 adopting measures for the protection of minors in respect of the display and production of pornographic material;
- (w) Act No. 23 of 28 June 2007 creating the National Secretariat for Disabilities;
- (x) Act No. 48 of 5 December 2007 regulating vaccination procedures and containing other provisions;

(y) Act No. 50 of 10 December 2007 amending Act No. 16 of 1995 reorganizing the National Institute of Sports;

(z) Act No. 13 of 24 January 2008 adopting measures for the control of tobacco and its harmful effects on health;

(aa) Act No. 25 of 9 May 2008 establishing, on an exceptional basis, requirements so that refugees and asylum-seekers may apply for the immigrant status of permanent resident;

(bb) Act No. 27 of 21 May 2008 amending, adding and repealing articles in Book III of the Judicial Code, and laying down measures for the entry into force of the Criminal Procedure Code;

(cc) Act No. 28 of 22 May 2008 instituting and regulating the Early Stimulation and Family Counselling course;

(dd) Act No. 26 of 21 May 2008 amending and inserting articles in the Criminal Code;

(ee) Act No. 61 of 12 August 2008 containing the General Act on Adoptions and other provisions.

37. Executive decrees:

(a) Executive decree No. 63 of 27 February 2003 creating the National Health-without-Tobacco Board;

(b) Executive decree No. 117 of 9 May 2003 creating the National Commission for Indigenous Traditional Medicine and the Technical Secretariat for Traditional Medicine of Indigenous Peoples;

(c) Executive decree No. 405 of 31 July of 2003 creating, within the non-formal branch of education, the programme entitled "Telebásica de Panama" in the Ministry of Education and repealing Executive Decree No. 38 of 5 March 1997;

(d) Executive decree No. 279 of 24 September 2003 creating the Health and Safety Network against Unhealthy and Hazardous Child Labour.

(e) Executive decree No. 140 of 11 November 2003 creating the National Council for Children and Adolescents;

(f) Executive decree No. 38 of 7 July 2004 creating the integrated system of development indicators (SID) for Panama and the related technical team;

(g) Executive decree No. 103 of 1 September 2004 creating the National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) and the National Advisory Board for the Social Integration of Persons with Disabilities (CONADIS);

(h) Executive decree No. 175 of 6 October 2004 adopting the Guidelines for Regulating and Monitoring the Implementation of the Supplementary Feeding Programme;

(i) Executive decree No. 171 of 18 October 2004 creating the National Secretariat for the Coordination and Monitoring of the National Food Plan;

(j) Executive decree No. 428 of 15 December 2004 providing for free maternity services and attention in all health-care establishments of the Ministry of Health;

(k) Executive decree No. 274 of 15 July 2004 adopting the General Outline of the National Health Plan as a framework document;

- (l) Executive decree No. 681 of 18 August 2004 amending Executive Decree No. 405 of 31 July 2003 creating, within the non-formal branch of education, the programme entitled "Telebásica de Panama" in the Ministry of Education;
- (m) Executive decree No. 37 of 21 June 2005 amending certain articles of Executive Decree No. 25 of 15 April 1997 as amended by executive decrees No. 9 of 21 April 1998 and No. 18 of 19 July 1999 (restructuring of the Committee for the Elimination of Child Labour and the Protection of Working Minors, CETIPPAT);
- (n) Executive decree No. 5 of 5 February 2005 creating the "Hagamos Ciencia" ("Let's Do Science") project as part of the education process;
- (o) Executive decree No. 7 of 24 February 2005 creating within the Ministry of Health the National Office of Comprehensive Health Care for Persons with Disabilities and containing other provisions;
- (p) Executive decree No. 17 of 11 March 2005 providing for measures for the prevention and reduction of the consumption and exposure to the smoke of tobacco products in view of their harmful effects on the health of the population;
- (q) Executive decree No. 101 of 17 May 2005 prohibiting the access of minors to web sites with pornographic content;
- (r) Executive decree No. 109 of 31 May 2005 creating a commission to draw up a draft Act on the comprehensive protection of children and adolescents;
- (s) Executive decree No. 124 of 27 May 2005 creating the Special Commission for the Establishment of a Government Policy on the Full Integration of the Panamanian Black Ethnic Community;
- (t) Executive decree No. 137 of 22 July 2005 amending the title and articles 1 and 2 of Executive Decree No. 68 of 11 July 2000;
- (u) Executive decree No. 451 of 2 November 2005 creating the National Board on Books and Reading;
- (v) Executive decree No. 546 of 21 November 2005 providing for free health services for children under 5 in all health-care establishments of the Ministry of Health;
- (w) Executive decree No. 5 of 6 March 2006 amending article 1 of Executive Decree No. 428 of 15 December 2004 providing for free maternity services and attention in all health-care establishments of the Ministry of Health;
- (x) Executive decree No. 50 of 27 April 2006 amending Executive Decree No. 124 of 12 October 2001 (State Subsidies to Private Education);
- (y) Executive decree No. 19 of 12 June 2006 adopting the list of hazardous types of work in the framework of the worst forms of child labour;
- (z) Executive decree No. 11 of 8 February 2007 creating the "Telebásica de Panama" programme;
- (aa) Executive decree No. 137 of 3 May 2007 creating the National Commission for the Prevention and Control of Suicidal Conduct and Other Forms of Violence in Panama;
- (bb) Executive decree No. 116 of 29 May 2007 creating the National Council of the Black Ethnic Community;
- (cc) Executive decree No. 39 of 11 June 2007 amending Executive Decree No. 54 of 16 July 2002 (strengthening the administration and allocation mechanisms for human development subsidies granted by the State through the Ministry of Social Development);

(dd) Executive decree No. 274 of 31 August 2007 creating the National Directorate of Bilingual Intercultural Education and defining its functions;

(ee) Executive decree No. 323 of 18 October 2007 creating the Ngöbe Bugle and Emberá Wounaan school regions and amending articles 2 and 3 of Executive Decree No. 446 of 21 November 2006;

(ff) Executive decree No. 365 of 7 November 2007 establishing the curriculum of elementary education or formal primary general education for young persons and adults and containing other provisions;

(gg) Executive decree No. 433 of 21 December 2007 amending and repealing articles of Executive decree No. 365 of 7 November 2007 establishing the curriculum of elementary education or formal primary general education for young persons and adults and containing other provisions;

(hh) Executive decree No. 7 of 22 January 2008 creating the National Commission for the Prevention and Control of HIV Infections;

(ii) Executive decree No. 8 of 3 March 2008 regulating Act No. 23 of 28 June 2007 creating the National Secretariat for Disabilities;

(jj) Executive decree No. 9 of 3 March 2008 establishing the organizational and operational structure of the Ministry of Social Development;

(kk) Executive decree No. 200 of 27 July 2008 creating the National Inter-agency and Inter-sectoral Commission for the Prevention of Morbidity and Mortality of Children under 5 and containing other provisions;

(ll) Executive order No. 3 of 22 February 2008 creating the National Migration Service, establishing the Migration Service career and containing other provisions.

Ratification of international human rights instruments in the period 2003-2007:

38. Of the various international human rights instruments ratified by Panama in the period 2003-2007, those related to the protection of the rights of children and adolescents are listed below. They were adopted through the Acts indicated:

(a) Act No. 23 of 7 July 2004 adopting the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000, and the protocols supplementing that Convention, namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both adopted by the General Assembly on the same date as the Convention, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, adopted by the General Assembly on 31 May 2001.

(b) Act No. 47 of 27 November 2006 adopting the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, signed in Paris on 20 October 2005;

(c) Act No. 56 of 20 December 2006 adopting the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, adopted by the United Nations General Assembly on 26 November 1968;

(d) Act No. 25 of 10 July 2007 adopting the Convention on the Rights of Persons with Disabilities and the related Optional Protocol, adopted by the United Nations General Assembly on 13 December 2006.

Draft Acts presented to the National Assembly

39. Draft Act No. 371 of 2007 on the comprehensive protection of children and adolescents. The relevant legislative procedure is currently pending in the National Assembly.

B. Coordination of policies, plans and programmes for children

40. The Committee recommended that Panama should undertake all necessary measures to strengthen the Ministry of Youth, Women, Children and Family Affairs in order that it should be able to play its role as an effective mechanism of coordination of all policies, plans and programmes for the implementation of the Convention (CRC/C/15/Add.233, paragraph 10).

41. In compliance with this recommendation, Panama launched, through Act No. 29 of 2005 reorganizing the Ministry of Youth, Women, Children and Family Affairs, a process aimed at strengthening the legal foundations of social institutions and restructuring that Ministry in order to allow the Ministry of Social Development to act as the lead agency in the area of social policies targeting the most vulnerable groups of Panamanian society, through the formulation, coordination, interlinking, implementation, monitoring and evaluation of such policies, and to ensure extensive joint responsibility with other Government bodies and a broad participation of society, instead of the implementation of purely handout programmes. Thereby, State action enjoys greater coverage and impact, through an inclusive vision and a comprehensive approach to the human rights of vulnerable population groups.

42. Within the organizational structure of the Ministry of Social Development, the National Directorate for Children, Adolescents and Adoptions⁶ the unit entrusted with, inter alia, formulating, implementing and interlinking programmes and projects for effective prevention of violations, promotion and protection of the rights of children and adolescents within the framework of the Constitution, the Convention on the Rights of the Child and other international instruments and regulations applicable to that area in Panama.

43. In view of the importance of recognizing the human rights of children and adolescents and of the strategic need to strengthen the social institutions supporting that group, the current Government envisages, through draft Act No. 371 on the comprehensive protection of children and adolescents, the creation of the National Secretariat for Children and Adolescents as an independent and decentralized body, with a legal status and resources of its own, implementing public policies on children and adolescents through an approach based on the principles of joint responsibility, participation, comprehensiveness, cross-cutting goals and increased managerial autonomy.

44. Policies in support of children and adolescents are coordinated by the National Council for Children and Adolescents (chaired by the Ministry of Social Development), central to the work of various Government bodies and NGOs promoting the recognition of the rights of that group; and by two bodies reinforced in the period 2003-2007, namely CETIPPAT (chaired by the Office of the First Lady) and the Council for the Prevention of Sexual Crimes (CONAPREDES, chaired by the Attorney-General's Office), which receive technical support from ILO through its International Programme on the Elimination of Child Labour (IPEC). The National Network for the Protection of Children and Adolescents participates in all three of these bodies.

⁶ Executive decree No. 9 of 3 March 2008 creating the organizational and operational structure of the Ministry of Social Development.

C. National Strategic Plan for Children and Adolescents

45. The Committee recommended that Panama should take all necessary measures, inter alia, by providing adequate human, financial and other resources, for the full implementation of the National Plan of Action and ensure that the National Council performs its role, in particular with regard to the implementation of the Convention, in the most effective and efficient manner. It also recommended the adoption of a comprehensive national policy to promote and protect the rights of the child (CRC/C/15/Add.233, paragraph 12).

46. In compliance with this recommendation, the National Strategic Plan for Children and Adolescents was adopted through a process launched in May of 2002 in response to a request addressed by the Government to the United Nations Children's Fund (UNICEF).

47. In order to get the process started, a coordinating committee, consisting of representatives of Government, private sector and civil society organizations was formed through consultations organized by the former Ministry of Youth, Women, Children and Family Affairs (currently Ministry of Social Development) in its capacity as lead agency in the area of childhood and adolescence.

48. At the end of 2007, the Ministry of Social Development launched a review of the National Plan of Action for Children and Adolescents, 2003-2006, in order to verify its implementation by Government bodies, NGOs and civil society and determine what steps remained to be taken.

49. An analysis of Panama's public policies since 2004 and of the results achieved shows that significant economic resources were used to enhance the recognition of the rights of children and adolescents, especially those living under conditions of vulnerability. The execution and outcomes of the budgetary allocations in question are discussed in this report. However, the evaluation of the National Plan of Action for Children and Adolescents revealed that, in view of the scope of the responsibilities of the entities concerned, some of the plan's activities and the related impact indicators failed to materialize. This points to the existence of certain errors in the process of preparation of the plan.

D. Independent monitoring

50. In compliance with the recommendation to establish a single independent and effective mechanism for the monitoring of the implementation of the Convention, namely a mechanism which could be the Children's Delegate, with an adequate number of local branches and sufficient human and financial resources and easily accessible to children in order to deal with complaints from children in a child-sensitive and expeditious manner and provide remedies for violations of their rights under the Convention (CRC/C/15/Add.233, paragraph 14), Panama carried out the measures described below.

51. In 1997, Panama established the Ombudsman's Office⁷ as an independent institution with full operational, administrative and financial autonomy, receiving no instructions from any person, authority or organ of the State and having as primary mission to protect the rights enshrined in the Constitution, the international human rights treaties and domestic law.

⁷ Act No.7 of 5 February 1997 creating the Office of the Ombudsman.

52. The Ombudsman's Office is competent to inquire into deeds, acts or omissions of public administration bodies, including Government, local government and law enforcement authorities that may have acted irregularly; and to investigate and report deeds, acts or omissions of public, semi-public or private enterprises, individuals or legal entities providing a public service on the basis of a concession or administrative authorization.

53. Any Panamanian or foreign individual or legal entity may have recourse to the Ombudsman's Office without any form of discrimination. Accordingly, children and adolescents, including those placed in a shelter or in a detention or mental health establishment, may address themselves to the Ombudsman's Office, if they feel that any of their rights have been violated.

54. In 2005, the budgetary independence of the Ombudsman's Office⁸ was strengthened through amendments obliging the State to provide the Office with a budget sufficient for its operation, while previously the budget of the Office was part of the budget of the National Assembly. Moreover, the manner of selection of the Ombudsman was modified inasmuch as, previously named by the President of the Republic and confirmed by the National Assembly, the Ombudsman is currently designated by the National Assembly. Lastly, safeguarding the rights of persons with disabilities and the rights, culture and customs of the country's ethnic communities was specifically defined as one of the responsibilities of the Ombudsman's Office.

55. On 26 May 2003, the Ombudsman's Office, through resolution No. 10 of 2003, established the Special Section of Children's and Youth Affairs. In January 2008, as part of organizational restructuring and in view of the need for a cross-cutting approach and joint responsibility in respect of the issues handled by the Ombudsman's Office, the section in question became the Specialized Unit for Children and Youth which, as other sections, answers to the Directorate of Specialized Units.

56. The Ombudsman's Office receives complaints, filed with the Citizen Counselling Centre by individuals in person, through the Internet or by electronic mail, or addresses rights violations ex officio, on the basis of surveys, investigations or news reports.

57. The Citizen Counselling Centre refers complaints filed by children or adolescents to the Specialized Unit for Children and Youth, which provides advice to the minor affected and subsequently, as appropriate, engages in mediation or seeks alternative solutions in the face of conflicts. Where it is impossible to resolve a case through mediation, the unit files a complaint and formulates an appropriate decision. By the end of 2006, the Ombudsman's Office had received 136 complaints by children or adolescents.

58. The Ombudsman's Office, headquartered in Panama City, has regional offices in the provinces of Colón, Darién, Chiriquí, Los Santos and Veraguas and in San Miguelito, Panama Province, Coclé, Bocas del Toro and Herrera. The staff of the regional offices receives full training in human rights in order to deal with the various complaints filed.

59. The staff of the Mobile Ombudsman's Office, which targets isolated or remote areas, offers counsel, promotes rights and considers complaints. Coverage by the Ombudsman's Office is also enhanced through fairs organized in various areas of the country.

60. Since the creation of the Ombudsman's Office, the following main inquiries, surveys and activities, designed to promote and implement the rights of children and adolescents, have been undertaken: Survey on maintenance payments (currently being updated); enquiry into the situation of birth registration among minors at the Panama-Costa Rica border and the ensuing "Right to Name and Nationality" initiative, undertaken in cooperation with

⁸ Act 2005 amending and inserting articles to Act No. 7 of 1997 creating the Office of the Ombudsman.

UNICEF; "Register me" campaign, through which registrars were deployed in the indigenous areas; "Responsible Parenthood" campaign; and Youth Volunteer Programme, promoting the implementation of the Convention on the Rights of the Child.

61. The main technical and/or financial partners of the Ombudsman's Office are the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF, the United Nations Population Fund (UNFPA), the Inter-American Institute for Human Rights (IIHR) and ILO through IPEC.

E. Resources earmarked for children and adolescents

62. The Committee recommended that Panama should pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations at the national and local levels in the context of decentralization to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources", and by identifying the amount and proportion of the State budget spent on children in the public, private and NGO sectors in order to evaluate the impact and effect of the expenditures and also the quality and effectiveness of services for children in the various sectors (CRC/C/15/Add.233, paragraph 16).

63. In Panama, no specific records are maintained on State investment in social and economic policies on children. However, the social expenditures and allocation of resources in question may be estimated on the basis of the development of the country's social expenditures.

64. For public finance management purposes, Panama's social expenditures include both operational outlays and investment in health, education, culture, housing and community-development (social security, community services and employment) programmes carried out by central and decentralized Government social-sector bodies.

65. In recent years, the country's social expenditures have increased significantly compared to their level in 2003.

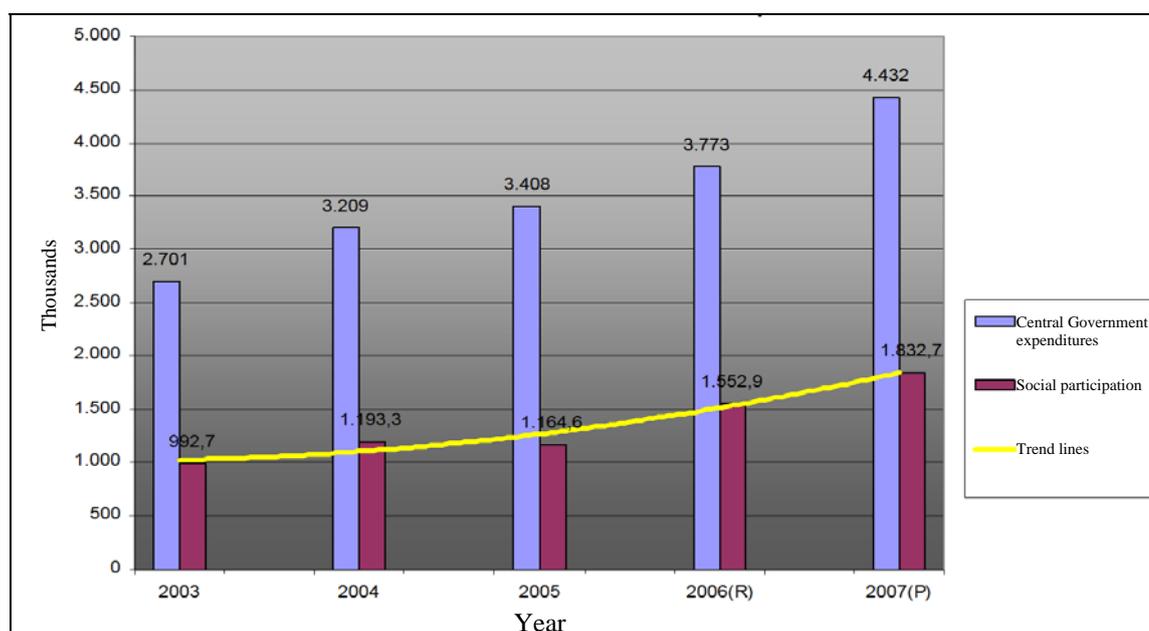
66. Panama's social expenditures increased from US\$ 992.7 million in 2003 to US\$ 1,832.7 million in 2007, namely by 46 per cent in four years.

67. As a percentage of Government expenditures, social expenditures increased from 37 per cent in 2003 to 41 per cent in 2007.

68. In 2007, social expenditures were broken down by sector as follows: US\$ 770.9 million for education, US\$ 487.3 million for health; US\$ 527.9 million for community services and US\$ 46.6 million for housing.⁹

⁹ Source: Statistics and Census Directorate, Office of the Comptroller General.

Central Government Expenditures and Social Participation, 2003-2007 (in US\$ million)



Source: Office of the Comptroller General.

Relevant Investment Programme for 2007*

Amount budgeted for 2007(in US\$)

Education

Food assistance programme for primary schools, and school construction and rehabilitation	23.7
Equipment for educational establishments and educational technology upgrades	32.3
"Connect to Knowledge" programme	12.0
English for Life	3.0
General-level scholarships programmes	47.5
Research and Development	15.7
Broad-based training programme for raising the population's technical and productive capabilities, National Human Development Institute	81.1
Investment in sport facilities, <i>Ciudad Deportiva</i> (Sport City) and the newly constructed "Omar Torrijos Herrera" baseball stadium	5.2

Health and sanitation

Telemedicine and teleradiology for greater accessibility of health care to the inhabitants of isolated regions	5.5
Panama City and Bay sanitation	32.4

Housing

26.0

Social development (poverty reduction and Opportunities Network)**

Community development	20.54
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* Act No. 54 of 2006 (State Budget Act for fiscal year 2007).

** Excluding funds earmarked in other organizations participating in the Opportunities Network.

69. In order to help to assess resource allocations to public policies aimed at strengthening respect for the rights of the country's children and adolescents, the programmes created under the 2007 social investment budget in the various sectors, including health, education and social development, are listed below.

70. Allocations to the social sectors under the 2008 budget amount to US\$ 4.093 million or 49.2 per cent of total budgeted funds.

F. Collection of data

71. The Committee reiterated its recommendation to Panama to give priority attention (for instance, by strengthening existing mechanisms) to the development of a system of collection of data disaggregated by age, gender, rural/urban area and social ethnic origin, and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society, in order to evaluate progress achieved and difficulties hampering the realization of children's rights (CRC/C/15/Add.233, paragraph 18).

72. In 2003, Panama signed with UNICEF an agreement for technical and financial cooperation intended to enable the Office of the Comptroller General to develop, through the Statistics and Census Directorate, a programme for compiling data and indicators on the situation of children and adolescents. The resulting System of Indicators for Children, Adolescents and Women in Panama (SINAMP) began to operate in April 2007.¹⁰

73. The database in question is intended to serve as a tool for informing the general public about the situation of the country's children and adolescents, participate in following up on commitments, national and international programmes, plans and projects, the Convention, the World Summit for Children and the Millennium Development Goals.

74. At the time of preparation of this report, the CETI_INFO database, a tool specifically designed to provide up-to-date information on progress related to the national policy for the elimination of child labour, was under development. The database is one of the outcomes of the implementation of the National Plan for the Elimination of Child Labour and the Protection of Working Minors, 2006-2009, within which the Office of the Comptroller General is responsible for system administration. The project is carried out with the technical and financial cooperation of ILO-IPEC and involves a set of 78 indicators for monitoring advances in eliminating child labour. The Statistics and Census Directorate in the Office of the Comptroller General, in cooperation with the Technical Secretariat of CETIPPAT, has ensured the coordination of the collection of the information necessary for updating the system at pre-determined intervals. Moreover, the database is enriched with appropriate inputs transmitted by the various bodies which are members of CETIPPAT to the Technical Secretariat in question.

75. The establishment of SID through joint efforts of the Social Cabinet and the Statistics and Census Directorate of the Office of the Comptroller General has been an advance of general relevance.¹¹ SID is implemented with United Nations technical and financial cooperation.

76. SID, as a single system combining all development indicators used in the country, facilitates decision-making in the area of development, formulation, monitoring and evaluation of development policies and strategies and the assessment of the overall impact

¹⁰ The programme may be visited at www.contraloria.gob.pa.

¹¹ The programme may be visited at www.contraloria.gob.pa.

of programmes and activities carried out in pursuit of development targets set at the national and international levels. SID operates through the National Network of SID Users and Contributors. Liaison groups, consisting of technical staff from every State body involved in developing and compiling the development indicators, including the Statistics and Census Directorate, have been formed within the Social Cabinet in order to provide support for the database.

77. The information provided by SINAMP is not up to date. According to the technical staff of the Office of the Comptroller General, there is a need for a programme more accessible to the users and for standardized criteria to be applied by the bodies responsible for providing information because the data currently supplied by the various sources are incongruous. It is necessary to create, taking into account the users' requirements, a single system of indicators related to the rights of children and adolescents and to improve coordination and information transmission among the responsible bodies.

78. The statistical data used in this report have been obtained from the database of the Office of the Comptroller General. They are annual figures disaggregated by category (inter alia, age group, gender and type of area, namely rural, urban or indigenous).¹²

G. Dissemination and training

79. The Committee recommended that Panama should strengthen public awareness campaigns on the Convention, aimed at the general public and specifically at children; and continue to carry out systematic education and training on the principles and provisions of the Convention for all professionals working with and for children, in particular teachers, judges, parliamentarians, law enforcement officials, civil servants, municipal workers, the personnel of institutions and places of detention for children, immigration officers, mass media personnel, health personnel, including psychologists, and social workers (CRC/C/15/Add.233, paragraph 20).

80. During the period examined, the Ministry of Social Development, through the National Directorate for Children, Adolescents and Adoptions, carried out ongoing awareness campaigns for the promotion of the Convention, targeting adults, children and adolescents. In particular, these initiatives included activities developed during the preparation of the draft Act on the comprehensive protection of children and adolescents and involving continuous training for all Government organizations and NGOs on the rights of children and adolescents.

81. In the same period, the Directorate launched the personage of the *Super Derechica* ("Rights Supergirl", defending the rights of boys and girls) and developed interactive games and promotional information pamphlets for greater appeal to children. Children's Clubs, whose number and overall membership have increased, have become effective forums promoting the rights of children and are also attended by representatives of the communities and local authorities and by parents.

82. Through the Specialized Unit for Children and Youth, in cooperation with UNICEF, the Ombudsman's Office has launched a campaign for disseminating the Convention by drafting and printing, in 30,000 copies, a publication designed to promote the rights of children and adolescents and addressing children and adults.

¹² The data are published at www.contraloria.gob.pa.

83. Throughout the period examined, relevant ongoing training was offered, on an intermittent or continuous basis, to professionals working with or for children, and in particular to the categories listed below:

Magistrates, judges, prosecutors and judicial social workers and psychologists

84. Training on the following subjects: Project entitled "Streamlining Judicial and Administrative Processes for Victims of Domestic Violence, Mistreatment and Sexual Abuse and for Juvenile Offenders"; cost of gender violence; role of interdisciplinary teams in adoption proceedings and social risk cases; gender and responsible parenthood; problems related to the sexual exploitation of minors for commercial purposes and Act No. 16 of 31 March 2004; comprehensive protection of children; adoption procedures; criminal proceedings involving juveniles; protection measures under Act No. 38 of July 2001; introduction to the legal aspects of child labour from an international law perspective; improvement of the system of access to justice; domestic violence and abuse of minors; and the children's right to a name and a nationality.

National Assembly deputies and technical and legal advisers

85. Training on domestic child labour and sexual violence within the family (in cooperation with ILO-IPEC, the Public Prosecution Service, the Judiciary and the Ministry of Social Development); assessment of the situation regarding domestic child labour in Panama; meeting of women parliamentarians with a view to the formulation of legislative strategies for the elimination of child labour in Panama; legal and social analysis of child labour in Panama; forum for the presentation of the findings of a study entitled "Child Labour and Indigenous Peoples. The Case of Panama";¹³ analysis of legal systems for the protection of children; consideration of challenges related to the draft Act on the comprehensive protection of children and adolescents in Panama;¹⁴ and a seminar-workshop entitled "Building, together, a World without Violence".¹⁵

Trade unions

86. Workshop for designing a monitoring system for the Inter-Union Operational Plan for the Elimination of Child Labour; inter-union forum entitled "Trade Unionists United for the Elimination of Child Labour"; and training workshops on child labour for members of trade unions and labour federations affiliated with *Central General de Trabajadores* ("General Confederation of Workers" or *CGT*).¹⁶

The media

87. Training workshop on strategies for eliminating child labour, organized in cooperation with the National Council of Journalists; data processing on child labour from a human rights perspective, for communicators and public relations staff of the bodies participating in CETIPPAT; and training forums on the elimination of commercial sexual exploitation.

Higher education

88. Since 2006, Universidad Especializada de las Américas (UDELAS) regularly provides postgraduate training on strategies for the elimination of child labour.

¹³ All these initiatives were conducted with the technical and financial cooperation of OIT-IPEC.

¹⁴ With the technical and financial cooperation of UNICEF.

¹⁵ With the technical and financial cooperation of UNFPA.

¹⁶ With the technical and financial cooperation of OIT-IPEC.

Postgraduate human rights studies, including a module on the rights of the child, are also offered. Moreover, the University of Panama established a Master's programme in Human Rights, including a field of specialization in the Rights of Children and Adolescents, with admissions beginning in the second semester of 2008.

89. Further and more detailed information on the training activities carried out during the period examined are provided in annex 1 to this report.

H. Measures adopted for a broad dissemination of reports to the Committee

90. Reports to the Committee and the Committee's recommendations have been widely disseminated through the various training activities carried out by the National Directorate for Children, Adolescents and Adoptions, CETIPATT and CONAPREDES.

91. As part of the process of drafting this report, the dissemination in question was further enhanced through the presentation and discussion of the text during interviews and validation.

I. Cooperation with civil society organizations, NGOs and groups of children and young persons

92. The Ministry of Social Development ensures coordination with State-subsidized NGOs dealing with issues related to children and adolescents. Matters connected with the allocation and monitoring of funds are handled by the National Directorate for Social Development Expenditures.

93. Currently, a total annual amount of US\$ 3,135,563 in State subsidies is distributed to 81 NGOs offering programmes for children, young persons and the family and supporting 16,074 beneficiaries.¹⁷

94. Of the above NGOs, 70 provide services to children and young persons (41 offer temporary care, only 24 offer training services and 5 provide meals). They receive a total annual amount of US\$ 2,654,294 and service 9,607 beneficiaries (children and young persons). Some of these NGOs provide support to children with disabilities and to the indigenous population.

95. The 11 remaining NGOs carry out programmes for the family as a whole, which therefore benefit persons under 18 years of age.

96. The National Directorate for Children, Adolescents and Adoptions is currently cooperating with NGOs offering temporary care to children on a coordination and monitoring programme.

97. Moreover, the Directorate encourages and coordinates the creation of Children's Clubs for the promotion of children's rights. The members of such associations are both children and adolescents.

¹⁷ Source: Table of NGOs receiving a subsidy of the Ministry of Social Development.

J. Method used in preparing this report

98. This report has been prepared through a process consisting of on-site interviews and meetings with the organizations engaged in the implementation of policies promoting the rights of the child and in the collection of relevant data. After processing, the information thus obtained was validated by the organizations concerned.

IV. Definition of the child and the adolescent

A. National legislation

99. No legislative modifications regarding the definition of the child and the adolescent have taken place since the preceding report. The definition of the minor as a human being from his or her conception up to 18 years of age (article 484 of the Family Code) is still in force. The provisions of Act No. 40 of 1999 on the special regime governing juvenile criminal responsibility, according to which adolescents are persons over 14 and under 18 (articles 1 and 7), are in line with the above definition.

B. Minimum legal ages

1. Health

100. Act No. 68 of 20 November 2003 regulating the rights and obligations of patients regarding information and free and informed decision filled earlier legal gaps in the area in question and promoted the recognition of the patients' human rights, including the right to information and free and informed decision.

101. In respect of the recognition of such rights in the case of children and adolescents, the above Act provides as follows:

(a) **Right to information:** Everyone, without any discrimination, is entitled to information commensurate with his or her ability to understand (article 9).

(b) **Right to emergency care:** A physician may make his or her own decisions in case of a life-threatening emergency, a treatment requirement or absence of persons related to the patient (article 9).

(c) **Right to give specific consent for surgical operations or other procedures that may have repercussions on the health of the patient.** Exceptions to this right are authorized in the case of persons with statutory disability, including minors, whereby consent must be given by the tutor or guardian (consent by substitution), save for minors treated as being of full age or being older than 16, who must personally give their consent. In all other cases, consent must be given by the legal representative after hearing the child (article 18). Such consent requirements are waived in the face of immediate risk for the patient's physical or mental integrity (article 18).

(d) **Right of pregnant adolescents to counsel and medical attention:** Act No. 22 of 13 June 2002 guaranteeing the health and education of pregnant adolescents provides for the right of the girls in question to comprehensive health care, social counselling and evaluation and legal information (article 3). Such information must also be provided to their parents, tutors or legal representatives or to adult persons accompanying the girls (article 4). Accordingly, the legal representative's consent is not required for the exercise of the pregnant adolescents' right to counsel and care.

102. The above rules were confirmed subsequent to a query addressed by the Ministry of Health to the Office of the Attorney-General of the Administration regarding the right of adolescents to sexual and reproductive health. In her reply, the Attorney-General of the Administration stated that "this issue is governed by Acts which must be interpreted fully and correctly on the basis of the child's or adolescent's best interest, ensuring all the while that they are not inapplicable"¹⁸

2. Legal counsel

103. **Pregnant adolescents:** Under article 4 of Act No. 29 of 2002, all pregnant adolescents are entitled to legal counsel on the rights and protection accorded to them by the Constitution and other legislation, and the same information must be provided to the parents, tutors or adults accompanying them. Accordingly, pregnant adolescents are independent of such persons in respect of the right to legal counsel.

104. **Adoptions:** Under Act No. 61 of 2008 containing the General Act on Adoptions and other provisions¹⁹ a father, mother or legal representative who decide to put their son or daughter or the represented child up for adoption must communicate that decision to the National Directorate for Children, Adolescents and Adoptions and participate in a counselling programme providing on an individual basis professional advice and information on the principles, rights and consequences linked to adoption. The Act also applies to adolescent parents not treated as being of full age (article 8).

105. **Employment of adolescents:** Under article 1(b) of ministerial decision D.M.227/2002 of 26 December 2002 modifying the organizational and operational structure of the National Labour-Inspection Directorate in the Ministry of Labour and Workforce Development, the Department of Child Labour Monitoring and Protection of Working Minors is responsible for informing "minors"²⁰ requesting an authorization to work about their rights and obligations.

106. **Criminal proceedings involving adolescents:** The right of adolescents over 14 in conflict with criminal law to be informed during the proceedings (Act No. 40 of 26 August 1999) is maintained.

107. **Ombudsman's Office:** This office has an obligation to provide legal counsel, without discrimination of any type, to any person filing a complaint.

108. **Ministry of Social Development:** Through Centre of Direction and Integral Attention it offers legal advising to the minor person who makes some complaint or request of direction before that instance canalizes and them to in charge instance within the Ministry (Executive decree No. 9 of 2008).

3. Education

109. Under article 95 of the Constitution, the first level of education, namely primary general education, is compulsory. According to Act No. 47 of 1946, the Education Organization Act, amended by Act No. 34 of 6 July 1995, that compulsory level includes preschool, primary and pre-secondary education, thereby corresponding to ages 4-15.

¹⁸ Collection of International Treaties and National Acts on the Comprehensive Protection of the Health, particularly Sexual and Reproductive Health, of Adolescents (persons aged 10-19), Ministry of Education. 2006. Advisory note No. 0777/DMDSAIP of 6 May 2004, p. 113.

¹⁹ Adopted by the National Assembly at third reading in June 2008. The promulgation of the Act by the Government is pending.

²⁰ Term used in the ministerial decision.

4. Employment

110. **Minimum age for admission to employment:** The constitutional provision prohibiting the employment of minors under 14 continues to be in force save for exceptions stipulated by the law (article 70 of the Constitution).

111. Special provisions establishing legal exceptions to the above rule are contained in Labour Code article 117, which prohibits the employment of persons under 14 and of 15-year olds who have not completed primary education; and in Education Organization Act article 46, under which no child under 15 may devote himself or herself to a work or activity precluding the right to education.

112. Moreover, article 489 of the Family Code provides as follows: "... 15. Minors have a right to protection from economic exploitation and from any work potentially harmful to their physical or mental health or preventing their access to education."

113. As indicated in the preceding report, Panama, through Act No. 17 of 2000, ratified ILO Convention No. 138 on Minimum Age for Admission to Employment, under which every signatory State must specify a minimum age for admission to employment not less than 15 years and raise progressively the age thus specified. However, **Panama duly filed an exception stating that the country's minimum age for admission to employment is 14.**²¹ According to ILO Recommendation No. 146 of 1999, where the minimum age for employment is still below 15 years, urgent steps should be taken to raise that age.

114. Panama's legislation does not yet specify 15 years as the minimum age for admission to employment. In fact, under the Labour Code and the Education Organization Act it is possible with employee persons aged 14-15.

115. **Hazardous labour:** With a view to employing minors to perform hazardous types of work and in compliance with ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour²², the Government adopted Executive Decree No. 19 of 2006 establishing the list of hazardous types of work within the list of the worst forms of child labour and prohibiting the employment of persons under 18 years under the conditions described therein.

116. **Consent for the conclusion of employment contracts:** The consent of the legal representatives is required for the conclusion of employment contracts with adolescents over 14. In the absence of such representatives, the contract may be concluded directly with the adolescent, subject to authorization by the labour administration authority (article 121 of the Labour Code).

5. Marriage

117. The ages indicated in the previous report continue to apply. The legal age for marriage is 16 for men and 14 for women.

6. Sexual consent

118. Act No. 14 of 2007 adopting the Criminal Code amended the provisions of Criminal Code article 219 regarding sexual consent.

²¹ Obligatory declarations. Ratification of Convention No. 138 by Panama. Minimum age specified: 14 years. Minimum age specified for maritime employment and maritime fishing, and for young persons that have not completed compulsory schooling: 15 years. Minimum age specified for underground work in mines: 18 years. (*Source*: ILOLEX, 15 July 2008)

²² Ratified by Act No. 18 of 2000.

119. The amendment retains the offence of "statutory rape" for using one's position of advantage in order to have sexual intercourse with a person aged 14-18, even with that person's consent. The sexist term of "maid" has been eliminated. However, grounds for exemption from criminal responsibility were introduced for cases in which demonstrably a partner relationship existed between the supposed victim and the alleged offender and the age difference between them does not exceed five years.

7. Voluntary enlistment and conscription into the Armed Forces and participation in hostilities

120. Panama's obligation to ensure that no person under 18 is drafted into the Armed Forces in accordance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, ratified by Act No. 48 of 2000, remains in force.

8. Criminal responsibility

121. The age of criminal responsibility is still 14 in accordance with Act No. 40 of 1999.

9. Statements in court

122. As stated in the preceding report, a guardian is required for a child aged 7-14 to make a statement in court. As from age 14, a guardian is not necessary to that purpose (Judicial Code, article 900).

10. Consent to a change of identity (name, change of family ties, adoption or guardianship)

123. The provisions indicated in the previous report with regard to changes of identity are still in force. Such changes are possible only after the age of majority (18) has been reached.

11. Consent to adoption

124. Under Act No. 61 of 12 August 2008 containing the General Act on Adoptions and other provisions, the consent of the person to be adopted is required if he or she has turned 12. A gap in the law has thereby been filled.

125. Under article 8 of the same Act, adolescent parents wishing to put their son or daughter up for adoption must communicate that decision to the National Directorate for Children, Adolescents and Adoptions. That decision must also be communicated to a children's and adolescents' judge in order to ensure that it has been taken under no pressure of any kind. To that end, the adolescent parents must appear personally at the court and, if not treated as being of full age, must be accompanied by their father, mother or legal representative.

12. Guardianship

126. No minimum age for giving consent is specified.

13. Access to information concerning biological parents

127. All minors continue to have the right to know who their parents are, to use their surname and to exercise other rights of filiation. Act No. 61 of 12 August 2008 containing the General Act on Adoptions and other provisions establishes the right to know one's origins.

14. Legal capacity to inherit, conduct property transactions and establish or join associations

128. The provisions indicated in the preceding report continue to be in force.

15. Choice of a religion and attendance at religious instruction classes

129. The provisions indicated in the preceding report continue to be in force inasmuch as, according to the Constitution, there may be no discrimination on grounds of religion, while under article 489 of the Family Code, minors are entitled to respect for their freedom of religion to a degree commensurate with their level of development and under the guidance of their parents.

16. Consumption of alcohol and other controlled substances

130. The sale of alcohol and cigarettes to minors continues to be prohibited.

V. General principles**A. Right to non-discrimination**

131. The Committee reiterated its recommendation that Panama should take measures aimed at developing a culture of human rights and at changing attitudes towards children and adolescents in general and minors belonging to indigenous groups in particular. The Committee also recommended that Panama should undertake all necessary proactive measures to combat societal discrimination, in particular against children and adolescents belonging to marginalized groups, indigenous children, children with disabilities, other minorities, refugee children and children of migrant workers, through, inter alia, public education and awareness campaigns. The Committee requested that specific information should be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by Panama to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account general comment No. 1 on the aims of education (2001) (CRC/C/15/Add.233, paragraphs 25-26).

1. Measures for eliminating discrimination

132. The National Commission against Discrimination was created in 2003 under Act No. 16 of 10 April 2002 governing the right of admission to public places and providing for measures for avoiding discrimination in Panama. Its main function is to evaluate the implementation of the International Convention on the Elimination of all Forms of Racial Discrimination in Panama and to formulate proposals for mainstreaming non-discrimination into the Government's agenda. The Commission cooperates with the Ombudsman's Office. The following awareness raising and training initiatives have been undertaken as part of the activity of the Commission:

133. Workshop on "Discrimination in Panama": Addressing magistrates in the area of the capital and civil servants of the Ombudsman's Office, this event was aimed at formally presenting the details of Act No. 16 of 10 April 2002 and the various forms of discrimination that exist; raising the local authorities' awareness of the effects of discrimination; and launch and broad-based dialogue on discrimination and on the value of respecting and tolerating diversity.

134. Workshop on "Gender-sensitive conceptualization and analysis and gender-based planning": Organized in cooperation with the Ombudsman's Office and the Ministry of

Social Development, this activity was primarily designed to encourage thought and discussion on salient aspects of the subject; link various positions and points of view with personal and collective reflection and action; and enhance the participants' capacity to influence the authorities' action by identifying, observing, reporting and proposing the change of practices involving gender discrimination.

135. Human Rights Education Programme: Developed by the Ministry of Education as part of its strategy for fostering a culture of peace and tolerance and promoting the values of and respect for human rights, this initiative is pursued in various educational regions for the benefit of, to this date, more than 1,000 ninth-grade students receiving Culture of Legality training. Moreover, the Programme has included the establishment of the Virtual Network for Education in Values, Citizenship and Democracy, is realized with the support of the Organization of Ibero-American States (OEI).

2. Non-discrimination towards ethnic communities

Indigenous population groups

136. During the period considered, Panama took extensive action in order to overcome the inequalities affecting persons of indigenous origin. These activities included social institution building; the implementation of Government policies aimed at the integration of indigenous people, particularly children and adolescents; and the establishment of legal frameworks ensuring the sustainability of such policies.

137. The above activities included strengthening of National Directorate for Indigenous Policy (DNPI), a Ministry of Governance and Justice body responsible for comprehensive social and community development in the indigenous districts and population groups through participation and the promotion of equity, indigenous institution-building, greater respect for indigenous culture and the right to a decent life, and coordination of such action with the activities of other State agencies. Currently, DNPI has enlisted the cooperation of the National Office for Refugees (ONPAR) on action related to indigenous migrant communities from Colombia (Emberá and Wounaan). In that connection, in 2007 DNPI organized a meeting between ONPAR and the Ministry of Foreign Affairs in order to address the situation of the population in question and develop support strategies.

138. DNPI contributes, with the Ministry of Health, to the implementation of the Traditional Medicine Programme; and cooperates with the Ministry of Education on the implementation of the National Plan for Bilingual Intercultural Education. Since 2007, DNPI participates in the Presidential High-Level Commission for Dealing with the Problems of the Indigenous Peoples of Panama (CAP), seeking to resolve issues affecting the peoples in question, such as inequalities resulting from discrimination, encroachment on the land of indigenous districts and development projects in indigenous areas.

139. The following activities constitute the main Government initiatives currently implemented with a view to overcoming the disadvantages faced by the indigenous population: Opportunities Network Programme, Traditional Medicine of Indigenous Peoples Programme, Traditional Midwives Programme and the National Plan for Bilingual Intercultural Education. These initiatives are elaborated upon in the sections that follow.

Groups of African descent

140. In 2005, the Special Commission for the Establishment of a Government Policy on the Full Integration of the Panamanian Black Ethnic Community²³ was created in order to

²³ Executive decree No. 124 of 27 May 2005.

formulate the Plan of Action for the Integration of the Black Ethnic Community into Panamanian Society. That work led to the proposal to establish the National Council of the Black Ethnic Community,²⁴ attached to the Ministry of the Presidency and responsible for examining the causes of the marginalization of Panamanians of African descent; recommending Government policies for the integration of that group and for ensuring the teaching of Afro-Panamanian culture at all education levels; and proposing measures for eliminating any discrimination against the population in question in public places.

3. Non-discrimination in education

141. **General Plan for the Implementation of Bilingual Intercultural Education, 2005-2009.** In 2005, the Ministry of Education consolidated the General Plan of Application of the Bilingual Intercultural Education 2005-2009 and the related 2005-2006 programme.

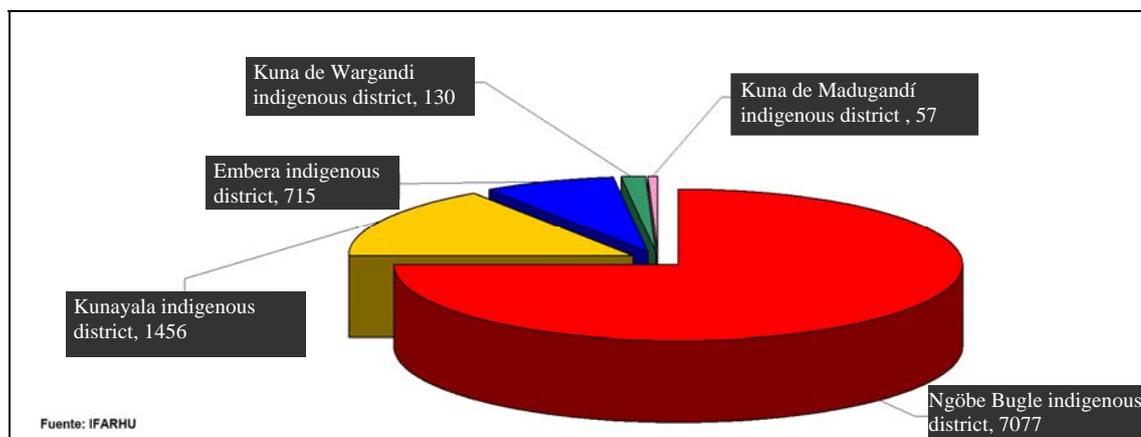
142. In order to ensure the Plan's sustainability and provide it with an appropriate institutional framework, the Ministry's Indigenous Affairs Unit was strengthened and the National Directorate of Bilingual Intercultural Education was set up under Executive Decree No. 274 of 31 August 2007. In the same year, under Executive Decree No. 323 of 18 October 2007, the Ngöbe Bugle and Emberá Wounaan school regions were established and respective Regional Indigenous District Education Directorates were set up in each area concerned.

143. **National Scholarships Programme.** The purpose of this programme, developed by the Institute for the Training and Use of Human Resources (IFARHU), is to grant scholarships to students in various sectors in order to reward outstanding performance or to help students living in a vulnerable environment to avoid dropping out of the education system.

144. In the period 2004-2008, 160,088 scholarships totalling US\$ 158,000,000 were granted. In particular, the National Scholarship **Programme for Rural and Indigenous Communities** in Extreme Poverty assisted a total of 9,435 students, geographically broken down as follows

²⁴ Executive decree No. 116 of 29 May 2007.

Republic of Panama
National Scholarship Programme for Rural and Indigenous Communities in Extreme Poverty, 2004 - September 2008



Source: IFARHU.

145. The National Scholarship Programme for Eliminating Child Labour and the National Scholarship Programme for Students with Disabilities were implemented for the first time during the period considered (in 2007, 8,110 scholarships totalling US\$ 3,220,120 and 6,347 scholarships totalling US\$ 2,357,900 were granted, respectively, under the above two programmes).

146. The General Scholarship Contest Programme has covered for the first time private primary education pupils and private pre-secondary education graduates.

4. Combating gender discrimination

147. As stated in the preceding report, Panama has ratified the Convention on the Elimination of All Forms of Discrimination against Women (Act No. 4 of 1981), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Act No. 12 of 1995) and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Act No. 17 2001). Act No. 4 of 1999 providing for equal opportunities for the genders constitutes the legal framework for the formulation of a Government policy against gender discrimination. Article 21 of that Act lays the foundation for developing a Government policy aimed at promoting equal opportunities for children.

148. The main measures taken in the period under consideration have been the following:

(a) **Conclusion of the Third Women and Development Covenant, 2004**, which provided for the establishment of a high-level commission for strengthening the structure of the National Directorate for Women in the Ministry of Social Development and the National Council for Women. A related study led to the preparation of a draft Act on the creation of the National Institute for Women (INAMU) as a decentralized and independent body in charge of the implementation and coordination of the Government's policy on women. This bill is currently with the National Assembly, pending the relevant legislative procedure.

(b) **"Equality in Education" Programme**, implemented as part of the gender equality activities planned by the Ministry of Education and aimed at redressing social inequalities, especially those resulting from unfair treatment, through non-sexist educational practices. Under this programme, training and awareness-raising activities for

the student population, teachers and community members are developed in such areas as promotion of pregnant adolescents' right to education; and day events are organized to raise the student population's awareness of the risks entailed by sexual relations. The "Equality in Education" School Network (consisting of students, teachers, parents, police authorities and private enterprises) operates in all educational regions and has participated in the formulation of the National Plan on Sexuality and the related implementation strategy. In 2007, approximately 250 teachers and more than 300 students from various areas of the country participated in the first national forum on "No name, no existence".

5. Non-discrimination in the area of health

149. Initiatives have been undertaken through the Ministry of Health in order to raise the indigenous authorities' awareness and inform them of the significance of health care and basic sanitation for a better quality of life in accordance with traditions and customs compatible with the best interest of the children and adolescents. The main such activities have been the following:

(a) Establishment of the National Commission for Indigenous Traditional Medicine and the Technical Secretariat for Traditional Medicine of Indigenous Peoples (Executive Decree No. 117 of 2003): The objective is to use the medicinal culture of the indigenous regions as an ancillary component of the basic health care in the various such regions of the country. The Commission is responsible for proposing health-related policies and strategies specifically aimed at the indigenous population and promoting the use of traditional medicine in cooperation with public and private organizations and the indigenous authorities.

(b) **Promotion of equal access to health care:** In 2004, the relevant legal framework was strengthened through the introduction of free maternity services and care in all health establishments of the Ministry of Health (Executive Decree No. 428 of 15 December 2004). In 2005, free health care for all children under 5 years became available in all such establishments (Executive Decree No. 546 of 2005).

150. In the period considered, the following further legislative measures were taken in order to enhance children's equality with regard to health: Establishment of the National Neonatal Screening Programme (Act No. 4 of 2007), ensuring the provision of the service in question free of charge; and creation of the legal framework governing vaccination through Act No. 48 of 2007, which recognizes the right of all persons, particularly, inter alia, children and adolescents in detention facilities or employed, pregnant women and persons with disabilities, to protection against diseases, including through the National Immunization Plan implemented by the State. Under that Act, persons exercising parental authority and the guardian or custodians of the children must comply with the relevant rules established by the Ministry of Health. The Act guarantees free access to all public health-care facilities for the population as a whole, especially the most vulnerable groups. Moreover, as a monitoring measure, the registration of a pupil or student under 18 is subject to the presentation of the immunization card of the child or adolescent by the person responsible.

151. In cooperation with the Pan-American Health Organization (PAHO) and the World Health Organization (WHO), the Ministry of Health implements the Project of Care for Indigenous Communities, with an emphasis on human development, human resources training, skills development and services from a life-cycle perspective.

152. The National Plan for the Reduction of Maternal and Perinatal Mortality, the "Child-friendly Hospitals" project, "Adolescent-friendly Services" project and the Healthy Schools Programme were launched in 2005. These initiatives are implemented in cooperation with, respectively, UNICEF, UNFPA and PAHO.

153. **National Telemedicine and Telehealth Programme:** This initiative is aimed at promoting, offering training in and ensuring the use of telemedicine systems for inaccessible or remote geographic areas. Priority is given to indigenous regions (Ngöbe Bugle, Emberá and Kuna Yala), remote regions (Darién and Bocas del Toro) and insular areas, border areas and high-risk environments (jails and rehabilitation centres).

154. This report provides further information on the outcomes achieved through the measures in question.

6. Combating disability-based discrimination

155. Through Legislative Act No. 1 of 2004 amending the Constitution²⁵, the principle of non-discrimination was amplified by attributing constitutional status to the prohibition of discrimination based on disability (article 19 of the Constitution).

156. Under Act No. 28 of 2007, the National Secretariat for Disabilities was set up as the body implementing and coordinating Government policies on the integration of disabled persons and their families. The main activities carried out in the period under review in order to prevent disability-based discrimination have been the following: INCLUDE campaign, implemented since 2004; National Press Award for promoting the social integration of persons with disabilities and their families, introduced in 2005; and "Let's live without borders" campaign, implemented since 2006.

157. In the period considered, Panama promoted for the first time a national policy for the integration of persons with disabilities in all sectors, including education, health, culture and sports. The progress achieved is discussed below in chapter VIII, Basic health and well-being, section (B), Children with disabilities.

B. Best interest of the child

158. In 1996, on the basis of the constitutional corpus doctrine, article 3 of the Convention was incorporated into Panama's constitutional corpus through various Supreme Court decisions, according to which any measures adopted by a Government authority or a court concerning children, the child's superior interest must prevail.²⁶ In 2006, the Convention as a whole was incorporated into the constitutional corpus.

159. As stated in the preceding report, articles 2 and 740 of the Family Code lay down the obligation of judicial and administrative authorities to give priority to the best interest of the "minor"²⁷. However, many substantive Family Code provisions²⁸ concerning children and adolescents take a "guardianship" or "irregular situation" approach and, as a result, some of the decisions handed down are at variance with that principle; or, in other cases, lacking a legal instrument providing relevant interpretation guidelines based on the Convention, the application of the above principle is left to the discretion of the authority concerned.

160. In recent years, integrating the consideration of the child's best interest into public policies has acquired particular significance. An early step taken by the current Government was to create a commission to draw up a draft Act on the comprehensive protection of

²⁵ Legislative Act No. 1 of 2004 amending the Constitution of 1972, as amended by the Amendment Acts of 1978, the Constitutional Act of 1983 and Legislative Acts No. 1 of 1993 and No. 2 of 1994.

²⁶ Supreme Court decisions of 20 March 1996, 13 March 1998 and 22 July 1998.

²⁷ Term used in the Family Code.

²⁸ Family Code, Book 2, on Minors.

children and adolescents²⁹. The legislative procedure regarding that bill is currently pending.

161. The text of draft Act No. 371 on the comprehensive protection of children and adolescents proposed by the Ministry of Social Development contains, in article 5, a definition of the best interest of the child and, in article 7, lays down specific rules, based on the provisions of the Convention, for the interpretation of the Act.

162. Under article 3 of Act No. 61 2008 containing the General Act on Adoptions and other provisions, the adoption of minors is governed by the principle of the best interests of the child, particularly in order to protect the right of children and adolescents to stay and live within their biological family or, where this is impossible, in another stable family environment.

163. In 2006, the Government implemented, as part of national policy, the Opportunities Network Programme in order to reduce current inequalities, focusing on poverty and extreme poverty areas. Of the 621 such districts initially identified, 471 or 76.5 per cent have so far benefited from the programme, which is based on inter-agency coordination and responsibility and on joint responsibility mechanisms of the beneficiary groups. The programme includes activities on health, education, conditional cash transfers, housing and self-management capacity building, and in particular aims at the integration of a considerable proportion of persons under 18. According to Ministry of Social Development records, 124,344 such persons from extremely poor households had benefited from the programme by mid-2008.

164. CETIPPAT and CONAPREDES coordination and operation have been strengthened. As a result, the National Plan for the Elimination of Child Labour, the related operational plan and the National Plan for the Prevention of Sexual Exploitation Offences have been developed and are currently implemented.

C. Rules and measures for monitoring public and private bodies entrusted with the protection of children and adolescents

165. Under Executive Decree No. 9 of 2008, the Ministry of Social Development is responsible for the administration of bodies entrusted with the protection of children and adolescents. Under article 45 (10) of Act No. 61 of 12 August 2008 containing the General Act on Adoptions and other provisions, the National Directorate for Children, Adolescents and Adoptions is responsible for approving and monitoring foster homes and establishments. Moreover, article 755 (4) of the Family Code assigns monitoring responsibility to the Higher Court for Children and Adolescents.

D. Right to life, survival and development

1. Strengthening of Government policies

166. Subsequent to the creation of the National Inter-Agency and Inter-Sectoral Commission for the Prevention of Morbidity and Mortality of Children under 5, mortality in this age group was recognized as a priority health issue and recording, reporting and investigating such deaths in the framework of an epidemiological monitoring system became obligatory. The Commission represents various sectors and disciplines and seeks to exchange experience, formulate and implement common strategies and analyze the problem

²⁹ Executive decree No. 109 of 31 May 2005.

from a gender-, culture- and health-policy perspective. The above commission and the National Inter-Agency and Inter-Sectoral Commission for the Prevention of Maternal Mortality are expected to report the respective deaths occurring daily at the national level.

167. The implementation of the National Plan for the Reduction of Maternal and Perinatal Mortality, 2005-2009, focuses on areas with a high maternal mortality index.

168. In all health-care establishments of the Ministry of Health, free care for children under 5 was instituted in 2005,³⁰ and women receive pre-natal, birth and post-natal attention free of charge.³¹

169. The Supplementary Food Distribution Programme seeks to improve the nutritional status of the population by promoting food and nutrition security and giving priority to the nutritional status of children between the ages of 6 and 36 months and to those between the ages of 37 and 59 months in poor and extremely poor areas who are at risk of undernourishment. SFP also covers, inter alia, underweight pregnant women. In 2005, more than 23,650 quintals of nutritional pudding, costing US\$ 1.9 million, were distributed. In 2006, coverage was extended to all 6-36 months olds with stunted growth, in high-poverty and indigenous areas. This involved the distribution of 29,662 quintals of nutriceal and represented an expenditure equal to US\$ 2,622,908. In 2007, the budget amounted to approximately US\$ 4,490,000, which corresponded to 33,142 quintals, and the total number of beneficiaries was 66,314 children and 15,647 pregnant women.

170. Such measures are enhanced through the Nutrition and Food Education Programme, ensuring the distribution of information material regarding the nutrition of, inter alia, pregnant women, breastfeeding mothers, infants under 1 year of age and preschoolers.

171. The National Neonatal Screening Programme³² was set up to identify metabolic or endocrinological diseases in the newborns in order to reduce infant morbidity, mortality and disabilities. Taking a sample for neonatal screening, obligatory in all public and private health establishments in the country, is currently part of standard care for newborns. In public facilities, the test is performed free of charge.

172. The "Child-friendly Hospitals" project was enhanced in cooperation with UNICEF; while the "Adolescent-friendly Services" project, implemented in cooperation with UNFPA, was launched through the establishment of five pilot centres engaged in promotion, prevention and comprehensive care activities, thereby increasing the coverage of medical care for adolescents by 21 per cent.

173. In 2006, the health care system involving traditional midwives was implemented; 250 such midwives were trained, and seven courses were organized in remote and indigenous areas (Chiriquí, Bocas del Toro, Ngöbe Buglé district and Panamá). Three meetings of traditional midwives were organized. Of the 1,893 traditional midwives who attended, 71 per cent are linked to the health care system; while 16 perinatal care units carried out 28,379 interventions in remote indigenous areas and 60 mother and child units offered care in difficult areas. Listing all pregnant women in the country produced a database with of 27,190 women, which made it possible to identify high-risk pregnancies.

174. Through the "Decent start in life" project, carried out by the Ministry of Health, the Ministry of Social Development and the Office of the First Lady, every infant under 1 year of age is provided with a good start through perinatal care by qualified personnel, birth registration, and growth and development monitoring. The project targets remote and

³⁰ Executive decree No. 546 2005.

³¹ Executive decree No. 428 2005, amended by Executive Decree No. 5 2006.

³² Act 4 of 2007.

indigenous areas and is carried out with the participation of traditional midwives, civil registry assistants and health workers. In 2006, 20,000 children were assisted. The above project is complemented by the "Starting life on a par with others" programme, consisting in providing equipment (including ultrasound scanners, tococardiographs, neonatal ventilators, vital sign monitors, thermic cradles, fixed incubators, transportable incubators and phototherapy lights) and training for six maternal and perinatal care units.

175. In that context, cooperation with the National Directorate of the Population Register and the municipal and local authorities was strengthened in order to improve the registration of deaths, especially in remote and indigenous areas, through the participation of health workers and assistants.

176. The Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents was approved and published in 2006. The National Health Plan for Children and Adolescents, 2008-2012, was adopted in 2007.

2. Abortion

177. In Panama, deliberate abortion is an offence punishable with imprisonment of one to three years if brought about by the pregnant woman, three to six years if brought about by another person, and four to eight years if brought about without the pregnant woman's consent.³³

178. Exemption from punishment for abortion is granted where the conception has been the result of rape, including in the case of adolescents under 14 (the abortion must take place within the first two months of pregnancy); and where the abortion is necessary on medical grounds (subject to assessment by a multidisciplinary health care team).

179. Health establishments performing abortions must immediately proceed with the required notifications.

3. Prevention of suicidal behaviour and promotion of mental health

180. In 2005, the Social Networks for the Prevention of Depression prepared handbooks in order to reduce and prevent the risks associated with suicidal behaviour;³⁴ the Suicidal Behaviour Monitoring System was launched, covering the entire population in western Panama; a psychological social rehabilitation course was organized; seven Regional Mental Health Plans were implemented and the attention of municipal civil servants was drawn to mental health issues and related strategic partnerships; and workshops for the prevention of suicidal behaviour were held under the titles of "Vital skills" and "Psycho-social rehabilitation".

181. In 2006, action in this area was reinforced within the framework of the World Suicide Prevention Day; awareness and prevention workshops were organized on the subject of "Greater knowledge, greater hope"; a campaign was carried out, entitled "There is always a light of hope beyond any distress: Value your life"; mental health systems were assessed at national level and standards of care for chronic mental disorder patients were reviewed and discussed; pamphlets and bookmarkers focused on suicidal behaviour prevention were produced; the nine selected health regions developed operational plans for depression prevention and care; mental health was incorporated into all health-related activities; mental health training was organized in cooperation with the Municipality of Panama on "Mental health, drug addiction, depression and behaviour control" with a view

³³ Act No. 14 of 2007 adopting the Criminal Code.

³⁴ These handbooks will be reproduced in other countries in the region.

to decentralized action and the involvement of municipal authorities; an operational plan for nurses specialized in mental health was drawn up; and participatory research on alcoholism in indigenous communities was carried out. The mental health of children and adolescents cuts across all of these activities; while related prevention and care are fully dealt with under the School Health Programme and the Mental Health programme.

182. Mental health care for children and adolescents was specifically included in the Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents, which contains guidelines for health specialists in preventing, assessing and intervening in cases of depressive or suicidal behaviour, consumption and/or abuse of drugs or domestic violence. The rules in question are based on the national standards governing the Mental Health Programme.³⁵

183. Executive decree No. 137 of 2007 established the National Commission for Preventing and Monitoring Suicidal Behaviour and Other Forms of Violence as a strategic mechanism for supporting the above activities and involving all sectors concerned; and, in the same year, the National Inter-sectoral Plan for Preventing and Monitoring Suicidal Behaviour was formulated and implemented with a view to improving the mental health of the population in general, focusing on groups particularly exposed to suicidal behaviour risks. The Commission includes an inter-agency team of representatives of, inter alia, the Ministries of Health, Social Development and Education.

184. Through the Population Education Programme, the Ministry of Education has supported the above activities, which form the cornerstones of the project entitled "Educational communication for the promotion of healthy behaviour". A diagnostic examination of the main psycho-social problems of the adolescent students took place in 2005 in all Panama's 13 educational regions led to the formulation of a strategy for action in the country's educational establishments. Thus, 300 pre-secondary teachers received training in the prevention of psycho-social problems affecting adolescents and promoting behaviour conducive to improving the quality of life.

4. Reduction of risks (related to disease or violence)

185. In 2005, the Ministry of Health resumed community work in the area of health and encouraged the leadership of organized health groups to engage in joint operations with the communities. Two far-reaching programmes, "Promotion of Health" and "Strengthening of Citizen Participation" are carried out in that context. One of the most relevant projects developed in that framework is entitled "Healthy Schools" and is implemented at local community level, in the schools. The project aims at providing a healthy environment for children, ensuring that they are looked after, encouraging health-promotion and disease and health-risk prevention, and stressing the rights of children and adolescents, particularly their right to health and a healthy environment. The project, first launched in areas of Panama City and Chiriquí province, has currently spread to almost all provincial and indigenous-district areas (Kuna Yala and Ngöbe Bugle regions), developing in 2007 a total of 1,664 "healthy schools" activities in 296 schools in various parts of the country. Supported by UNICEF, the project is implemented in cooperation with the Ministry of Health and private organizations.

³⁵ Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents, Ministry of Health, Panama, 2006, p. 63.

Healthy Schools Project, 2007

<i>Region</i>	<i>Total number of schools</i>	<i>Healthy Schools Project, 2007</i>
Total	296	1 664
Bocas del Toro	318	69
Coclé	324	263
Colón	133	84
Chiriquí	403	254
Darién	Planned	Planned
Herrera	Planned	Planned
Los Santos	156	132
East Panamá	147	65
West Panamá	219	116
San Miguelito	83	48
Metropolitan region	77	77
Veraguás	454	77
Kuna Yala indigenous district	43	44
Ngöbe Buglé indigenous district	339	58

Source: Ministry of Health Management Statement, 2007 Report.

186. In 2005, the Ministry of Education, in cooperation with the Ministry of Health, launched, within the "Educational Strategies for the Prevention of Sexually Transmitted Diseases (STDs)-HIV/AIDS" a campaign entitled "Protect yourself against HIV/AIDS", including awareness-raising days on HIV/AIDS infection for 300 adolescents attended by 100 young leaders who served as facilitators assisting their parents. An STD-HIV/AIDS and high-risk behaviour prevention programme was developed at primary education level through the training of the directors of 14 primary schools. Training days were held on the prevention of STDs through children's theatres and coordination units were established with a view to extending the project to Colón province and the Kuna Yala region (areas with a higher index of HIV/AIDS incidence). A project "Education for a healthy sexuality" was carried out.

187. In 2006, such programmes and projects continued with a broader coverage. The Educational Forum on HIV/AIDS and Life Skills, enriched with a theatrical event, was organized for 450 parents from high-risk areas (San Miguelito, Colón and Kuna districts in the capital).

188. In the framework of the Comprehensive Preventive Education Programme, 1,490 teachers received training through the "We are Victorious" project; while, at national level, approximately 612 teachers, 15,752 pupils or students, 30 police units and 1,738 heads of household were trained under the sub-programmes: "Join Winners" "Smoke Hunters" and "Families United in Prevention and Young Persons against Crime. These preventive programmes included 81 centres in the regional schools of Darién and Kuna Yala.

189. The project entitled "The Educational Community as a Promoter of a Culture of Peace" and the "United for a Community without Violence" programme, with a five-year implementation period, were carried out as part of the Educational Services Programmes.

190. In 2006, the "United for a Community without Violence" programme was implemented in 65 educational establishments located in so-called "red zones" (Panama

Centre, San Miguelito, Colón and David City, Chiriquí province) for the benefit of students aged 12-18, the educational community and technical staff.

5. Respect for the views of the child

191. The Committee recommended that Panama should promote and facilitate respect for the views of children, and their participation in all matters affecting them, by courts and administrative bodies and in families, schools and other institutions; provide educational information to, inter alia, parents, educators, Government administration officials, the judiciary and society at large on children's right to have their views taken into account and to participate; and undertake a regular review of the extent to which views of children and adolescents, particularly those from vulnerable groups, such as indigenous and poor children, are taken into consideration, and of the impact this has on policies, programmes and on children themselves (CRC/C/15/Add.233, paragraph 28).

192. As stated in the preceding report, article 489 (10) of the Family Code provides that any "minor" must be allowed to express his or her opinion freely and shall be informed of his or her rights in that regard, and that in any proceedings the minor must be heard in person or through a representative, and his or her opinion shall be taken into account with due consideration for age and psychological maturity. However, the same article limits the exercise of that right by stipulating that such exercise is subject to the provisions in force. According to these provisions, children must be represented by a guardian up to the age of 7 and may personally express their views after that age. Moreover, under article 769 of the Family Code, "minors", over and above legal representation by their parents, may be represented in family or children's and adolescents' courts by their ascending or other close relatives, persons responsible for their care or the Children's Ombudsman.

193. There is no study indicating to what extent the children's right to express their views in judicial proceedings is fulfilled. Furthermore, the particular environment of judicial authorities, including the family and children's and adolescents' courts, is not appropriate for or conducive to helping under age persons. Besides these conditions and despite the ongoing training received by the judicial authorities, there are still cultural patterns associated with the "irregular situation" model, which further impede the enjoyment of the right in question.

194. Under article 16 of Act No. 61 of 2008 containing the General Act on Adoptions and other provisions, children and adolescents must be heard during adoption proceedings and express their opinions, which must be assessed in accordance with the child's or adolescent's degree of maturity and development. Under article 18 of the same Act, the stated preference or consent of siblings to remain with their brothers or sisters must be taken into account as a prerequisite for approving the adoption of the children or adolescents concerned. This provision removed a limitation in the Family Code, which provided that, in cases of adoption, the views of the child should be taken into consideration if the age of 7 had been attained.

195. In the area of health, Act No. 68 of 20 November 2003 regulating the rights and obligations of patients regarding information and free and informed decision provides that, for surgical operations, the views of persons under 16 must be heard before their legal representative gives his or her consent.

VI. Civil rights and freedoms

196. The Committee recommended that Panama should review the efficiency of the birth registration system to ensure that births are registered in rural and indigenous areas and among refugee and asylum-seeking children and children born out of wedlock, and take all

necessary measures to harmonize the activities of the different Government agencies and institutions involved in birth registration (CRC/C/15/Add.233, paragraph 30). The Committee also urged Panama to provide specific information about the implementation of these rights and to protect adolescents against illegal arrest, detention and ill-treatment (paragraph 32). Lastly, the Committee recommended that Panama should take the measures necessary for ensuring the full implementation of Act No. 38 through, inter alia, public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes about corporal punishment, and promote positive, non-violent forms of discipline in the family, the schools and other institutions as an alternative to such punishment; strengthening complaints mechanisms for children in institutions to ensure that complaints of ill-treatment are dealt with effectively and in a child-sensitive manner by an independent body; and providing sufficient financial and other resources for the effective implementation of that Act (paragraph 34).

A. Right to name and nationality

197. In the period considered, two substantial amendments were made to existing legislation on birth registration. The first was introduced through Act No. 31 of 2006 regulating the registration of vital statistics and other legal acts related to civil status, and reorganizing the National Directorate of the Population Register of the Electoral Court. The second was introduced through Act No. 17 of 2007 amending and inserting articles in Act No. 31 of 2006 on the Population Register and repealing articles of the Electoral Code.

198. These amendments were aimed at establishing a legal framework more in line with the provisions of the Constitution and the international human rights instruments in force in Panama in order to ensure that all children born in Panamanian territory are entitled to a name and nationality without discrimination of any type; and at providing greater flexibility regarding the registration of births occurring in remote or indigenous areas. The following changes are the most relevant:

- In view of the best interest of the "minor", where the parents lack identity or immigration document, the child's birth may be registered, provided that there is adequate evidence that the birth in question occurred in Panamanian territory (article 21).
- Births of foreigners are entered in Population Register birth records, while previously this was possible solely if the foreigner had been granted permanent residence (article 29).
- Any person present at the time that a child is born is authorized to have that birth registered (article 30). Any infant born with medical assistance and not registered within six months is registered ex officio, while previously the time limit was one year (article 35). A single mother may register her child under her paternal and maternal surname (article 41), while previously it was only possible to register the child under the mother's paternal surname, a practice conducive to social discrimination.
- Births having occurred without medical assistance may be registered within two years, subject to verification of the birth and its circumstances by the Population Register officer through the sworn testimony of two witnesses (article 87).
- Indigenous persons may register their children in the Population Register under the names borne by the children in the ethnic language concerned (article 44).
- Indigenous persons born in Panama but whose birth does not appear in the Population Register are registered on the basis of a sworn statement of the person

concerned, if of legal age, or, if under age, of the father, the mother or a relative. The statement must be made before the Population Register officer and corroborated by two witnesses (article 45).

199. One of the policies of the National Directorate consists in eliminating under-registration throughout the country in order to ensure universal and accessible civil registration and the right to identity, which are keys to achieving the Millennium Development Goals. To that end, the National Directorate realizes joint campaigns with other organizations (the Ministry of Health, the Ministry of Social Development and the Ombudsman's Office) in remote areas (rural, indigenous or extremely poor communities) with a view to large-scale birth registration and certification. Within such activities, the National Directorate cooperates with such national programmes involving birth registration as the "Decent start in life" project and the Opportunities Network Programme.

200. By the end of 2007, through the Opportunities Network Programme, which was launched only two years earlier, the above work resulted in the registration of 15,477 persons out of a total number of 137,000 beneficiaries, 91 per cent of whom were children or adolescents. Such efforts are currently continued at the national level.

B. Preservation of identity

201. Under article 489 of the Family Code, all minors have a right to know who are their parents, use the surnames of at least one of their parents, and enjoy other rights of filiation. Under article 6 of Act No. 61 of 2008 containing the General Act on Adoptions and other provisions, any child or adolescent is entitled to know his or her origins.

202. One may change one's name only upon reaching majority. Persons from indigenous ethnic groups may use the names that they have in their ethnic language.³⁶

203. The Criminal Code contains a chapter on Crimes against Identity and Trafficking in Persons; and, in article 200, provides that altering the identity of a minor constitutes a crime punishable with three to five years' imprisonment.

C. Freedom of expression, thought, conscience, religion and association

204. In recent years, the State reinforced measures to promote children's and adolescents' rights of expression, thought and association, notably through the following programmes:

Children's Clubs Programme

205. As part of the promotion of the rights of children and adolescents in a participatory spirit through the National Directorate for Children, Adolescents and Adoptions in the Ministry of Social Development, Children's Clubs are created as spaces, in which children aged 8-13 years realize that their right to participate is guaranteed by the State's pledge to foster a sense of citizenship and to strengthen democracy. In these clubs, children promote and defend their right to freedom of association, thought, expression and quest for and dissemination of information in relation to their various social roles.

206. The organization, promotion and proliferation of Children's Clubs are the work of the staff of the National Directorate for Children, Adolescents and Adoptions in cooperation with the Provincial and Regional Directorates of the Ministry of Social

³⁶ Act No. 31 of 2006 regulating the registration of vital facts and other legal acts related to civil status, and reorganizing the National Directorate of the Civil Registry of the Electoral Court.

Development, nursery educators, primary schools and territorial network developers engaged in the creation of new Clubs. Promotion work is also carried out among the children, parents and guardians and in the community with a view to informing these groups about the purpose of the Clubs and establishing joint responsibility mechanisms for retaining the children in these associations.

207. Children's Clubs meet periodically and seek to encourage attitudes conducive to collective work and social interaction, enhance stewardship and leadership capacities in the area of children's human rights and gender-based values, and promote respect for cultural identity and particularly vulnerable persons. Children are encouraged to participate in these groups through the provision of learning material, advice and training for the coordinators, who submit quarterly reports on the activities carried out and the related achievements and limitations.

208. There are currently in the country 142 Children's Clubs with a total of 3,658 members. The beneficiaries also include primary schoolteachers and parents, who also receive training in the rights of the child, and communities, in which the clubs carry out, inter alia, campaigns, debates and leaflet distribution related to situations of interest to the communities.

209. The "Right to Play and Recreation" national painting contest, held in 2007, has been one of the most noteworthy initiatives of the Children's Clubs in the period considered. In the 1,600 paintings received, children depicted and expressed their concerns and their desire to have an area of amusement. The Children's Clubs have sought to raise their community's awareness of the significance of its role by developing in their places of residence such valuable activities the Mini Summit for the Elimination of Child Labour, 2007; a march organized to underline the importance of good health; sociodramas promote social integration; distribution of pamphlets and display of posters made by children against cigarette consumption and drugs; participation in the "My Right to Participate" inter-American experience-exchange meeting held in 2008 in the city of Querétaro, Mexico, where the children's delegation shared its experience in the Children's Clubs. The National Directorate for Children, Adolescents and Adoptions plans to organize in 2009 a total of 200 Children's Clubs, functioning with an approximate countrywide membership of 6,000 children actively involved in promoting their rights and contributing to the development of their communities.

Other programmes

210. The Ministry of Social Development supports the **Adolescent Volunteers Programme**, under which adolescents aged at least 16 and having completed three years of secondary education participate in the alphabetization process promoted by the Government in the communities.

211. In cooperation with the National Secretariat of Science and Technology, the Ministry of Education encourages the creation of Science Clubs in order to promote scientific knowledge and activities. These clubs consist of teachers and students and have their own operational regulations.

212. **The Youth Assemblies Programme**, launched in 2002, constitutes a space for affirming the adolescents' right of association, participation and opinion. The programme started within the framework of the National Assembly Modernization Project³⁷ and has subsequently been held on an annual basis. Since 2002, it is carried out through inter-

³⁷ Technical Cooperation Agreement No. 923/OC-PN between the Government and the Inter-American Development Bank (IDB), Panama Legislative Assembly Modernization Project.

agency cooperation between the National Assembly, the Electoral Court and the Ministry of Education. The programme's objective is to motivate adolescents to participate in national affairs, supporting the political and social leadership, building capacities for bringing about renovation and change in organizational structures, improving the public and social institutions, and strengthening participatory democracy. It addresses of private and public secondary education students in all provinces and indigenous regions. It is formed on the basis of the same electoral rules which apply to National Assembly deputies. Through an electoral system similar to that of general elections, the student population selects by direct suffrage the given number of Youth Deputies,³⁸ who meet at the National Assembly and, during one or two weeks, act as deputies, drawing up and adopting drafting Acts. The process includes information sessions on various issues and meetings with political parties, Government authorities and national personalities. The draft Acts of Youth Assemblies may be endorsed by national deputies and adopted through the appropriate legislative procedures. To this date, approximately 1,458 students have been elected Youth Deputies and thereby contributed to strengthening democratic attitudes among the student population as a whole.

213. **The Comprehensive Sexual Education Organization (EYS)**, consisting of groups of adolescents over 14 years of age, operates in cooperation with the Ministries of Education and Health, in whose framework the adolescents and young persons participating in EYS promote the right to sexual and reproductive health based on a sense of responsibility and positive values and act as trainers in their schools and communities.

214. Various civic organizations also develop spaces in which children and adolescents may participate in order to reinforce values and respect for human rights and express and exchange views. Such initiatives are, inter alia, the San Felipe Foundation and the San Felipe Pro-Youth Association, which offer participatory environments to adolescents in conflict with criminal law; The Lion's Club, which organizes summer camps where every year approximately 300 children and adolescents are actively involved in skills development, personality enhancement and the promotion of values, culture and sport. benefit annually; the Junior Chamber of Panama, which encourages the participation of adolescents and young persons through capacity building; the Kiwanis Gymnasium Association, which encourages children's and adolescents' participation in activities helping to develop their values, capacities, rights, cultural interests and engagement in sport. All such organizations are subsidized by the State through the Ministry of Social Development.

D. Right to privacy

215. The minor's right to the protection of privacy is protected in various ways. Under articles 575 and 576 of the Family Code, the State has an obligation to ensure respect for every family's and family member's privacy, personal freedom, security, honour and right to their own image. Moreover, the Family Code provides for administrative penalties for non-compliance with such provisions. Judicial proceedings involving family matters or minors must be confidential (article 379). Under Act No. 40 of 1999 on the special regime governing juvenile criminal responsibility and containing another provision, proceedings in the cases in question must also be confidential.

³⁸ Electoral Regulation, 2008 - Leadership Training National Assembly.

E. Access to adequate information

216. The responsibilities of the media regarding the protection and promotion of the rights of the child are enshrined in various legal instruments. Article 89 of the Constitution establishes the social responsibility of the media as a vehicle of information, education, recreation and the dissemination of science and culture. Under article 485 of the Family Code, in view of their particular informational and educational role in the community, the media must constantly promote the minors' comprehensive development.

217. Act No. 16 of 2004 lays down the responsibilities of the media regarding the protection and promotion of children's and adolescents' rights and the fight against the sexual exploitation of children.

218. Within the framework of CETIPPAT and CONAPREDES and in cooperation with ILO-IPEC, cooperation agreements have been signed since June 2005 with a group of social communicators who are members of the National Council of Journalism.

219. Moreover, the National Council of Journalism launched in 2007, in cooperation with UNICEF, a training programme for social communicators on issues concerning children and adolescents and their rights, with a view to developing ethics- and rights-based spaces enabling children and adolescents to express themselves freely; supporting the growth of a network of communicators at the national and international levels; contributing to a national awareness-raising strategy and campaign on matters related to the country's children and adolescents; and promoting ethics in the media and in the journalistic profession.

220. Media programming offers very few spaces dedicated to information and material of social and cultural interest for children. The only two channels on which such broadcasts are available the State channel SERTV and the FeTV channel. Based on a self-regulation agreement among media, they have classified their programmes and indicate, before each broadcast, the audience category addressed. However, minors may watch previews of inappropriate broadcasts during the pauses or view hardly constructive films shown at times when children or adolescents have access to television. Television forums for the discussion of constructive topics for children and adolescents or for the promotion of their rights are extremely rare.

221. The country's main and largest library is the Ernesto J. Castellero National Library in Panama City. This documentary centre is pivotal to Panama's library system and the base of the National Public Libraries Coordinating Board, which oversees a total of 60 national libraries located in all of the provinces, including the Kuna Yala Region. The main National Library operates a mobile unit for children, which travels throughout the country. Very few libraries have suitable facilities or sufficiently large book collections. Accordingly, national and international cooperation in this area must be strengthened, a policy must be developed to encourage reading among children and adolescents and library hours should become more flexible.

222. The National Library includes the Documentation Centre for the Linguistic Minorities of Panama, whose purpose is to provide bibliographical lists with comments, linguistic documentation, material on visual art and crafts, contact details and other information on the languages and cultures of the ethnic groups constituting the country's main linguistic minorities (the Creole communities and the Emberá, Wounaan, Kuna, Ngöbe-Bugles, Naso and Bri Bri). Moreover, Panama has a digital library on gender. The

National Library's accessibility is amplified through its web site³⁹, which contains links to various bibliographical publications.

223. Moreover, most of the State agencies, including Ministries and such decentralized bodies as the Office of the Comptroller General and the Ombudsman's Office, have specialized libraries of their own.

224. The National Book and Reading Forum was held in 2002, while the National Plan for Reading adopted in the same year comprised the following six main thrusts: Establishing reading as a State policy goal; encouraging the creation of reading material; creating, developing and strengthening public libraries; training actors in the promotion of reading; promoting reading in the school; promoting reading through the media. The National Institute of Culture, the University of Panama, the University of the Americas, private universities and civil society organizations participate in the implementation of this plan. These activities have been fortified through the creation of the National Book and Reading Board in 2005⁴⁰ and of the National Contest of the Readers' Circles in 2007⁴¹.

225. In the area of Internet-based information, the National Secretariat of Science and Technology (SENACYT) launched in 2000 the *Infoplazas* project in cooperation with the Inter-American Development Bank (IDB)⁴² in order to contribute to the country's equitable development by democratizing access to knowledge and encouraging the creation, publication and exchange of information through information and communication technologies (ICTs) as a means of contributing to productivity gains and well-being. Currently, that project is implemented with national funds and 105 *Infoplazas* have been set up throughout the country, including indigenous areas.

226. During the period considered, the Government, through the Ministry of Social Development, improved the legislation on protection from information and material harmful to children by adopting Executive Decree No. 101 of 17 May 2005 prohibiting the access of minors to web sites with pornographic content in order to ensure the physical and mental protection of children and adolescents when accessing information in the so-called Internet cafés or cybercafés and similar establishments; and by obliging all individuals or legal entities engaged in providing computer services involving use of the Internet to install special software with filter and blocking functions or any other means preventing minors from viewing the web sites in question. In 2007, Act No. 22⁴³ of the National Assembly upgraded that executive decree to an Act.

F. Protection of children and adolescents from illegal detention, abuse or restraint

227. In 2006, the National Directorate for Children, Adolescents and Adoptions in cooperation with the Juvenile Police drew up a protocol on care for vulnerable children and adolescents in order, inter alia, to establish appropriate mechanisms for action with regard to that group and for Juvenile Police interventions.

228. According to the Juvenile Police, that protocol is currently not implemented because of legal limitations, since the Family Code defines the role of that organization as a

³⁹ www.binal.ac.

⁴⁰ Executive decree No. 451 of 2005.

⁴¹ Act No. 23 of 2007.

⁴² Loan Agreement No. 1108/OC-PN between Panama and IDB.

⁴³ Act No. 22 of 22 June 2007 adopting measures for the protection of minors in respect of the display and production of pornographic material.

technical body subject to the instructions and orders of juvenile justice. Accordingly, implementation of the protocol requires amending the Family Code.

229. In the framework of its responsibilities, the Juvenile Police carries out operations designed to shelter children against high risk situations, for instance by preventing them from entering and being in private or public places harmful to their integrity, protecting abandoned, missing, mendicant, abused or socially vulnerable minors and turning them over to the competent authorities.

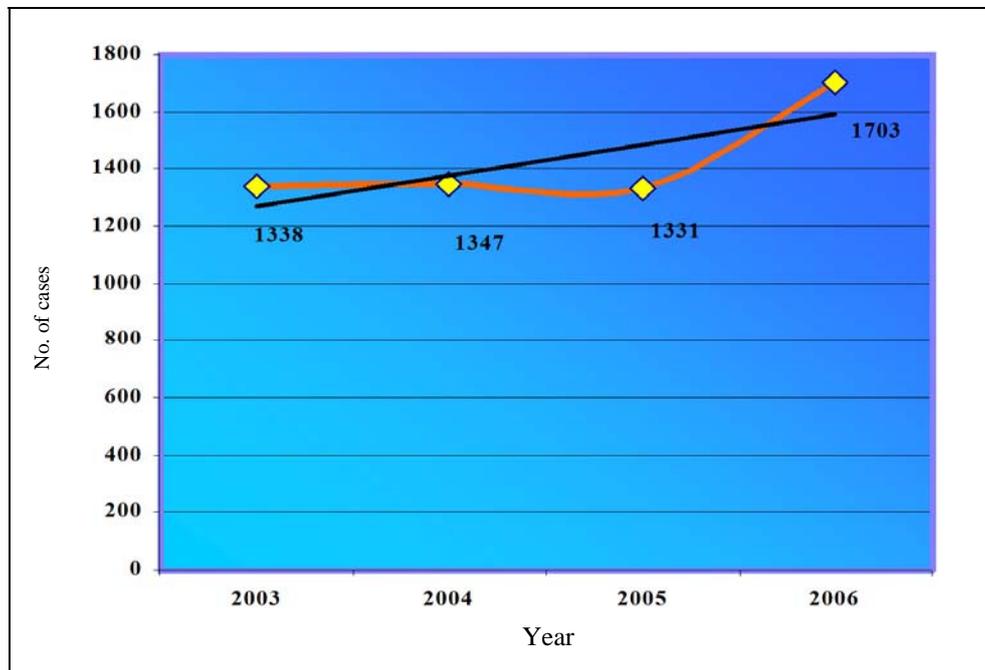
230. One of the main problems confronting the Juvenile Police is the lack of suitable accommodation for children and adolescents in police stations during police operations. The minors concerned remain in police stations until the parents or the person responsible arrive or are sent to an establishment for children. Coordination with the competent authorities is difficult. Accordingly, the law should be amended in order to implement the protocol.

231. Currently, the Juvenile Police is drawing an internal protocol providing that, in cases requiring protection, minors may not be retained in the facilities longer than three hours.

G. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

232. According to Office of the Comptroller General statistics, children's and juvenile courts heard in the period 2003-2006 a total of 5,719 cases involving the mistreatment of children and adolescents. As the following graph shows, that number has been increasing in recent years.

Republic of Panama
Cases of abuse heard in children's and juvenile courts, 2003-2006



Source: Office of the Comptroller General.

233. This information has been corroborated by the Ministry of Health, according to which a total of 4,542 cases of suspected abuse were treated in the period 2003-2007.

Measures

234. In 2004, the National Plan against Domestic Violence and Civil Coexistence Policies, 2004-2014, was drawn up. The plan was developed through the National Commission against Domestic Violence, consisting of representatives of Government bodies and NGOs, who combined their knowledge and experiences to formulate national policies against domestic violence. In the same year, the Government concluded that domestic violence is a high-priority social and public-health problem requiring attention. The plan has been implemented since then. Year after year, inter-institutional and inter-sectoral efforts to eliminate domestic violence have been strengthened through the budget and technical cooperation of the individual organizations involved, the technical and financial cooperation of international organizations and the cooperation of NGOs. The main activities conducted since the beginning of the implementation of the plan are described below.

235. **Creation of Local Domestic-Violence Prevention and Care Networks:** These networks work in coordination with the various Government agencies of the individual areas, civil society individuals, NGOs, religious groups and civic clubs. They were created in order to strengthen local management, promote a comprehensive care model, provide better information and channel complaints more effectively. Such networks have been set up at San Miguelito, Chepo and La Chorrera in Panama province; Soná in Veraguas province; Las Minas and Las Tablas in the Province of the Los Santos; and Colón city in Colón province.

236. **Cooperation Agreement between the Office of the Attorney-General of the Nation and the Ministry of Social Development:** This agreement was concluded on 24 January of 2006 with a view to disseminating a media campaign against domestic violence. In that connection, complaints regarding domestic violence may be transmitted by placing a free call to the Public Prosecution Service by dialling 800-0014.

237. **Police Action Protocol on prevention, investigation and treatment measures for victims of gender or domestic violence and child or adolescent abuse:** This protocol, signed on 17 February 2006 by the Police, as part of the Ministry of Governance and Justice, the Technical Judicial Police of the Public Prosecution Service (currently the Judicial Investigation Directorate of the Ministry of Governance and Justice) and the Ministry of Social Development, is aimed at improving victim care and protection activities and avoiding re-victimization; and is complementary to the related Legal Counsel and Police Action Procedure manuals.

238. **Establishment and dissemination free helplines 147 and 800-0014: The national helpline 147 has been set up particularly in order to enable children and adolescents to report any situation violating their rights.** Other persons considering themselves at risk, mainly domestic violence victims, may use that line. Callers receive advice by professionals specialized in the areas of psychology, social welfare and law. Of the 199,782 calls dealt with on this line in 2006, its first year in operation, 8,276 concerned domestic violence.

239. The toll-free 800-0014 complaints line was created by the Public Prosecution Service, and still functions, as part of the Campaign against Domestic Violence through a cooperation agreement between the Office of the Attorney-General of the Nation and the Ministry of Social Development. This line is important to the provision of care and assistance free of charge, receipt of complaints and appropriate advice to the victims the offence in question. According to Public Prosecution Service statistics, the telephone unit

of the Victims Assistance Centre received in 2006 a total number of 933 calls related to domestic violence.

240. **Development and dissemination of information through the media:** In order to raise the citizenry's awareness of the protection measures to which they are entitled and of domestic violence as an offence of public interest, a media campaign against domestic violence, developed since 2006, has included the ongoing production and broadcasting of domestic violence prevention and eradication programmes on the slogan "Stop violence. Enough is enough!".

241. **Training and awareness-raising days:** The main awareness-raising activities organized during the period considered in order to prevent child and adolescent abuse have included the following initiatives: -Awareness-raising day for Ministry of Social Development young volunteers and regional directorate staff; primary education teacher training on domestic violence prevention and detection; ongoing training for Government and non-Government sector bodies assisting sexual violence victims; panel discussion on "Sensitization, advocacy and prevention in the face of domestic violence" addressing in particular the issues of "Psychosocial consequences of domestic violence for the family", "Domestic violence risk factors and prevention", and "The legal situation and statistics concerning domestic violence in Panama"; Human Rights and Gender Violence day held in the National Assembly for civil servants, legal advisers and deputies; orientation and study days on Act No. 38 against domestic violence for chief magistrates, judges and public prosecutors, including talks on gender and general matters related to domestic violence; training sessions on domestic violence for chief magistrates and court secretaries throughout the national territory; round table on gender violence victims in the justice administration system followed by an exchange of views on gender violence with 30 judges and magistrates; workshop regarding domestic violence in the indigenous areas with the participation of 910 community and local authority members, on the theme of domestic violence and promotion of forms of shared coexistence; distribution of informational audiovisual material and a handbook on domestic violence to NGOs dealing with of domestic violence cases; and launch of the Assertive Dating Programme aimed at preventing violence among adolescents through workshops supported with training material on "Women's rights" and "Happy dating" and pamphlets on domestic violence.

242. **Case care:** The National Directorate for Children, Adolescents and Adoptions of the Ministry of Social Development, advice and care were offered to persons who turned to that body with various problems, mainly related to abuse; and carried out home calls to address such problems.

243. Currently, such cases are addressed through the Counselling and Comprehensive Care Centre of the Ministry of Social Development with a view to offering comprehensive care in an appropriate physical environment, with professionals specialized on the specific issues involved.

244. Local domestic-violence prevention and care networks have been created to strengthen care at the local level. They consist of a multi-sectoral team, including representatives of the sectors of health, education and justice, the police and civil society, and support building the communities' technical and administrative capacity in the area of domestic violence prevention and care.

VII. Family environment and alternative care

245. The Committee recommended that Panama should develop and implement a comprehensive policy for the family to protect children's rights, which would include: (a) Measures to strengthen the competence of parents and to provide them with the necessary

material assistance and support in that regard, with particular attention to poor families and female-headed households; (b) measures to make fathers more aware of their parental responsibilities and to ensure that they provide the necessary financial child support; (c) measures to provide children who cannot be raised by their natural parents with an alternative family environment by organizing an effective system of good quality foster care, including kinship care; (d) measures to ensure that children in institutions are enjoying the rights enshrined in the Convention and that their situations are effectively monitored and regularly reviewed in order to make their stay in those institutions as short as possible; (e) provision of decentralized services accessible and affordable to families, for instance at the local level, which give them support, inter alia on conflict mediation and for maintenance of the child, particularly in cases where the father does not or cannot provide for that maintenance; and (f) measures to facilitate family reunification of refugee children (CRC/C/15/Add.233, paragraph 36).

Family environment of children

246. Based on the 2000 national census, it has been estimated that 24.5 per cent of households were headed by women, who accounted for 37 per cent of the economically active population. Of the households, 50.74 per cent are nuclear families, 30.19 per cent are extended families, 12.67 per cent are one person households and 6.4 per cent are composite families.⁴⁴

247. Of the 65,764 live births having occurred in 2006, in 11,393 of the cases (17.32 per cent) the child was born to a household with married parents; while in the remaining 54,371 cases (82.68 per cent) the parents were not married.⁴⁵

248. Regarding the mothers' level of education in 2006, 16,045 mothers had some primary education; 11,693 had some general basic pre-secondary education, 19,040 had some basic secondary education, 12,364 had some university education and 107 had received vocational technical training.⁴⁶

249. In 2006, Panama's marriage rate was 3.3 per 1,000 inhabitants, corresponding, in absolute terms, to an annual total of 10,747 marriages. This rate has been stable since 2003. On the other hand, the divorce rate in the same year was 8.7 per 1,000 inhabitants, corresponding to an annual total of 2,866 divorces. The divorce rate has also been stable since 2003, when it amounted to 8.8 per 1,000 inhabitants. (The per 10,000 inhabitants rate of divorcing couples attains 90.2).⁴⁷

A. Parental guidance

250. **Family Support Programme:**⁴⁸ This initiative was developed by the Ministry of Social Development as one of the components of the Opportunities Network Programme with a view to the systematic ongoing monitoring of each member of extremely poor Opportunities Network beneficiary families. The programme seeks to motivate, advise and enable such individuals to ensure their own development, improvement and empowerment and the family's self-management and promotes social and community participation through the network. The support methods used address such family themes as functions and life cycle, household roles, conflict management, communication, and prevention of

⁴⁴ Census of the Republic of Panama, 2000. Office of the Comptroller General.

⁴⁵ Statistics Vital, bowl. I, Office of the Comptroller General.

⁴⁶ Ibidem.

⁴⁷ Ibidem.

⁴⁸ Family Support Programme Report, Ministry of Social Development, 2006.

domestic violence, drug addiction and alcoholism. Psychosocial services, therapeutic counselling and specialized interventions are also offered. The programme was launched in 2006 and, by the end of 2007, had supported 50,889 households, of which 49.5 per cent were in rural areas, 45.1 per cent in indigenous districts and 5.4 per cent in urban areas.⁴⁹

B. Parental responsibilities

251. Act No. 39 of 30 April 2003 amending and inserting articles on the recognition of paternity in the Family Code and containing other provisions was adopted in order to facilitate the administrative determination of the paternal filiation of children not voluntarily recognized by their parents; and to enable a child's actual father to recognize him or her if the mother is married to another man at the time of the child's birth.

252. Under the Act, genetic markers or DNA may be used as a conclusive means of settling a paternity dispute; and the test may be conducted in the Forensic Medicine Institute of the Public Prosecution Service or in private laboratories.

253. Although the Act made it possible to reduce the number of unrecognized children, which was approximately 45,292 in 2000, implementation of the genetic marker or DNA test has been slow first because of inadequate laboratory equipment and specialized staff and, once these difficulties were overcome, because of the high costs of the tests and the insufficient resources of the Forensic Medicine Institute. These constraints imposed a moratorium on many children's access to justice for recognition by their fathers and the respective cases are currently pending.

C. Parental separation

254. Article 326 of the Family Code governs the issues of guardianship, rearing and communication arrangements where the parents do not live together. Under the relevant provisions, measures taken in connection with those issues must reflect the best interest of the "minor".

255. Further articles provide that, *ceteris paribus*, children as a rule remain under the care of the parent with whom they were when the disagreement began; and that a third person may be entrusted with the guardianship and rearing of the child where this is warranted by the circumstances.

256. In divorce proceedings, the judge may make a provisional decision regarding guardianship, rearing, visiting arrangements and maintenance; and may not grant a divorce before these issues are resolved.

257. Case law on the protection of a child's right to maintain relations and direct contact with the father or mother from whom the child lives separated includes many references, in court decisions, to the precedence of the child's best interest over the interests of the parents. Such is the sense of the following opinions, expressed in Superior Family Court decisions:

"According to the Court, nothing prevents child X⁵⁰ from continuing to be in contact with the father, for longer periods of time, because the previous visiting arrangement was based on the child's younger age at that time ...

⁴⁹ Opportunities Network Programme Report, December 2007, Ministry of Social Development.

⁵⁰ The names of minors are omitted in view of their right to privacy.

... However, for an adequate examination of the issue of joint guardianship and rearing of children, it must first be recalled that, as this Court has repeatedly stated, the principle governing decisions related to any measure concerning children, is that their interest must prevail over any other, including that of the parents. This principle is explicitly affirmed in various provisions of the Family Code (articles 2, 290, 290 A, 290 B, 303 B, 305 E, 306 I, 313, 318, 321, 324, 326, 327, 329, 330, 356, 403, 488, 531, 579, 587, 604, 740, 763 and 764) and the Convention on the Rights of the Child (articles 3, 9, 18, 20, 21, 37 and 40)."⁵¹

"The decision then that this Court must make regarding visiting arrangements beneficial to the child is difficult, especially if the solution initially considered, in the records of the proceedings, by the plaintiff, through the plaintiff's technical management (which proposed that the minor should spend 15 days in the residence of the paternal grandparents) has lost all relevance since the key persons (the paternal grandparents) have stated that they could not to assume responsibility for taking care of their grandchild. Therefore, regardless of the reasons for the scarce father-child contacts, we may not ignore the negative effect of such distance between them on the child's development.

The child's best interest must have precedence over the rights of either parent looking after the child and it is in view of that interest that the Court considers it appropriate to replace the visits with trips of the child to Panama City to stay overnight in the father's home with a view to a gradual renewal of father-child ties. Thus we rule that the visits should take place in the minor's place of residence but without overnight stay and subject to a time schedule sufficiently extensive for the child to establish contact with the father."⁵²

D. Recovery of child maintenance

258. A survey entitled "Special report on the avoidance of paying child maintenance and on mechanisms for guaranteeing the right to maintenance allowance" and conducted by the Ombudsman's Office on 2003 in order to assess the situation regarding compliance with child support obligations in Panama, found that 10,852 lawsuits involving child maintenance claims, including 579 claims for prenatal maintenance, were in progress; and that 11,170 cases of contempt had been processed.

259. Under article 377 of the Family Code, child maintenance includes a financial benefit commensurate with the financial possibilities of the payer and the needs of the claimant(s). These needs comprise: (1) Nutritive or edible items, medical care and medicines; (2) housing and clothes; and (3) the resources necessary for elementary or higher education or for learning of an art or trade, even after the age of majority and up to age 25, provided that the studies proceed satisfactorily in terms of duration and academic achievement. In the event of profound disability, the benefit lasts as long as required. With regard to minors in particular, maintenance includes all that is necessary for comprehensive development from conception onwards.

260. The right to a maintenance allowance is neither relinquishable nor transferable to a third party nor may be offset against a debt of the beneficiary to the maintenance provider. However, maintenance payments in arrears are subject to clearing and the claim to such payments may be transferred for value, if the beneficiary has been obliged to incur debts to order to live.

⁵¹ Hearing on visit rules. Superior Family Court. Panama, 17 September 2007.

⁵² Hearing on guardianship and rearing and communication and visit arrangements. Superior Family Court. Panama, 28 January 2004.

261. In order to enforce the recovery of maintenance, the judge may order *ex officio* that the amounts involved should be withheld at the source from the wages and remuneration of the liable party in favour of the beneficiary; and may also, at the request of interested and without need for any security, order the seizure of assets to ensure such payment. Earlier, under the Family Code, the judge could also prohibit the debtor's travelling abroad, in order to obtain the payment due. The Supreme Court, however, decreed that measure to be unconstitutional on the grounds that the provision in question infringed the constitutionally guaranteed right to freedom of movement.⁵³

262. Should they fail to meet their obligations, the employer or the person responsible for withholding income at the source or seizing assets become jointly liable for the maintenance allowance, over and above any penalty for contempt.

263. In the event of failure to pay maintenance, the judge may order detention for a period of up to 30 days for contempt. In that connection, it should be noted that, according to the Supreme Court, non-payment of pensions in arrears does not constitute contempt.⁵⁴ Moreover, in the event of failure to pay maintenance, the judge may, after weighing the evidence, partially or totally modify or suspend the rights emanating from parental authority.

264. One of the measures taken to implement the right to child maintenance is an agreement concluded by the judicial authorities with the National Bank of Panama to facilitate collection through accounts opened by the courts. That method has helped to collect the payments due. Moreover, the courts may now order to the Office of the Comptroller General to withhold such payments directly from the salaries of public sector employees.

265. Under the recently approved Criminal Code, failure to pay child maintenance remains punishable, with one to three years' imprisonment or weekend detention or community service. Taking steps to shirk the obligation in question is an aggravating circumstance which incurs an increase of the penalty by one sixth. Note should be made that this provision had been eliminated in the draft version of the new Criminal Code on the grounds that, *inter alia*, accusations of the offence in question are rare.

266. Despite action taken in the period considered with a view to ensuring the payment the child maintenance, there is still a high level of non-compliance with such obligations. The situation is frequently compounded by the claimant's inability to hire a lawyer, whose presence in such proceedings is not required by law, contrary to the other party, which therefore has an advantage.

E. Children deprived of a family environment

267. According to National Directorate for Children, Adolescents and Adoptions statistics, 2,901 children and adolescents were staying in care facilities in 2005.⁵⁵ In September 2008, that number was 1,937, including 358 children and adolescents lodged temporarily in such centres during the school year because their homes were too far away from the educational establishments. Accordingly, there were 1,579 institutionalized

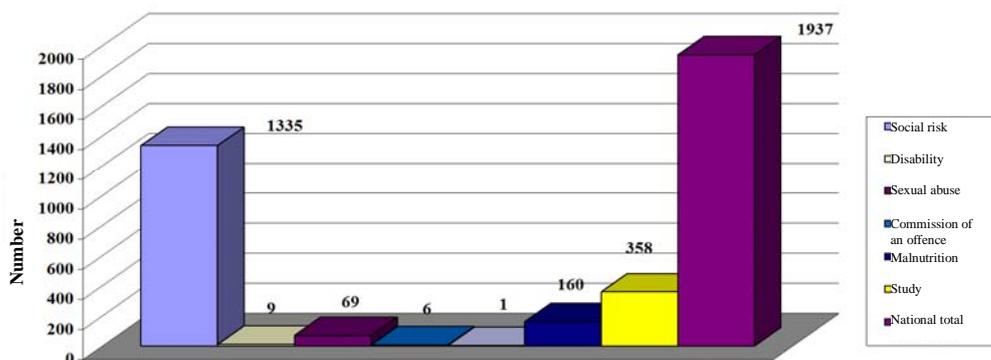
⁵³ Supreme Court Judgement of 21 June 1996.

⁵⁴ Supreme Court Judgement of 18 April 1998.

⁵⁵ *Source*: De-institutionalization of Children and Adolescents, Panama Report, 2006. consultant Susana Falca, p. 4.

minors. Of that population, an estimated 84.5 per cent are deprived of a family environment as a result of social risks.⁵⁶

Total number of children and adolescents in welfare institutions, broken down by grounds for placement, as at 31 September 2008



Source: National Directorate for Children, Adolescents and Adoptions, Ministry of Social Development.

268. The great number of children and adolescents deprived of a family environment and institutionalized is largely due to Family Code provisions that, as mentioned earlier, take a "guardianship" or "irregular situation" approach.

269. In that connection, article 495 contains a description of particularly vulnerable minors, including those at high social risk, victims of abuse or abandonment, deprived children and adolescents, minors working in illegal conditions, disaster victims and disabled persons. Under article 542, the judge may place such minors in foster care or a family setting, which may be a centre or home other than their parents'; while abandoned minors are assigned to children's homes. Under article 547, the judge may, at the request of the parents, tutors or guardians, have particularly vulnerable minors placed in custody, protection, education or resocialization establishments. Under article 367, the parents or guardians or the competent authorities (including administrative bodies) may decide the minor's placement with a family. Article 498 elaborates on the categories of minors considered as being at high social risk, specifying failure to attend school, begging, vagrancy, loitering and alcohol, drugs or narcotics consumption, abandonment of parental residence, work that is hazardous for the health, incompatible with morals or indecent, frequenting of depraved persons and residence in a house given to vice. Under article 754, children's and juvenile courts are the authority that may adopt tutelary treatment, re-education, care and protection measures for minors. Earlier, that tutelary framework was even more open to criticism. In fact, up to 2008, minors placed by their parents or guardians in public or private establishments or had lacked care for a period of at least six months could be adopted.

⁵⁶ *Source:* National Directorate for Children, Adolescents and Adoptions, Ministry of Social Development.

Measures

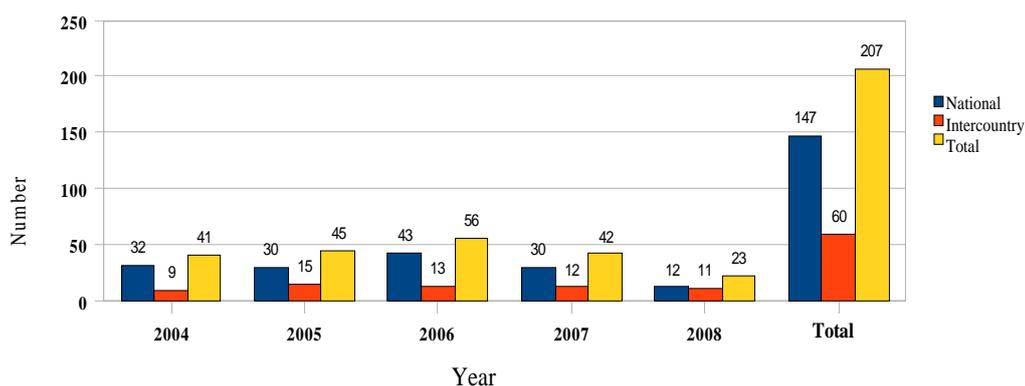
270. Programme for the Protection of the Right to Family Life: Created in 2006 by the National Directorate for Children, Adolescents and Adoptions of the Ministry of Social Development, this initiative is aimed at reinstating the right of institutionalized children and adolescents to family life and considering alternative possibilities for their placement in a family setting within a time limit of six months. Between 2005 and 2008, the number of children and adolescents placed in care facilities declined by approximately 1,297.

F. Adoption

271. In light of article 21 of the Convention, the Committee recommended that Panama should take all necessary measures to regulate and monitor national and intercountry adoptions, for instance through the effective implementation of the Hague Convention, and that adequate training should be provided to the professionals concerned (CRC/C/15/Add.233, paragraph 38).

272. In the period 2004-2008, the National Directorate of Children, Adolescent and Adoptions received a total of 562 files, comprising 289 national and 273 intercountry adoption requests. Based on these requests, 207 (147 national and 60 intercountry) adoptions were authorized.

National and intercountry adoptions authorized in Panama, 2004 - June 2008



Source: National Directorate for Children, Adolescents and Adoptions.

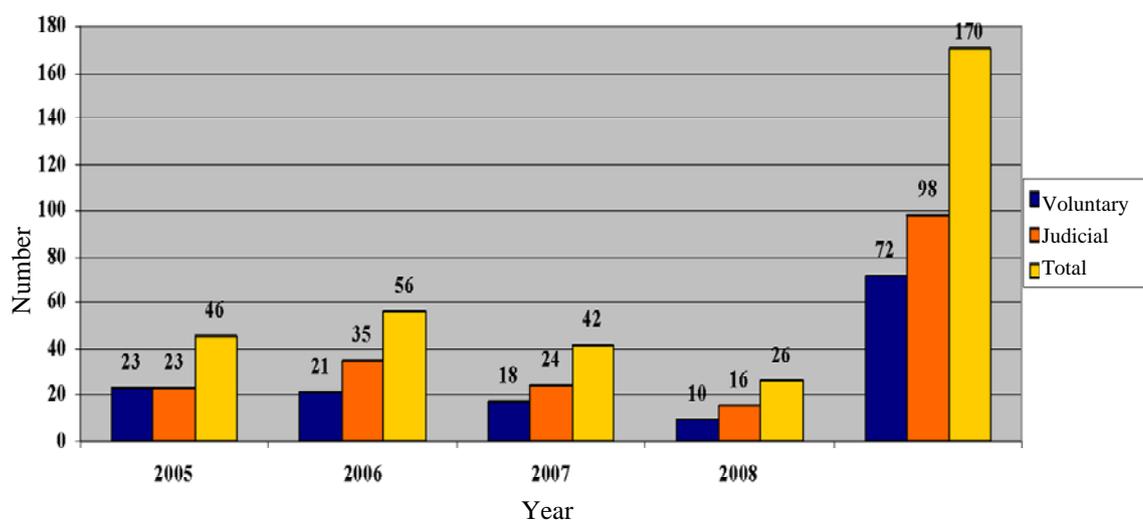
273. Family Code provisions on adoption were amended through Act No. 18 of 2001 with a view to aligning national legislation with the Convention on the Rights of the Child and the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention). These amendments provided for a central authority for adoptions, sought to define the appropriate administrative and judicial functions, and prohibited the realization of undue financial gains. However, the provisions on adoption still contained some legal inadequacies and points of incompatibility with the Convention on the Rights of the Child and the Hague Adoption Convention. These legal included in particular the possibility of adoptions based on the parents' consent and direct rendition of the children ("voluntary adoptions") without the necessary control, investigation and instructions by the competent authorities (Family Code article 297 (1) (d)); and the initiation of adoption proceedings without first legally determining the child's status. There was confusion as to the situation of abandoned children, who were considered to be available for adoption, and no options alternative to adoption were provided for. In fact, even placement with a family or a foster home was a

step towards eventual adoption. There was also confusion as to the powers of the judicial authorities and the central authority, and inadequate regulation of mediating organizations.

274. According to information provided by the National Directorate for Children, Adolescents and Adoptions, of the 170 adoptions authorized in total between 2005 and 2008, 98 were based on judicial requests and 72 were requested on a voluntary basis.

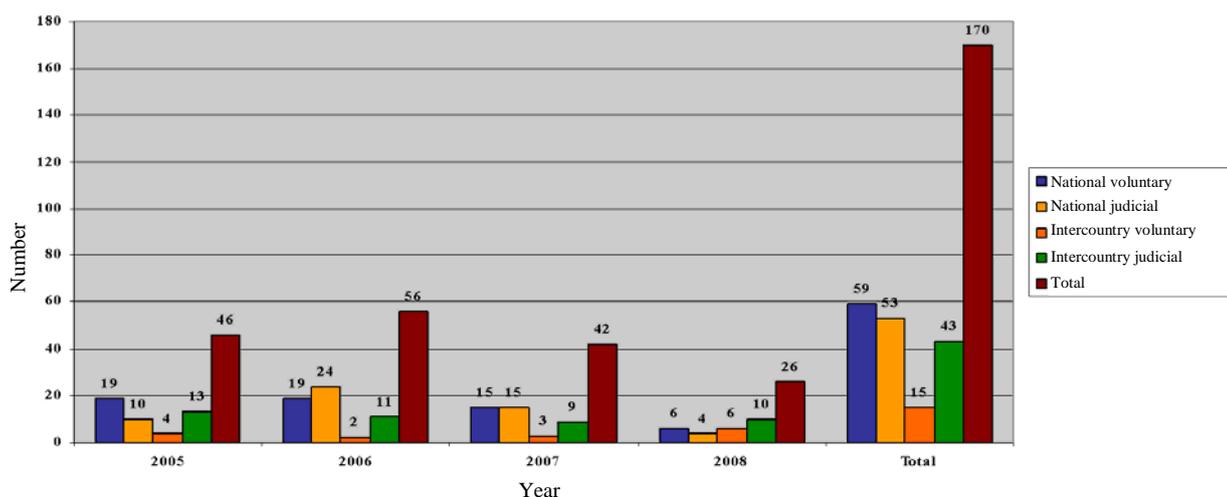
275. Of these 170 adoptions decreed during the period 2005-2008, the data reflect that of the national adoptions, 53 were by judicial request and 59 by voluntary request. Of the intercountry adoptions, 43 corresponded to judicial request and 15 were by voluntary request.

Adoptions authorized in Panama, broken down by type of request, 2004 - 2008



Source: National Directorate for Children, Adolescents and Adoptions.

National and intercountry adoptions authorized in Panama, broken down by type of request, 2004 - 2008



Source: National Directorate for Children, Adolescents and Adoptions.

276. In 2008, the Ombudsman's Office transmitted to the Ministry of Social Development a resolution⁵⁷ with the request that they should abstain from implementing the Family Code provisions authorizing adoptions based on the parents' consent and direct rendition of the children in violation of the Convention on the Rights of the Child and the Hague Adoption Convention. In view of this situation, it was necessary for the National Assembly to legislate on the matter in order to adapt national law to the provisions of these legal instruments.

Measures

277. Thus, Act No. 61 of 2008⁵⁸ containing the General Act on Adoptions and other provisions updates the legal framework on adoptions through the main contributions listed below. The Act:

- Lays down interpretation rules and adoption principles; and defines the best interest of the child with regard to adoption according to articles 5, 7, 9, 20 and 21 of the Convention on the Rights of the Child and the Hague Adoption Convention.
- Introduces a change of approach in comparison to the Family Code by making it clear that adoption is a protection measure for reinstating the right any or adolescent concerned to a family.
- Strengthens the role of the family, establishing the priority of the right to a family and to family life and the obligation to seek alternative placement in an enlarged family, if the child or adolescent concerned is deprived of these rights.
- Provides that the biological parents' lack of material resources does not constitute grounds for having the child adopted and gives preference to national over intercountry adoptions.
- Provides for the State's responsibility to ensure a family's participation in family strengthening programmes in order to avoid the disintegration of the family.
- Eliminates the possibility of adoptions based on the parents' consent and direct rendition of the children without appropriate State control.
- Contains provisions prohibiting adoption in accordance with the Hague Adoption Convention and the Convention on the Rights of the Child with a view to preventing the sale of children and trafficking in or any other form of exploitation of minors.
- Specifies that the adoption process begins once the legal relationships between the father, the mother and the child have been determined according to the law.
- Replaces the concept of abandonment with the one of deprivation of the right to family and introduces the possibility that the judge may opt for other solutions before having a child adopted.
- Determines as appropriate the role of every competent authority and the stages of the adoption process and establishes a single adoption procedure, in which only the central authority may request the judicial authorities to authorize the adoption.
- Obliges the competent authorities to consider the opinions and best interest of other children affected by a possible adoption and introduces the possibility of a veto.

⁵⁷ Resolution No. 1259-07 of 18 February 2008.

⁵⁸ Proposed to the National Assembly by the Ministry of Social Development in 2005 through draft No. Act. 88.

- With regard to intercountry adoptions, lays down the guarantees and safeguards established in the Hague Adoption Convention; and clearly provides that intercountry adoptions are possible only if the other State has signed or satisfies the requirements and minimum guarantees of the Hague Adoption Convention. Intercountry adoptions take place only after all possibilities for national adoption have been exhausted and care for the minor in the minor's country of origin is impossible. Moreover, procedures are specified for monitoring the role of entities involved in intercountry adoptions.

278. In June 2008, the Hague Conference on Private International Law recognized the steps taken by Panama in order to align its national legislation on adoption with the Hague Adoption Convention and the Convention on the Rights of the Child. Joint action on launching training procedures for the bodies responsible for implementing the law are currently in the coordination stage.

G. Illicit transfer and non-return

279. In order to enhance the protection of children and adolescents from illicit transfer and non-return, in 2008, executive order No. 3 of 2007 creating the National Migration Service, establishing the Migration Service career and containing other provisions strengthened the rules concerning migration. The measures introduced include the obligation of the National Migration Service to maintain, for migration control purposes, a database on minors, indicating their identity details and country of destination, the person responsible and the authorization document (article 39). To this date, only the entrance and exit of minors have been recorded, without further information.

280. Any Panamanian or foreign minor, belonging to any migration category, may leave the national territory only if accompanied by the father and mother, or by either parent having the other parent's written and duly notarized, or the judge's authorization, or a death certificate for the other parent. If the minor is accompanied by a third party or travels alone, both parents' written authorization must be presented (foreign or non-resident minors are exempted).

281. With regard to deportation, the grounds for it must be verified and, in the particular case of minors, measures must be taken to protect the minor's best interest and the unity of the family. In such cases, the competent authority must meet, through Migration Fiduciary Fund, the costs of deportation, food, accommodation, health care and transport, and the costs of repatriation of nationals sojourning in foreign countries under conditions of poverty or high risk.

282. Foreigners violating migration legislation are placed in short-term preventive detention hostels. Minors, however, are excluded from such facilities and the migration authority must place children and adolescents under the protection of the Ministry of Social Development and inform the diplomatic or consular representative of the minor's country of origin or residence accordingly.

283. Through the Directorate of Legal Affairs and Treaties, the Ministry of Foreign Affairs is the body acting as central authority in the area in question and, therefore, is responsible for the appropriate coordination with the central authorities of other States, the various consular agencies and national migration and judicial authorities in order to prevent international child abductions and take action for immediate return.

284. Article 203 of the current Criminal Code punishes the crime of abduction but that characterization involves illegal abduction carried out by a third party in order to obtain the consent of the parents or the persons or institution under whose care the minor is, and therefore differs from the concept of international abduction envisaged in article 11 of the

Convention on the Rights of the Child or article 3 of the Convention on the Civil Aspects of International Child Abduction .

H. Periodic review of placement

285. The periodic review of placement is the responsibility of the Ministry of Social Development,⁵⁹ through the National Directorate for Children, Adolescents and Adoptions,⁶⁰ by which foster establishments and homes must be approved and monitored. Responsibility for monitoring also rests with the Superior Children's and Juvenile Court.⁶¹

286. The responsible administrative body monitors the entities in question through periodic inspections and through monthly reports that these entities are required to submit on the situation of the children and adolescents under their care.

Temporary care centres and children's homes monitoring programme

287. The objective of this programme, conducted through the National Directorate for Children, Adolescents and Adoptions, consists in establishing and carrying out periodically the monitoring of all protection hostels at the national level in order to ensure that the children and adolescents placed in such units receive the necessary minimum care, attention and protection, with due respect for all of their rights (inter alia, to education, culture, health, entertainment and family relations).

288. In 2008, the National Directorate for Children, Adolescents and Adoptions, with the participation of organizations belonging to the Network for the Protection of Children and Adolescents in Panama and offering temporary care services, organized working sessions through the "Protection of the rights of institutionalized children" workshop in order to set minimum quality standards for such organizations and draw up a monitoring protocol to be implemented in cooperation with such NGOs.

I. Decentralized services accessible to the families

289. The Ministry of Social Development is for providing decentralized care services for children under 4. Such services are offered through the Child Counselling Centres (COIFs), which have specialized technical and educational staff, who attend to preschool children on the basis of a daily 6 a.m. to 6 p.m. schedule.

290. In 2004, 42 COIFs were developed at a cost of US\$ 393,997.25; and, in 2006, 108 centres were opened at the national level, servicing approximately 3,768 children aged up to 4. Moreover, under an agreement that they signed with the Ministries of Social Development and of Housing, residential development enterprises must provide in each project an appropriate area for building and/or fitting out a COIF.⁶²

⁵⁹ Act No. 29 of 2005 as amended by Act No. 15 of 2007.

⁶⁰ Family Code.

⁶¹ Article 755 (4) of the Family Code.

⁶² Ministry of Social Development Management Report, 2006.

J. Measures for facilitating the reunification of refugee children with their families

291. The right to live with their families is offered to refugee children through the ONPAR Family Reunification Programme, described in chapter X, "Special protection measures".

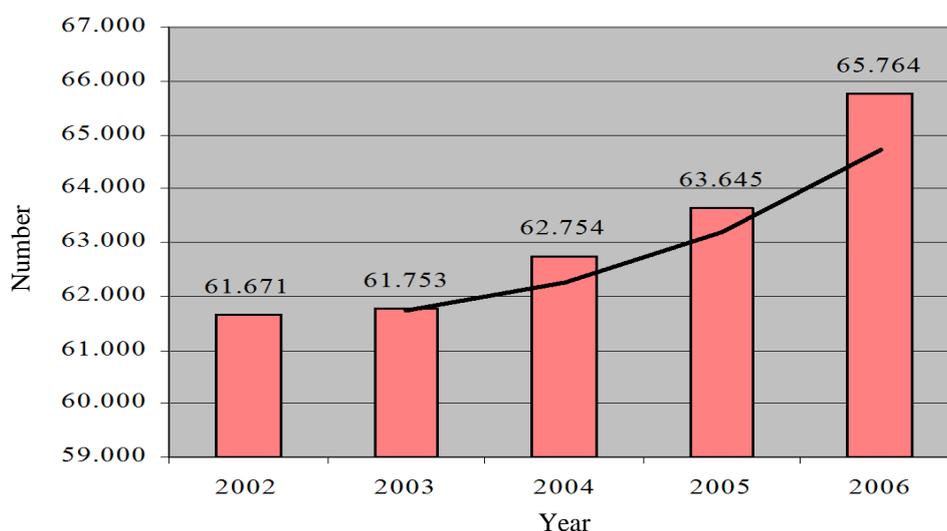
VIII. Basic health and welfare

A. Survival and development⁶³

Live births

292. The number of registered live births in the country has increased from 61,671 in 2002 to 65,764 in 2006. The birth rate, 20.0 live births per 1,000 persons in 2006, has decreased in recent years.⁶⁴

Live births in Panama, 2002-2006



Source: Office of the Comptroller General.

Professional care during delivery

293. In 2006, a health professional attended to 91.0 per cent of the country's total number of live births (59,858), most of which took place in a health establishment. That number was slightly higher than its 2002 level of 58,124.

294. Of the births which occurred in 2006, 9 out of 10 were attended to by a physician and the rest by obstetric nurses, nurses, infirmarium auxiliaries or health assistants. Generally speaking, births without professional care are assisted by midwives of the community.

⁶³ Source: Panama in Numbers, 2007. Office of the Comptroller General, and Statistical Data of the Health Ministry.

⁶⁴ In 1997, the birth rate was of 25.0 per 1,000.

Deliveries in health establishments

295. Of the childbirths which occurred in 2006, 59,649 or 90.7 per cent took place in a health establishment. In 2002, that number was 57,202.

296. In 2006, the rate of births which took place in a health establishment was 99.3, 98.7 and 98.5 per cent in the provinces of, respectively, Los Santos, Panama and Herrera, which averaged 98.0 per cent, while the province with the lowest rate (74.0) was Darién. In the indigenous regions as a whole, only 41.1 per cent of births take place in health establishments.

Age of the mother at childbirth

297. In 2006, one of every five registered newborns in the country was conceived by a woman under 19. The mothers of 19 per cent (12,500) of that year's newborns were under 19, including 513 children aged 10-14 and 11,987 mothers aged 15-19. Those rates, including the 19 per cent rate, have been stable since 2002.

Development of the number of births, broken down by age of the mother between 2002 and 2006

<i>Mother's age</i>	<i>2002</i>	<i>Per cent</i>	<i>2006</i>	<i>Per cent</i>	<i>Absolute variation</i>
10 - 14	476	1	513	1	37
15 - 19	11.265	18	11.987	18	722
Under 19	11.741	19	12.500	19	759
Over 19	49.930	81	53.777	81	3.847
Total number of births	61.671		65.764		4.093

Source: Office of the Comptroller General.

Foetal deaths

298. The number and rate of foetal deaths in the country increased from 8,166 or 132.4 per 1,000 live births in 2002 to 9,760 or 148.4 per 1,000 live births in 2006.

299. In 2006, the highest foetal mortality rates per 1,000 live births were observed in the provinces of Panama (193.7), Herrera (153.5) and Colón (150.4).

300. The foetal death rate in urban areas and Panama City increased, while in rural area and the city of Colón it declined. The lowest foetal death rates were observed in the indigenous regions with 48.7, 31.9 and 17.5 per 1,000 live births in, respectively, Kuna Yala, Ngöbe Buglé and Emberá.

Foetal deaths before the fifth month of pregnancy

301. Foetal deaths before the fifth month (or during the 20 first weeks) of pregnancy are considered as induced or spontaneous abortions and, in 2006, accounted for 92.7 per cent of the total number of such deaths in the country (9,048), a rate slightly up compared to 2001 (90.7 per cent). Only 7.3 per cent (712) of the foetal deaths occurred during the fifth or subsequent months of pregnancy.

302. Of the total number of foetal deaths in the country, 15.7 per cent (1,531), 27.1 per cent (2,644) and 22.9 per cent (2,239) occurred to mothers aged, respectively, under 20, 20-24 and 25-29. The two last groups account for 50 per cent of the total number of foetal deaths recorded in the country.

Causes of foetal deaths

303. According to administrative records, the main cause of foetal deaths in 2006 continued to be "pregnancy complications affecting the foetus" (in 9,064 cases), mainly (in 9,048 cases) linked to incomplete abortions (9,048) occurring before completing the fifth month of pregnancy. The second most frequent cause, occurring in 125 cases and during the fifth or subsequent months of pregnancy, consisted in "placenta, cord and membranes complications affecting the foetus".

Perinatal death

304. In 2006, the perinatal death rate was 11.2 per 1000 pregnancies (740 cases), compared to 11.9 in 2002 (including foetal deaths after the seventh month of pregnancy and deaths of up to 8-day olds).

Infant mortality

305. The infantile mortality rate per 1000 live births decreased from 16.5 (or 1,053 deaths) in 2001 to 14.8 (or 971 deaths) in 2006.

306. Of the 971 deaths of infants under 1 year of age in 2006, 51.1 per cent were neonatal deaths (of infants less than 28 days old) and 49.9 per cent were post-neonatal deaths (of infants 28 days to 11 months of age).

Maternal mortality

307. The number of registered maternal death increased from 42 in 2002 to 55 in 2006, presumably because of, in part, greater coverage of health services, prenatal control and professional care during delivery. Such increased coverage is the result of coordination ensured by the National Maternal and Perinatal Mortality Commission of the Ministry of Health.

Mortality by cause of death

308. In 2006, in 93.0 per cent of the deaths which occurred in Panama the cause of death was certified by a physician, and approximately 62.1 per cent of those deaths occurred in a health care facility.

309. In the 1-4 years age group, the main cause of death is "malnutrition", followed by "diarrhoea and gastroenteritis of presumably infectious origin" In the 5-44 years age group, the main cause of death are "accidents, self-inflicted injuries, battery or other violence", followed by "malignant tumours (neoplasia)".

310. In the 15-24 years age group, the main cause of death is also "accidents, self-inflicted injuries, battery or other violence", mainly affecting males, who account for 88 per cent of deaths caused by such factors.

311. During the period considered, the children's and adolescents' right to survival became a high-priority issue on the Government's policy agenda. Some of the related measures taken are the following: Establishment of the National Maternal and Perinatal Mortality Commission of the Ministry of Health; establishment of the National Inter-Agency and Inter-Sectoral Commission for the Prevention of Morbidity and Mortality of Children under 5; establishment of the National Infant Deaths Monitoring Commission; introduction of free maternity services and attention and free health services for children under 5 in all health-care establishments of the Ministry of Health; implementation of the National Comprehensive Health Care Programme for Women, the National Neonatal Screening Programme and the National Health Plan for Children and Adolescents; review, adoption and implementation of the Technical and Administrative Standards Handbook and

Procedures Manual of the Programme for Comprehensive Health Care for Women; development of the Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents; enhancement of the coverage of primary health care; strengthening of extensive food programmes; strengthening of the National Immunization Programme; and establishment of child-friendly and adolescent-friendly hospitals. These activities are further discussed in subsequent sections.

B. Children with disabilities

312. The Committee recommended that Panama, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (see CRC/C/69), should ensure adequate collection of statistical information, pay special attention to children with disabilities in rural and indigenous areas and take all necessary measures to integrate children with disabilities in mainstream schools, social/cultural activities and sports (CRC/C/15/Add.233, paragraph 42).

1. Collection of statistical information

313. In view of the lack of a national system for collecting statistical information on the prevalence of disability, in 2005 the Government implemented and coordinated the first National Survey on the Prevalence of Disability (PENDIS), 2005-2006, and National Atlas of Disabilities. The survey was carried out with the technical cooperation of PAHO, was based on the international Classification of Functioning, Disability and Health (ICF), and served as a guide for the formulation of Government policy on the social integration of persons with disabilities.

314. Through the survey, the prevalence of disability in 2006 was estimated at 370,053 persons, of whom 36,848 (10 per cent) were minors.

2. Legislative measures and social policy in support of children with disabilities

315. Executive decree No. 103 of 1 September 2004 created the National Secretariat for the Social Integration of Persons with Disabilities (SENADIS), as an advisory Government agency on disability, attached to the Ministry of the Presidency, and the National Advisory Board for the Social Integration of Persons with Disabilities (CONADIS), involving all private and public sectors and the organizations of persons with disabilities and their households, in order to contribute to the formulation of national policy on the social, economic and cultural integration of the persons in question and their families. Since 2004, SENADIS and the National Directorate for Persons with Disabilities in the Ministry of Social Development have been the two public bodies entrusted with promoting social policy for population group in question.

316. Act No. 23 of 28 June 2007 created the National Secretariat for Disabilities as an independent, decentralized and autonomous body with its own assets. Act No. 23 of 2007 merged SENADIS and the National Directorate for Disabilities of the Ministry of Social Development as part of the country's process of social institution building. SENADIS is responsible for the implementation of the social policies on disabled persons, while the Ministry of Social Development remains the lead agency for such policies. Act No. 23 of 2007 is currently regulated by Executive Decree No. 8 of 3 March 2008. SENADIS serves as the body ensuring coordination between public institutions and civil organizations in the area of disabilities and promotes the participation of disabled persons and their families in matters related to the exercise of their rights.

317. In the same year, Panama reaffirmed its commitment to the social integration of persons with disabilities by ratifying, through Act No. 25 of 10 July 2007, the Convention on the Rights of Persons with Disabilities and the related Optional Protocol, adopted by the United Nations General Assembly on 13 December 2006.

318. The introduction of the National Neonatal Screening Programme, created under Act No. 4 of 8 January 2007, is important because earlier the benefit in question was available only to patients with social insurance. The Act extends coverage to all newborns and provides for a countrywide programme, which is currently implemented.

3. Strengthening of families with disabilities

319. With the support of the Office of the First Lady, SENADIS launched in 2006 the implementation of the "Fami-Business" project, focused on building the self-management capacities of families with disabilities, through the creation of enterprises engaged in production, trade or the provision of services in order to improve the social economic conditions of such families and integrate them into the country's economic system. Of the US\$ 1,747,849.60 total value of 2,006 subsidies granted during the project's first year of implementation, US\$ 806,727.06 were allocated to 943 families with disabled persons under 18 years of age. The project has been designed to continue in future years.

320. Through the Disability Revolving Fund (FODIS), created under Act No. 23 of 2007, SENADIS extends to disabled persons living in poverty and extreme poverty financial and expert support for medical examinations and treatment, medicines and special nutrition and specialized and auxiliary services. Of the total number of 710 subsidies extended by mid-2008, 51.7 per cent were of benefit to disabled persons under 18.

4. Inclusive Education⁶⁵

321. Under Act No. 34 of 6 July 1995 amending the Education Organization Act, the education of children with special educational needs is to be coordinated in the Ministry of Education through the National Directorate for Special Education. Thereby Panama took steps to change the character of the education system for persons with disabilities from segregated to inclusive. That body is responsible for action regarding persons with special educational needs, regardless of whether such needs are related to disabilities. Since 1971, the Panamanian Institute for Special Training (IPHE) has engaged in experimentation on the integration of special education services into mainstream education.

322. In 2004, the State for the first time committed itself to promoting the recognition of the human rights of persons with disabilities. In 2005, the National Plan for Inclusive Education Attentive to the Diversity of Learners was established through the coordinated action of the Ministry of Education and IPHE and developed progressively, as a strategic initiative for social equity.

323. Under the plan, children and adolescents with disabilities are included into the education system and are entitled to support by specialists of the National Directorate for Special Education, the National Directorate of Medical Technical Services of IPHE, and the Ministry of Health and the Social Insurance Fund.

⁶⁵ Over and above the Constitution and Act No. 42 of 27 August 1999 on equal opportunities for persons with disabilities, the relevant legal provisions are contained in section III, Special Education, of Act No. 47 of 1946, the Education Organization Act, amended by Act No. 34 of 6 July 1995; and Executive Decree No. 1 of 4 February 2000 providing for inclusive education for persons with special educational needs and the related procedure manual of 2001.

324. In 2005, the plan started with 67 schools at the rate of five establishments per educational region. The "Trainers' trainers" project led to the development of a database with information on the professional training received by 2,700 teachers in inclusive education. In 2006, the plan comprised 175 inclusive education schools, in which the Ministry of Education designated 144 special education teachers to attend students with special needs and with or without disabilities, and appointed 36 professionals in the areas of psychology, phonoaudiology and social work, distributed among the 13 educational regions providing attention for children with special needs. In 2007, the coverage of the plan was extended to 502 public schools offering basic general, pre-secondary and secondary education, formal instruction or vocational and technical training; and 6,700 teachers of the schools participating in the plan were trained.

325. The plan was strengthened through cooperation with IPHE, which employs 681 educators specialized in care for children with disabilities in 356 educational centres, at the rate of one or two educators per centre, and addressing the needs of persons with disabilities who reside near the centres.

326. In 2006, an agreement was concluded through IFARHU in cooperation with the Office of the First Lady with a view to strengthening the subprogramme of Educational Financial Support for Persons with Disabilities and Special Educational Needs. This initiative is mainly aimed at enabling persons from low-income households to continue attending public or private general basic, secondary and higher education establishments. The number of scholarships, of a three-year duration, that were granted increased from 180 in 2005 to 1,235 in 2006 and 2,000 in 2007.

327. In 2006, steps were taken to update the teachers' training curricula, establishing cross-cutting themes on the promotion of diversity. The Faculty of Education Sciences of the University of Panama has introduced approximately 22 related subjects into the study programmes.

328. The main activities carried out to promote the Inclusive Education have been the following:

- INCLUDE national campaign, implemented since 2004;
- "I am a leader" campaign targeting 3,878 students in 13 educational regions and aimed at the integration of pupils or students with disabilities;
- "Let's live without borders" campaign, consisting in the distribution of promotional material by the Ministry of Education;
- "Let us live without borders" concert, supported by the Office of First Lady and SENADIS and attended by 300 pupils and students of formal elementary and secondary schools;
- Preschool public speaking competition on "Why we all have the right to attend the same school";
- Workshops on inclusive education with the Confederation of Fathers and Mothers Heads of Household;
- "Paths to awareness" campaign, targeting fathers and mothers heads of household, teachers and children on the diversity-related values and rights of children with disabilities;
- Seminar and workshop on "Education for all today", organized by SENADIS, the Ministry of Education and the "A school for everyone" Foundation.

329. Although the current Government has devoted a great deal of effort to promoting inclusive education, teacher training and skills development tailored to the needs of

students with disabilities need to be strengthened. In addition, free transportation services for disabled students are lacking, and measures must be taken to address school absenteeism among minors with disabilities. Surveys have shown that their failure to attend classes is due to the disability itself, lack of money and the need to work in, respectively, 26, 25 and 18 per cent of the cases.

330. According Ministry of Education statistics for 2006, the inclusive education system serviced countrywide 696 children at preschool level, 9,457 primary school pupils and 517 pre-secondary and secondary education.

5. Health and rehabilitation

331. In 2005, health care became available free of charge to all persons with disabilities in all health establishments,⁶⁶ in accordance with Act No. 42 of 2000 on equal opportunities for persons with disabilities. That advance was introduced along with obligatory free health care for children under 5, and free health care for mothers, pregnant women and the indigenous population.⁶⁷

332. Executive decree No. 7 of 24 February 2005 created within the Ministry of Health the National Office of Comprehensive Health Care for Persons with Disabilities, established the related operational manual was elaborated and included disability in the medical care registration records. Hospital management agreements provided for the monitoring of care quality in health centres and hospitals, reviewed annually for compliance with technical specifications for the architectural accessibility of health facilities and the elimination of related obstacles.

333. In the same year, the pilot project was launched regarding the accessibility of health establishments with a comparative architectural assessment of 65 health facilities. The initial investment amounted to US\$ 68,000. The implementation of the project continues.

334. Under section XII, on the rehabilitation of adolescents, of the Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents (persons aged 10-19), approved by ministerial resolution in 2006 and serving as a basis for the implementation of the "Adolescent-friendly Hospitals" initiative, health specialists are responsible for developing a strategy designed to ensure interdisciplinary, inter-sectoral, community- and family-based and personal cooperation contributing to the physical, mental and social rehabilitation of adolescents with a view to facilitating their reintegration into their family, school and community. The section also contains rules and guidance for health specialists attending disabled adolescents.

335. The Social Security Fund (CSS) has enhanced the home care system. More than 4,400 bedridden patients are attended at the national level with a view to redressing their social disadvantage. Neonatal care has included 2,652 tests and 2,300 screenings, through which problems were diagnosed in 5.56 per cent of the cases. Such tests have helped to prepare the parents and improve care for the patients.

REINTEGRA centres and Community-Based Rehabilitation (RBC)

336. In 2005, a cooperation agreement was concluded between the Ministry of Health, CSS, the Office of the First Lady and the Club Activo 20-30 for the construction of REINTEGRA special care centres. This countrywide project is aimed at amplifying and decentralizing care for the disabled by making rehabilitation services accessible to children,

⁶⁶ Resolution No. 321 of 2005.

⁶⁷ Resolution No. 322 of 2005.

adolescents and other persons with various forms of motor or sensory disability. Every centre's multidisciplinary staff includes language and occupational therapists, physiotherapists, a medical record technician, a phonoaudiologist, psychologists and social workers. The centres are also endowed with treatment equipment. Four province-level REINTEGRA centres were built in 2006, and the implementation of the project is continuing. As part of RBC strategy, Ministry of Health technicians and community leaders were trained to become facilitators in order to implement the strategy in the field, at a national scale. A mobile laboratory for the preparation of orthotic and prosthetic equipment (CUBOLAB) was purchased with the financial cooperation of the Government of Canada for use on community rounds in remote areas.

337. Physical medicine and rehabilitation services are available on a national scale in 33 health establishments with a team of physiotherapists, auxiliaries and assistants who attend on the average 80,000 patients through 350,000 treatment sessions of various types. In 2005, the Physical Medicine and Rehabilitation Institute provided international training to a team of physical, occupational and language therapists in of neurodevelopment and neurofacilitation techniques. That team disseminated such methods among physicians and the scope of physical therapy was thereby enhanced. SENADIS is currently coordinating the first National Survey on the Availability of Rehabilitation Services for Persons with Disabilities. That research in progress and is expected to produce a database for planning a comprehensive network of rehabilitation services.

The "Love call" project

338. This initiative, aimed at improving the quality of life of children with birth defects, is implemented with the support of the Office of the First Lady and the Ministry of Health and the participation of specialists of that ministry and health workers of the Medical Missions Foundation, based in the United States. In 2006, 144 surgical operations and 576 assessments were carried out. The implementation of the project is currently continuing.

339. In 2007, a cooperation agreement was concluded of between the Faculty of Doctoral Studies in Phonoaudiology of the University of Dallas, Texas, United States, and the Ministry of Health for conducting community rounds for hearing impairment diagnosis and assessment.

340. Moreover, a technical working group has been set up for the implementation of CIF and is currently drawing up a draft Act to that end. That Act will help to make progress on the pending issue of disability certification.

6. Awareness-raising action for the integration of children, adolescents and other persons with disabilities

341. In 2006, the Ministry of Health launched a sensitization and awareness-raising programme for the integration of persons with disabilities and organized 200 training activities for 8,000 health-personnel, civil-society and NGO members countrywide. These trainees were provided with more than 10,000 leaflets and more than 10,000 pocket brochures containing Act No. 42 of 2000 on equal opportunities for persons with disabilities. Moreover, 30,000 copies of the National Strategic Plan for ensuring the health of persons with disabilities were distributed and 48 radio and 11 television programmes were broadcast for an audience of 200,000 persons.

342. Of the measures implemented by CSS in order to promote the prevention and elimination of all forms of discrimination against persons with disabilities, the following should be stressed: Organization of 15 day events in various polyclinics countrywide on themes related to the elimination of all forms of discrimination against persons with disabilities; conduct of surveys and use Piramide Ediciones Sa, 2009, ISBN:8436823362 of

questionnaires in order to identify the population concerned; promotion and prevention events for community member groups, underlining the importance of physical activity for a better quality of life and reduced risk of illness causing movement impairment and disability; physical preparation of women for the period before and after childbirth; and stimulation of motor development in healthy children.

7. Accessibility

343. In order to enhance the accessibility of facilities to persons with disabilities, SENADIS drew up the Accessibility Manual for architects, engineers and building contractors. This reference tool, which contains engineering specifications for meeting minimum accessibility requirements, is currently being evaluated by the national trade associations, disabled persons' organizations and universities. Under Act No. 6 of 2006, promoted by the Ministry of Housing and regulating land use planning for urban development, makes it obligatory for construction plants to comply with technical standards of physical accessibility.

344. With the cooperation of the Spanish Agency for International Development Cooperation (AECID), through the related Joint Fund, the project entitled "Improvement of the accessibility and integration of children and young persons of the municipality of San Miguelito and Colón" is carried out in certain areas of Panama City. At a cost of the order of US\$ 300,000.-, the project consists in building, within public areas, spaces physically accessible to the disabled.

8. Sport

345. The main national bodies engaged in offering to Panamanian children and adolescents with disabilities the right to participate in sport and recreational activities are the following: Special Olympics, Panamanian Association for Sport on Wheelchairs, and the National Association of Sports for the Blind. These bodies are duly recognized and coordinate their activities with the country's lead agency in sport, the Panama Sports Institute (PANDEPORTES).

346. The Commission of Physical Activity, Sport and Recreation of CONADIS developed, with the participation of persons with disabilities, a five-year plan of action comprising four strategic thrusts, around which specific activities are clustered. The main such activities are the following: Awareness-raising days for 130 PANDEPORTES civil servants on the theme of inclusive sport; and broadcasting of radio messages regarding the various activities in which they participated; transmission of television interviews and sport programmes; participation of persons with disabilities in various activities, such as the race for the blind of the "Patronato Luz del Ciego" organization and a race on wheelchairs; participation of persons with disabilities who currently practice a sport in various public relations campaigns; inspection of sport infrastructures to ensure their accessibility; identification of professionals, technicians and volunteers in the capital and the provinces for the development of physical activities, sport and recreation; creation of databases of disabled persons having participated in sport activities, classified by disability, age, gender and sport of the participant; and organization of sport clinics in cooperation with the communities and health authorities.

C. Health and health services

347. The Committee recommended that Panama should continue to strengthen its efforts in health reform, in particular with regard to primary health care, ensuring accessibility of quality health care in all areas in the country, including far-reaching programmes, training of local villagers in safe midwifery and providing adequate prenatal care. The Committee

further recommended that Panama should encourage exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter (CRC/C/15/Add.233, paragraph 44).

1. Strengthening of primary health care⁶⁸

348. The Ministry of Health is the lead agency of the health sector. In that capacity, it formulates, monitors and evaluates health policies. The structure of the National Health System consists of all the entities of the public sector, social security, private sector and NGOs that engage in action and provide services related to health. The Ministry of Health attends to approximately 34 per cent of the population, while CSS covers the remaining 66 per cent.

349. The country is divided into 14 health regions, based on the criteria of accessibility, installed physical capacity in health services, and infrastructure. There are three of health care levels. The first level mainly aims at health promotion, social participation, prevention of diseases amenable to intervention and monitoring of certain risks affecting health and the environment, early diagnosis and timely treatment of common health problems, and attending to basic tasks related to health. The following first-level health facilities are available, listed in order of complexity: (1) Health posts, (2) secondary health centres, (3) health promotion centres, (4) basic health centres and (5) basic polyclinics / health centres with specialized units / health centres with beds.

350. The second health care level mainly aims at secondary prevention (early diagnosis and timely treatment of problems that can not be dealt with and resolved at the first level). The following facilities are available at this level: (1) Specialized polyclinics (2) health multi-centres, (3) area hospitals, (4) sector hospitals, (5) extended stay hospitals and (6) regional hospitals.

351. The third health care level offers exclusively hospital care, with pre- and post-hospitalization outpatient services and comprises the following types of facilities: (1) National reference, general and specialized hospitals, (2) supra-regional hospitals, (3) specialized institutes and (4) specialized national health centres.

352. The first stage of the Health Sector Multistage Institutional Reform Programme is currently implemented in cooperation with IDB (PN-0076). The initiative pursues the following specific goals: (a) Building the capacity of the Ministry of Health to carry out its role as lead and regulating agency; (b) broadening the coverage of basic care services to include population groups living in extreme poverty; and (c) reforming the management of the provision of health services. The initiative is implemented in two stages. Of the US\$ 50 million total cost of the first stage, US\$ 35 million are provided by IDB and US\$ 15 million are contributed by local sources. The first stage comprises the following three components: (1) Ministry of Health reform in view of the Ministry's role as lead and regulating agency; (2) innovations in the provision of basic primary-care management services; and (3) reform of the provision of health services. The last stage of these components was launched in 2005 with a view to its completion in 2009.

353. The above programme has made it possible to adopt new management methods, offer new services and enhance the coverage of and citizen participation in the social provision of health care. As result, health care coverage in Panama has been amplified beyond the physical capacity of existing facilities. The health care vehicles currently available through the Ministry of Health are described below.

⁶⁸ Ministry of Health Management Reports, 2005, 2006 and 2007.

Technical facilities

354. Such facilities include hospitals, health centres and polyclinics, secondary health centres and health posts. The health care infrastructure increased from 771 technical facilities in 2002 to 842 such facilities in 2006 and 851 in 2007, through the establishment of nine additional centres. This investment amounted to US\$ 4,945,717.34.

Institutional health care rounds

355. The 1,122 such rounds organized in remote areas in 2007 (17 per cent more than in 2006) involved 936 surgical operations, 88,096 medical interviews, 29,574 dental care sessions and the administration of 208,690 medicines.

Funding of comprehensive health care rounds

356. A strategy has been implemented since 2004 with a view to enhancing the accessibility of health services to population groups earning low incomes or living in extreme poverty and or remote areas, by enhancing health care coverage, assessing the health situation, raising the health workers' awareness of the needs of communities, and raising the levels of organization and social and community participation in health care. The 2,251,071 related activities carried out in the period 2004-2006 included, inter alia, medical and nutritional interviews, surgical operations, administration of medicines and community meetings. The corresponding outlay for 2006 alone amounted to approximately US\$ 960,000.

Comprehensive health care packages (PAISSs) through NGOs and the Fund for Integrated Health Care Rounds (FOGI)

357. As a result of this programme, the primary health care coverage of groups living in poverty or extreme poverty in remote areas increased in 2006. Efforts were focused on more than 299,000 inhabitants in 35 population groups. As part of the implementation of component (3), PAISSs were also offered through the FOGI team in every health region. The combined outcome of both approaches was the provision of care to an estimated 259,033 inhabitants belonging to 2,419 communities through an outlay of US\$ 5,771,627.

358. In that year, the cumulative PAISS expenditure since the beginning attained US\$ 8.5 million. Health services were thereby provided to more than 340,000 inhabitants belonging to 2,362 rural communities and rural indigenous persons living in conditions of poverty and extreme poverty.

359. In 2007, the PAISS coverage through FOGI consisted of 100,078 persons, up by 8 per cent compared to 2006, and the funds allocated amounted to US\$ 1,429,977.44. If account is taken of PAISSs extended through NGOs, the coverage consisted of 365,691 persons.

Ministry of Health

Health Sector Multistage Institutional Reform Programme, stage 1

Development of the annual number of beneficiaries of PAISSs provided through NGOs and FOGI, 2006-2007

<i>PAISS (NGOs + FOGI)</i>	<i>2006</i>	<i>2007</i>	<i>Per cent variation</i>
Number of beneficiary communities	2 419	3 712	53.5
Number of beneficiaries	259 033	365 691	41.2

Ministry of Health
PAISS performance indicators, 2007

<i>Indicator</i>	<i>Number</i>
Number of beneficiaries (FOGI + NGOs)	365 681
Number of beneficiary communities	3 712
Children under 1 vaccinated	11 346
Children aged 1 - 4 vaccinated	26 270
Children aged 5 - 4 vaccinated	12 564
Children vaccinated through PAISS under the National Immunization Programme	50 180
Pregnant women covered	6 432
Pregnant women in the first quarter of pregnancy covered	2 638
Pregnant women serviced in total through PAISS	9 070
Women participating in the Family Planning Programme	25 608
PAISS expenditure (FOGI + NGOs)	8 860 334.4

2. Training of local personnel in obstetrics and prenatal care

360. In 2006, the training of technical health personnel in reducing infant morbidity and mortality was strengthened, mainly through national and regional courses on neonatal reanimation and transport for obstetricians, paediatricians, general practitioners and nurses of the 14 health regions, in cooperation with PAHO, the Panamanian Association of Paediatrics and Perinatology and the Church of Jesus Christ of Latter-day Saints, United States-Panama; and through training for health personnel and the community under the ongoing Programme of Comprehensive Care for Childhood Illnesses (AIEPI) Strategies at the clinical, neonatal and community levels. In 2007, training in AIEPI methodology and in neonatal transport was provided to, respectively, 500 and 150 civil servants of the 14 health regions by a national dissemination team consisting of neonatologists of the Panamanian Paediatrics Society. That training was also extended to basic equipment teams contracted by NGOs.

361. In the same year, a seminar was held on "WHO child growth standards and review of a proposal for outpatient treatment" for 50 Ministry of Health and CSS paediatricians.

362. A diagnostic assessment of the situation of children and adolescents in Panama was carried out in 2006 with PAHO support.

363. Steps were taken to strengthen comprehensive care programmes promoting healthy lifestyles, disease prevention and the timely and effective treatment of the most frequent causes of mortality among children under 5, such as diarrhoea, respiratory infections and accidents, in accordance with the characteristics of the individual community. The families are expected to fulfil their responsibilities in those areas.

3. Breastfeeding during the first six months

364. Under Act No. 50 of 1995 supporting and providing for the promotion of breastfeeding, nursing is obligatory during the first six months of an infant's life. Moreover, labour legislation stipulates the time that employers must offer mothers to breastfeed their children.

365. In view of a great number of complaints of mothers working in the private sector, the Ministry of Health resumed in 2007 its efforts in the area of breastfeeding, distributing 10,000 copies of Act No. 50 of 1997 to the enterprises concerned.

366. In the same year, instructions "Ten steps to successful breastfeeding" were made available in the Technical and Administrative Standards Handbook and Procedures Manual of the Programme for Comprehensive Health Care for Women. These rules, with which any maternity unit must comply, include the unit's obligation to inform all health workers of the policy on nursing, and all pregnant women of the benefits and practical methods related to breastfeeding; the prohibition to give a newborn any milk other than breast-milk, save on the physician's instructions; and the promotion of the creation of breastfeeding support groups.

367. The International Code of Marketing of Breast-milk Substitutes was distributed and disseminated.

368. At the local level, every health centre promotes breastfeeding as a matter of standing policy. However, there is a lack of a national campaign to that effect, of human milk banks, of efforts to promote donations, of willingness on the part of private enterprises to comply with the law, and of penalties for such non-compliance. In the area of employment, the legislation should be updated, mainly to ensure greater protection breastfeeding working mothers, especially with regard to nursing time, shift rotation and night shifts.

4. Child nutrition

369. According to the Standard of Living Survey, 2003 (ENV-2003), 20.6 per cent of persons under 5 showed chronic malnutrition or a low height-for-age, 6.8 per cent showed general malnutrition (low weight-for-age), and 1.35 per cent showed acute malnutrition (low weight-for-height). In 2006, the death rate associated with malnutrition among children under 4 years was of 21.8 per 100,000 inhabitants. In absolute figures, of every 340 deaths occurring in that population group, 60 were due to malnutrition.

370. According to Ministry of Health statistics, a decline in the level of malnutrition can be observed on the basis of the cases treated by health-care establishments, as the following table shows.

<i>Years</i>	<i>Number of persons under 5 attended</i>	<i>Number of malnourished</i>	<i>Per cent</i>
2003	343 006	15 372	4.5
2007	347 207	13 138	3.8

Source: Ministry of Health, Department of Health Trends Assessment and Analysis, Section of Statistics.

371. The Government implements the following far-reaching food programmes, aimed at improving the nutrition of infants, children and pregnant women:

(a) **Supplementary feeding programme**, aimed at the prevention and correction nutritional deficiencies in children under 5 and pregnant women. It consists in the distribution of nutriceal, a food supplement of precooked maize or rice, enriched with vitamins and minerals. In 2006, coverage was extended to 6-36 months olds with stunted growth, in high-poverty and indigenous areas.

(b) **Micronutrient deficiency prevention and monitoring programme**, consisting in providing iron and vitamin A to certain population groups. In 2007 iron supplements were provided for the prevention of iron-deficiency anaemia to 42,718 breast-fed infants aged 4-23 months, 15,578 preschoolers aged 24-59 months, 25,385 pregnant women and 154,135 schoolchildren; while vitamin A supplements were provided to 64,866 new mothers, 30,039 breast-fed infants aged 6-11 months and 255,289 preschoolers aged 1-4 years.

(c) **Nutrition- and food-related chronic diseases programme**, based on recent surveys showing an increase in obesity, consisting in special monitoring in that connection and launched along with the planning of a campaign to combat obesity.

(d) **Nutrition education programme**, under which information material was developed with a view to promoting appropriate food and nutrition for, inter alia, infants under 1 year of age, preschoolers and pregnant women; and a project for financing increased food accessibility to and consumption by extremely poor households was launched with the cooperation of the Ministries of Education and Agricultural Development and the Japan International Cooperation Agency (JICA).

(e) **Human nutrition laboratory equipment enhancement programme**, through which the Central Reference Laboratory was upgraded with equipment, acquired in 2007, for biochemical tests on iron intake. The programme is implemented with International Atomic Energy Agency (IAEA) support.

372. This affirmative action in favour of Panamanian children is carried out by the health system, namely the Ministry of Health and CSS. Moreover, the Ministry of Education implements food and nutrition reinforcement programmes, including the **School Nutrition Programme**.

373. Aimed at reinforcing the nutrition of preschool age children and primary education pupils in public schools, the School Nutrition Programme consists in the provision of milk, nutritional biscuits, nutritional pudding and lunches and the outfitting of school canteens with kitchen equipment.

Ministry of Education. School Nutrition Programme, Supplementary feeding, 2007

<i>Type of product</i>	<i>Beneficiaries</i>	<i>Approximate cost</i>	<i>Number of educational establishments</i>	<i>Focus</i>
Milk	229 415	8 783 110.50	341	Urban areas
Nutritional biscuits	341 948	2 387 447.50	1 421	Indigenous and extremely poor areas
Nutritional pudding	243 283	3 370 581.38	3 416	Extremely poor and remote areas
Total	814 646	14 541 139.38	5 178	

374. In rural and remote areas, the programme is complemented with the School Farms Project, in which the community and the pupils and students participate. In 2007, 700 schools were supported through the creation of 600 school gardens at a cost of US\$ 57,615 and 100 poultry farms at a cost of US\$ 10,835. Monoculture gardens were set up in four educational regions at a cost of US\$ 47,250.

5. Disease prevention and monitoring

National Programme for the Prevention of Tuberculosis

375. The Ministry of Health and CSS implement initiatives for tuberculosis prevention and monitoring, in cooperation with the United Nations Development Programme (UNDP) and the Damien Foundation. Activities aimed at attaining Millennium Development Goals have been increasing since 2005. In that year, a peer education workshop for health promoters was held in the Ngöbe Buglé indigenous region and in Darién as part of a training process. In 2006, the directly observed treatment, short course (DOTS) strategy was fully implemented and the use of DOTS increased from 46 to 79 per cent. The related training of health workers and among the population was strengthened and civil organizations were involved in the efforts. The Peer Education Model Programme on

Tuberculosis Prevention was implemented in high-risk and migrant indigenous population sections of the border areas.

376. Between 2006 and 2007, the prevalence of tuberculosis in the country decreased by 20.4 per cent, namely from 47.6 to 38.2 cases per 10,000 inhabitants.

377. By achieving a level of prevalence of tuberculosis of 48 cases per 10,000 inhabitants in 2006, Panama attained the Millennium Development Goal "to have halted by 2015 and begun to reverse the incidence" of that disease.

Influenza

378. As a preventive measure against a possible outbreak of an influenza pandemic, Panama strengthened its response mechanism at the national level. The Integrated Plan of the Ministries of Health and Agricultural Development and the National Environmental Authority was drawn up, providing guidelines and establishing general strategies aimed at safeguarding lives and property in the country. A system has been developed for monitoring the development of viruses affecting the respiratory system. As a result of the measures taken, the prevalence of influenza per 10,000 inhabitants has been declining since 2003, falling to 6,693 cases in 2007, compared to 9,518 cases in 2000.

6. Diseases preventable by vaccination

379. According to Ministry of Health statistics and as a result of an extensive immunization policy, no cases of such diseases preventable by vaccination as polio, whooping cough, neonatal tetanus, congenital rubella syndrome, measles, diphtheria and yellow fever have been reported in Panama.

380. During the period considered, the Government strengthened its policy on the elimination of diseases preventable by vaccination through the implementation of the Expanded Programme on Immunization (EPI), as a result of which the number of vaccinations increased from 1,839,599 in 2002 to 2,172,267 in 2006.

381. In 2006, coverage increased for the third dose against polio by 97.3 per cent, against hepatitis by 95 per cent and of pentavalent immunization by 100 per cent; and for the first dose of BCG by 100 per cent. Such new vaccines were included in the national public vaccination schedule as inactivated polio, rotavirus and influenza for adults and hepatitis A. The beneficiaries of these vaccinations were 70,000 children under 1 year of age and 2,000 HIV-infected children. In the same year, a campaign entitled "Because you deserve it" was carried out with PAHO support at a cost of US\$ 140,270.29, covering 8,121 children aged 1-4 and 45,686 women of childbearing age.

382. In 2007, the coverage of seasonal influenza vaccination increased, attaining 100 per cent of children under 2 and other vulnerable groups and bringing about a 28 per cent increase over the number of vaccines purchased for 2006. The combined tetanus, diphtheria and pertussis (Tdap) vaccine was included in the national schedule through the acquisition of 140,000 doses at a cost of US\$ 1,600,000 to cover to children under 4 and elderly persons over 64.

383. The cold chain has been reinforced and its maintenance improved by increasing the budget earmarked to that effect from US\$ 275,000 in 2006 to US\$ 500,000 in 2007. Cold chain facilities in the National Biological Products Warehouse and the regional warehouses were thereby enhanced. The budget allocated to the purchase of biological products increased from US\$ 6,000,000 in 2006 to US\$ 9,700,000 in 2007.

7. Environmental sanitation

384. The estimated percentage of the population having access to water increased from 92 per cent in 2003⁶⁹ to 93.4 per cent in 2006. In the urban, rural and indigenous areas that rate attains 98, 86 and 58 per cent. The rate of access to sanitation services is 89 per cent in urban areas and only 54 per cent in rural areas.⁷⁰

385. During the period considered, the Government, through Ministry of Health, strengthened its leading role in the area of environmental sanitation. To that end, the Office of Environmental Sanitation was established and entrusted with developing the relevant national policy and ensuring coordination with the other bodies concerned.

386. In urban areas with more than 1,500 inhabitants, sanitation services are provided by the Institute of National Aqueducts and Sewers (IDAAN). In 2005, IDAAN invested US\$ 49 million in urban areas. Of the more than 3,300 rural aqueduct systems servicing rural areas, 1,800 are managed by Rural Aqueduct Administration Boards (JAARs) and the rest by health committees.

Environmental sanitation enhancement programmes and projects implemented at the national level

Rural health programme

387. Steps were taken to strengthen the administration and improve the use of funds earmarked for projects targeting the poorest communities and aimed at providing access to water and to waste-disposal systems, ensuring the sustainability of rural aqueducts and amplifying coverage.

Water and sanitation project (PASAP)

388. Cooperation Agreement No. 7747-OPAN has been concluded with the World Bank for the financing of a new water and sanitation project (PASAP) with US\$ 39.4 million to provide drinking water and sanitation in rural communities, small communities and vulnerable urban areas and to strengthen sector policies and project management.

389. Under the above project, priority was given to communities which are beneficiaries of the National Social Protection Programme of the Opportunities Network.

Programme for building new and improving existing aqueducts

390. In 2007, 27 projects were carried out for the benefit of 12,554 inhabitants, with an outlay of US\$ 1,214,459, 35.

Latrines distribution programme

391. In 2007, 3,250 latrines were distributed in the country for the benefit of 16,250 inhabitants, with an outlay of US\$ 227,500.

Well drilling and rural aqueducts maintenance programme

392. In 2007, 14 well drillings were carried out for the benefit of 5,250 inhabitants, with an outlay of US\$ 21,570. The maintenance of rural aqueducts was entrusted to the communities and facilitated through the purchase of materials, chemicals and construction

⁶⁹ ENV-2003.

⁷⁰ WHO/UNICEF Joint Monitoring Programme (JMP), 2006.

at a cost of US\$ 433,130.96; while 63 rural aqueducts were built in 74 communities for the benefit of 518,148 inhabitants, with an outlay of US\$ 1,981,851. Moreover, contracts were awarded on the basis of tenders for the construction of 55 rural aqueducts in 62 communities for the benefit of 16,490 inhabitants, with an outlay of US\$ 1,214,459.

Community Development for Public Infrastructure Programme (PRODEC)

393. This programme is currently in its second implementation stage, which has US\$ 15 million budget, over and above the US\$ 25 million budget of the first stage, launched in 2006. The programme is funded with earnings of the Panama Canal. Through advisory boards, the communities are directly involved in decision making regarding their needs. The initiative has brought about progress with regard to environmental sanitation. In 2007, 54 new aqueducts were built, 235 existing ones were improved, and sewage collection and waste water treatment facilities and landfill sites were created. The goal of PRODEC is to invest US\$ 100 million in community infrastructure, including drinking water and sanitation services.

Panama Bay and Panama City Sanitation Project

394. This project, budgeted at US\$ 45 million, is currently implemented with the cooperation of IDB and the Ministry of Health.

Other activities

395. The Darién and Bocas del Toro sustainable development projects, implemented by the Ministry of the Economy and Finance, include support for the construction of water supply and sanitation systems. The Social Investment fund also invests in drinking water infrastructure, mainly in rural areas.

D. Adolescent health

396. The Committee recommended that Panama should ensure adequate adolescent health services as stated in its general comment No. 4 (2003) on adolescent health, implementing in particular programmes on reproductive health, sex education and family planning. The Committee further recommended that Panama should implement programmes on mental health (CRC/C/15/Add.233, paragraph 46).

Adolescent-friendly Hospitals Programme

397. The purpose of this initiative is to disseminate in all health care facilities the concept of friendly service and in particular a sense of obligation to provide such service to adolescents according to the individual facilities' decision-making capacity and complexity level. Appropriate awareness-raising and training activities for the health workers have been organized since the programme's inception in 2006. Health facilities personnel is responsible for promoting the availability of such services to meet the existing demand for health care on the part of adolescents referred by other health workers or establishments. In order to offer adolescent-friendly services, every establishment must have a multidisciplinary team consisting of a physician, a social worker, a dentist, a dietician, an infirmary technician and a health promoter. Where it is impossible to form such a team, the available personnel must offer an adolescent comprehensive care.

398. In 2006, the Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents, the Reproductive Health Care Guidelines for Children and Adolescents and the Collection of International Treaties and National Acts for the Promotion of Comprehensive Health Care for Adolescents (persons aged 10-19), particularly sexual and reproductive health, with the support of the

"Adolescent-friendly Hospitals" initiative, were reviewed, approved and published. The aim of these publications has been to provide health workers with appropriate guidance regarding care for adolescents.

399. The Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents provides instructions to be followed by the health personnel in attending adolescents with regard to sexual and reproductive health, sexually transmitted diseases (STDs) and HIV/AIDS, sexual disorders, sexual orientation, reproductive organ diseases, disorders related to development and maturing, abortion and use of contraceptive methods.

400. Such efforts have been supplemented with information and promotion activities developed by regional and local teams in order to expand the coverage of health monitoring among adolescents; and with cooperation with adolescents' groups and associations.

E. Social security

401. CSS is responsible for providing health services and financial benefits to the persons insured and their dependents. All Panamanian and foreign workers who offer services in the country, including minors legally authorized to work, must be affiliated with the CSS system and may also affiliate their dependents in order to ensure that they receive CSS benefits. Such dependents include their children up to age 18, or 25 years if they are students; and disabled persons up to age 18, or beyond that age if conditions warrant an extension.⁷¹

402. According to Office of the Comptroller General statistics, of the 3,300,320 persons having social insurance in 2006, 1,343,303 were dependents.⁷²

403. Of the 76,604 new registrations of dependents which took place in 2003, 56,669 concerned children. The respective 2006 figures were 79,971 dependents, of whom 60,862 were children.

	2003	2006	Difference
Total number of new registrations (a)	76 604	79 971	3 367
Registrations of new dependents under 18 (b)	56 669	60 862	4 193
Percentage of (a) accounted for by (b)	73.98	76.11	

F. Children and adolescents and HIV/AIDS

404. Of the 471 deaths from HIV/AIDS reported in 2006, 41 concerned persons under 24, including 4 infants under 1, 1 child aged 1-4, 3 children aged 5-14, and 33 persons aged 15-24. According to Ministry of Health data, 462 cases of persons under 19 infected with HIV/AIDS were reported in 2007.

⁷¹ Act No. 51 of 27 December 2005.

⁷² Save for new registrations of dependents, no disaggregated figures are available for under 18 dependents.

1. Prevention programmes

National Programme for HIV/AIDS Prevention

405. The National Programme for HIV/AIDS Prevention is currently implemented with national funds and technical and financial cooperation with PAHO, WHO, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNFPA.

406. Since 2004, the Ministry of Health has been committed to considering HIV/AIDS as a priority issue for the State and endeavours to promote universal access to comprehensive attention for HIV/AIDS patients in Panama. In that connection, particular importance has been ascribed to that issue through the organization of inter-agency and inter-sectoral cooperation comprising the Government sector and civil society, and through international cooperation.

407. As a result of the efforts undertaken, the prevalence of HIV/AIDS per 10,000 inhabitants declined from 25 in 2002 to 21 in 2007. In that year, of the 1,500 patients who were attended in antiretroviral treatment (ARVt) clinics, 160 were children and 50 pregnant women.

408. In 2005, comprehensive HIV/AIDS care standards for children and pregnant women were implemented at the health system's three levels of care. The coverage of HIV/AIDS tests was extended to pregnant women and rapid HIV tests began to be distributed on a large scale in order to facilitate their performance free of charge as part of prenatal monitoring in compliance with Executive Decree No. 428 of 2004. The relevant budget allocation amounted to US\$ 88,000.

409. In 2007, 20,300 tests were distributed to perinatal monitoring clinics. In order to reduce the sexual transmission of HIV, 10,800 condoms were distributed to patients attended in ARVT clinics. In order to reduce the risk of perinatal transmission, 13,000 tins of infant formula supplement were purchased for children up to 1 year of age with HIV-positive mothers.

2. Treatment

410. CSS has been the first public health institution to offer, in 1999, triple therapy treatment. Since 2000, the State has been committed to provide such treatment to all HIV/AIDS patients,⁷³ and the Ministry of Health and CSS are responsible for offering that service. In 2002, the Ministry of Health extended ARVT coverage to patients without social insurance.

411. With the support of the PAHO the Operational Plan of Action for enhancing ARVT with triple therapy treatment, in pursuit of the "3 by 5 target: Treating 3 million people by 2005". In 2007, 100 per cent of HIV/AIDS patients received ARVT.

3. Institutional strengthening and decentralization of ARVT clinics

412. In 2007, ARVT clinics were further decentralized, with the focus on the provincial and indigenous health regions, and 10 such clinics were opened, including in the Ngöbe Buglé and Kuna Yala regions. All such clinics have computer equipment for the registration and follow up of all patients attended, and coordination has been established with the Children's Hospital, the Santo Tomás Hospital and the Gorgas Memorial Institute of Health Studies (ICGES) with regard to patient management, care, CD4 testing and viral load.

⁷³ Under Act No. 3 of 2000.

413. In the same year, the Regional HIV/AIDS Reference Centre for Central America, a laboratory housed in ICGES, was set up with the cooperation of the World Bank at a cost of US\$ 3,800,000.

4. Training and awareness-raising campaigns

414. Various training and awareness-raising campaigns for HIV/AIDS prevention have taken place. Yet there is a perception that these efforts must be further strengthened and become an ongoing process constantly present in all media and sectors and at all levels.

415. The most noteworthy initiatives in that area are the following: Educational Strategies Project for the Prevention of STDs/HIV/AIDS, launched in 2005 and addressing the education sector at the national level; "Protect yourself against HIV/AIDS" campaign; Children's Clubs Organization for the Prevention of HIV/AIDS and workshops for adolescents; training workshops for educators, heads of household and students on sexual and reproductive health; and an educational forum on HIV/AIDS and life skills. These training activities continued on an ongoing basis during subsequent years, including in indigenous districts. Moreover, three national workshops have been organized on sexual and reproductive health and STDs/HIV/AIDS prevention for health care personnel.

5. Research

416. In 2005, a study on the prevalence of HIV/AIDS in Panama in the period 2005-2009 was launched with ICGES support, in the amount of US\$ 60,000.

417. The STDs/HIV/AIDS epidemiological system was assessed and the National Strategic Plan for Second Generation Monitoring of HIV/AIDS was drawn up.

418. The Comprehensive Care Standards for Persons with HIV/AIDS were updated and the draft National Plan for the Prevention of the Vertical Transmission of HIV and Congenital Syphilis was drawn up.

419. In 2006, the Assessment of the Health Situation regarding the Vertical Transmission of HIV/AIDS was carried out in six health regions with PAHO and UNICEF support.

420. A study conducted on "Measuring the Cost of AIDS to Panama" in the same year (MEGAS-2006) consolidated information that made it possible to assess the cost and funding needs related to HIV/AIDS and to orient the relevant national policy.

421. In 2007, "Care Ware" was installed in three national hospitals for the collection of data on HIV/AIDS patients attended in the clinics; and, with the support of Capacity Project, the technical personnel was informed about the use of the facilities in question and the management and treatment of HIV/AIDS patients on the basis of biosecurity measures and timely care.

422. The following three documents on the treatment approach to HIV/AIDS patients were published: Guide for nutritional care for persons with HIV/AIDS; Guide for counselling and psychological support in relation to HIV/AIDS; and Standards for the therapeutic management of persons with HIV/AIDS.

6. Creation of confidential and sensitive counselling services regarding the problems of children, and care and rehabilitation services accessible without parental consent in view of the children's best interest

423. Child care and rehabilitation services have been strengthened through the "Child-friendly Hospitals" and "Adolescent-friendly Hospitals" initiatives. HIV/AIDS treatment clinics implement the standards in question on the basis of the National Health Plan for

Children and Adolescents, in addition to the training offered to their staff regarding care for HIV/AIDS patients.

424. The approach to HIV/AIDS in the case of children is dealt with in the National Health Plan for Children and Adolescents and in the Technical and Administrative Standards Handbook of the National Programme for Comprehensive Health Care for Adolescents (persons aged 10-19). Thus, under standard No. 52, a physician must carry out a diagnostic examination for STDs/HIV/AIDS on any adolescent who so requests or who displays or risks to have a high-risk behaviour. The evaluation includes advice and implies the confidentiality of the diagnosis. The test results are given to the adolescent patient himself or herself, and the patient is advised to be accompanied by the father, mother, guardian or legal representative. The physician must identify a person who supports the patient. Complementarily, medical care for adolescents with HIV/AIDS is based on the rules and protocols of the National STDs/HIV/AIDS Programme.

425. NGO "Home of San Jose de Malambo" is the only centre offering temporary care for children victims of HIV/AIDS without access to a family environment.

7. Financial resources for HIV/AIDS

426. The figures on national HIV/AIDS expenditure include the financing provided by the various financing sources, such as the Government, the private sector, NGOs and international cooperation. In 2006, that cost was estimated at in US\$ 21.9 million. Public funding accounted for US\$ 13.8 million or 73 per cent, the private sector for US\$ 4.5 million or 24 per cent and multilateral bodies for US\$ 389,180 or 2 per cent of total cost.

427. Of the cost funded by the public sector, 61 per cent is spent on care for and treatment of persons living with HIV/AIDS, and only 0.8 per cent is channelled to prevention programmes for the population.

428. The following international agencies offer financial cooperation to Panama: UNAIDS, Central American AIDS Prevention Project (PASCA), PAHO, UNDP, UNFPA, International Red Cross and UNICEF. Their contributions make it possible to strengthen the national programmes on HIV/AIDS.

429. The main beneficiaries of HIV/AIDS expenditure in Panama are persons living with HIV/AIDS. According to MEGAS-2006, the largest cost item in prevention activities consisted in the provision of condoms, which accounted for US\$ 7.4 million or 94 per cent of the budget. Expenditure also served to strengthen activities for the prevention of vertical mother-child transmission, with regard to which the State has given priority to care for the mother and the child through the Ministry of Health and promotes the "Woman take the test!" initiative at a cost of US\$ 171,342, accounting for 2.2 per cent of the total cost of prevention.

430. According to Ministry of Health data, the cost of care related to HIV/AIDS increased by 14 per cent in 2006 (from US\$ 18,513,829 in 2005 to US\$ 21,900 in 2006) and by 33 per cent in 2007.

431. It is necessary to strengthen the health personnel of ARVT clinics and provide it with a system of incentives; and to reinforce the National HIV/AIDS Prevention Programme and consider it a State priority of public interest in view of its direct impact on health, society and the national economy.

G. Standard of living

432. The Committee recommended that Panama should formulate a comprehensive national strategy to reduce poverty, targeting the most disadvantaged regions and groups

and ensuring that the needs of all children are met, seeking international cooperation and assistance whenever necessary (CRC/C/15/Add. 233, paragraph 50).

Opportunities Network Programme⁷⁴

433. This State incentive has been promoted by the Government since 2006 as part of the poverty reduction strategy. It is formed by various Government bodies focusing their action on the country's extremely poor communities, identified on the Poverty Map, the Study on Social Vulnerability and ENV-03.

434. The initiative's goal consists in integrating extreme poverty families into the national development process by building their capacities, ensuring that they have access to education services, health care and food and improving their quality of life.

Geographic dimension

435. The initiative focuses on the country's extremely poor communities, located in indigenous, rural and urban areas and targeted progressively during the period 2006-2009, until all households faced with extreme poverty nationwide are integrated into the Social Protection System.

Approach

436. The initiative supports the beneficiary population through an approach based on two elements, namely a system of responsibilities assumed by the Government agencies providing the appropriate services and the joint responsibility of the beneficiaries.

Support methods

437. Support is provided through conditional cash transfers (TMCs), namely a monetary contribution given to the female heads of households living in extreme poverty to be spent so as to meet the basic needs of Social Protection System beneficiary families and through family vouchers. At the beginning, TMCs amounted to a monthly amount of US\$ 35,00, increased to US\$ 35,00 in 2008. These benefits are tied to the fulfilment of the joint responsibility to use the health and education services.

Supply of services

438. The range of benefits offered by the Government agencies to the beneficiary families with a view to high-priority and quality care are mainly aimed at human and family development and standardized access to the various services to which such families are entitled, such as: In the area of health, free health care for all children under 5 years and pregnant women; and sexual and reproductive health counselling; in the area of education, care for and school enrolment of children and adolescents at the primary, pre-secondary and secondary education levels; and replacement of shack schools with quality infrastructure; in the area of living conditions, family training on improvements to the material and social conditions in which they live; in the area of civil status registration, counselling and regularization of the registration of children, adolescents, young persons and adults of families duly registered as Panamanian or who, although Panamanian, have not been issued personal identity cards; in the area of rural development, promotion of technical training in

⁷⁴ Source: Adelina Campos, Castillo Milciades and Mendieta Roberto, Presentation by the Panama Delegation at the Regional Seminar "Identifying better practices for planning and managing social expenditures: The role of Parliaments. Interaction with Budget and Monitoring", September 25-28, 2007, San Salvador, El Salvador.

using tools in order to develop activities for environmental and quality of life improvement and for using locally available natural resources; in the area of income generation, promotion of technical training activities for knowledge acquisition and skills development necessary for employment and income improvement; and in the area of social development, promotion of the participation of families, as citizens, in community action and activities aimed at civic and social protection.

Joint responsibilities of families

439. Joint responsibilities are a set of commitments made by the State and the families using the Opportunities Network Programme. The fulfilment such shared responsibilities is the cornerstone of the human development of the persons concerned and the collective development of the community. Beneficiary families commit themselves to updating the immunization of children under 5; appearing for pregnancy monitoring examinations; ensuring that disabled persons are attended at health centres; ensuring the children's school attendance; attending heads-of-household meetings at the school; and participating in training for productive capacity building and social capital generation in the various institutions concerned.

Impact indicators

440. At the end of 2007, of the 621 communities existing at the national level, 475 or 76.5 per cent had joined the Opportunities Network Programme. Of the beneficiary population of 283,758 in 2007, 120,502 were persons under 18.

441. Of the 50,899 households supported in the above communities, 43,437 households in 446 communities received TMCs and 7,452 households (located in the Ngöbe Bugle and Santa Fe indigenous districts, Veraguas province) received family vouchers.

Ministry of Social Development

Opportunities Network Programme beneficiary households and individuals, by support method, December 2007⁷⁵

<i>Support Method</i>	<i>Households</i>	<i>Individuals</i>
TMC	43 437	240 410
Family food vouchers	7 452	43 348
Total	50 889	283 758

442. Household coverage has progressed most in the indigenous districts as a whole, with 22,941 or 45.1 per cent of households covered. Coverage attained 25,193 or 49.5 per cent of households in the rural areas and 2,751 or 5.4 per cent of households in the urban areas. In the indigenous districts (Emberá Wounaan, Kuna Yala and Ngöbe Bugle), 44.3 per cent of the households were integrated during the period considered.

Expenditure on TMCs

443. Of the US\$ 16.6 million spent on TMCs in 2007, US\$ 7 million or 42.48 per cent were allocated to the Ngöbe Buglé indigenous districts. The provinces of Bocas del Toro, Coclé and Veraguas and the Kuna Yala indigenous region received 41.58 per cent, while

⁷⁵ Source: Opportunities Network Programme Implementation report, December 2007. Ministry of Social Development.

the provinces of Chiriquí, Darién, Colón, Los Santos and Herrera and the Kuna Yala indigenous region received the remaining 15.9 per cent.

Provision of services and joint responsibility of the families

Health

444. In 2007, 96 per cent of the women having stated that they were pregnant had recourse to health services; 86 per cent of households fulfilled their immunization responsibility; 90 per cent of the disabled used the health services; 775,497 health care interviews and 27,489 prenatal examinations were conducted; 597,693 medicines were administered; and 127,300 Papanicolaou tests were carried out (including 18,327 in indigenous districts).

Ministry of Health. Services offered by the Ministry of Health to traverse of the Opportunities Network Programme, 2006-2007

<i>Service¹</i>	<i>2006</i>	<i>2007</i>
Vaccinations carried out	719 851	775 776
Prenatal examinations	24 685	27 489
Papanicolau tests	119 364	18 327

¹ Not all services available are listed.

Education

445. By the end of 2007, 88 per cent of households had enrolled their children in school and 86 per cent of guardians and heads of household attended heads-of-household meetings.

446. The number of schools registered with the Opportunities Network Programme increased. In the regions of Chiriquí, Veraguas and Bocas del Toro and the indigenous region of Kuna Yala, that increase was estimated at 11.5 per cent in 2007. In 2006, the preschool enrolment ratio increased by 16.3 per cent.

447. The number of Decent Schools increased as shack schools were transformed into establishments with classrooms and other infrastructure providing the conditions necessary for the teachers to hold classes and the pupils and students to receive and assimilate knowledge necessary for promoting their development opportunities. In 2007, 50 'decent schools' were made available at a cost of US\$ 4,357,841.

448. In the communities where the Opportunities Network Programme operates, the school dropout rate decreased from 5.4 per cent in 2005 to 3.2 per cent in 2006.

449. An estimated 2,764 working as child labourers withdrew from such work.

Capacity building aimed at taking advantage of opportunities

450. The productive capacity building component is aimed at promoting the learning necessary for income generation and, thereby, for facilitating the integration of households into productive activities in the beneficiary communities of the regions and indigenous districts concerned.

451. According to the Opportunities Network Programme Progress Report, 2007, of the Ministry of Social Development, capacity-building activities focused on income generation and made use of long-term courses provided with the help of the National Vocational Training Institute for Human Development (INADEH), the Association of Small and

Medium-sized Enterprises (AMPYME) and the Panamanian Institute of Tourism (IPAT) in the areas of construction, welding, accounting, tourism, English language and project development. In 2007, such training was provided to 21,845 Opportunities Network Programme beneficiaries.

Development of road, housing and habitability infrastructure for Opportunities Network Programme communities and families

452. Poor and extremely poor communities are the ones least accessible and with the weakest road infrastructure. Accordingly, the network promotes the improvement of road access and services available to the beneficiary population. The total relevant investment in 2007 amounted to US\$ 47,842,429, which funded the construction 1,059 km of roads for the benefit of 298,263 persons.

Housing and habitability

453. Through the coordination of residential development projects, the Opportunities Network Programme promotes the effective exercise of the right to decent housing and habitability, which are keys to the reduction of the extreme poverty.

454. In 2007, a total of 2,814 housing solutions were offered in Opportunities Network Programme communities for the benefit of 12,965 persons.

Right to a nationality and to an identity

455. A great number persons have been able to exercise their right to a nationality and to an identity as a result of Opportunities Network Programme action, supported by the National Directorate of the Population Register. A total of 15,477 persons were registered in 2007.

IX. Right to education, leisure and cultural activities

456. The Committee recommended that Panama should allocate financial and human resources in order to put special emphasis on the elimination of illiteracy; to promote preschool, primary and secondary education with a view to universal coverage; to pay special attention to the needs of vulnerable children, for instance girls, indigenous and refugee children, working and street children, in order to fulfil their basic right to education; to upgrade the infrastructure of the education system (building more schools, improving existing schools, upgrading training, paying teachers an adequate wage, and adopting interactive learning methods to fight school dropout and repetition); and to offer more facilities for non-formal learning and vocational training, including for children who have not completed primary and secondary education (CRC/C/15/Add.233, paragraph 52).

A. Promoting universal preschool, primary and secondary education

457. In Panama, basic general education constitutes the first stage of the education system, and is compulsory and free of charge for children and adolescents aged 4-15 years. That stage consists of the following three education levels: Preschool education for 4-5 year olds; primary education for 6-11 year olds; and, lastly, pre-secondary education for 12-year olds.

458. The second stage, or secondary education, lasts three years, during which the student opts for a baccalaureate and respective programme of study in one of the specialized areas corresponding to the scientific, technological, cultural and environmental needs of

Panamanian society, thereby preparing for productive work and higher education. This stage is not compulsory.

459. Children with disabilities have access to the education system in accordance with the Inclusive Education Policy implemented since 2004. The refugee children also have access to education. Both groups are fully exempted from the payment of registration fees. In the case of refugee children, that exemption is granted by ONPAR. Education-related measures for ensuring social equity are referred to in chapter V (General Principles), section A (Right to non-discrimination) and in chapter VIII (Basic health and welfare), section B (Children with disabilities).

460. Programmes are also developed in order to expand coverage and to facilitate the exercise of the right to education among children living in conditions of poverty and extreme poverty, in rural and remote indigenous areas.

461. During the past few years a special emphasis in the execution of the national plan has been put to obtain the fairness in the educative opportunities, implementing diverse modalities to extend the cover of General the Basic Education and Secondary education.

462. The growing demand for preschool, pre-secondary and secondary education, as evidenced below by the development of enrolment ratios at the various education levels in the period 2000-2006, is an indicator of the effectiveness of the measures taken.

Net ratios of enrolment in the education system of Panama, 2000-2006

<i>Net preschool enrolment ratio</i>						
2000	2001	2002	2003	2004	2005	2006
36.3	38.0	47.8	51.1	51.9	55.3	59.8
<i>Net primary school enrolment ratio</i>						
2000	2001	2002	2003	2004	2005	2006
94.7	97.1	99.9	99.9	99.9	100	100
<i>Net pre-secondary and secondary education enrolment ratio</i>						
2000	2001	2002	2003	2004	2005	2006
58.5	61.0	61.9	63.8	63.8	64.0	64.4

Source: Ministry of Education and Statistics.

463. The internal efficiency indicators of education, which are shown in the table below for 2006, have remained stable in recent years. It is therefore necessary to channel appropriate resources into the education system in order to ensure progress.

Internal efficiency indicators of public and private primary, pre-secondary and secondary education in Panama, 2006

	<i>Public and private primary education</i>	<i>Public and private pre-secondary and secondary education</i>
Promotion rate	91.5	82.8
Repeat rate	5.7	5.0
Dropout rate	2.7	12.2
Rate of pupils having reached the fifth grade	87.9	N/A
Promotion rate	91.5	82.8

	<i>Public and private primary education</i>	<i>Public and private pre-secondary and secondary education</i>
Efficiency coefficient	87.6	57.5
Year of schooling per certificate holder	7	10.4
Promotion rate	91.5	82.8

Source: Ministry of Education and Statics.

1. Preschool education

464. The country's preschool enrolment increased from a 2002 level of 68,516 4-5 year olds, comprising 54,928 public sector and 13,588 private sector preschoolers, to respective 2006 figures of 91,936, 76,514 and 15,422 preschoolers.

465. The number of teachers increased from a 2002 level of 3,466, comprising 2,450 public sector and 1,016 private sector teachers, to respective 2006 figures of 4,761, 3,638 and 1,123 teachers.

466. Of the 2,721 preschool education centres operating in 2006, 2,309 belonged to the public sector and 413 to the private sector.

467. Preschool education is offered in various forms. That has made it possible to attain a 61.8 per cent coverage of care for children under 6 in the urban, rural and indigenous areas. These forms are provided in the framework of various projects, including the following.

Family and community early education centres (CEFACEI) programme

468. This programme, designed to offer non-formal early education to 4-5 years old children of low-income families in rural, indigenous and vulnerable urban areas, was launched in 2001 and is currently in its second implementation stage.

469. In order to achieve the above goal, various activities were carried out, with an initial focus on communities and the organization of meetings with heads of household, local authorities and other members of each community. Every community selects promoters and chairpersons of the Parents' Administrative Boards. All promoters receive training, including the tools necessary for developing educational activities and methods for the children in the various centres.

470. The initial objective of this initiative was to create 600 CEFACEIs. Five years after inception, that objective has been surpassed. In fact, in 2007, 48,619 4-5 years old children were attending centres in 741 extremely poor communities.

Community early education centres (CEIC) programme

471. This programme is aimed at expanding the coverage of early education in dispersed communities with an enrolment ratio of 8-14 children aged 4- 6. The objective is to cover 300 selected extremely poor communities. In 2007, it has been possible to open 76 CEICs to provide care for 1,624 children belonging to small communities which participate in the Opportunities Network Programme.

Early education at home programme

472. This programme is designed to offer non-formal early education to children under 6 belonging to low-income families in rural, indigenous and vulnerable urban areas. The programme's objective consists in creating 400 early education at home groups in such areas. Child care is to be combined with parents' training through the early education

methodology in their homes. Mothers are selected as Coordinators to work with a group of participants where the programme is to be implemented.

473. By 2007, it had been possible to set up, at national level, 727 groups led by such Coordinators, who dealt with 7,275 adults responsible for raising and educating their children and early education was provided to 14,450 children.

474. Through the National Early Education Directorate, trainers' training has been provided in order to prepare regional monitors to deal with and use such education groups and utilize printed material acting as facilitators, trainers and supervisors. Those assigned responsibilities receive ongoing training on such issues as growth and development of children under 6, feeding and nutrition, the importance of immunization, language development and play as a key to children's development.

475. In 2005, the following four training modules were published in their definitive version, with drawings: Manual for Mothers - Group Coordinators, Tools Manual, Family Guides and Descriptions of Activities for children aged 4, 5 and 6. Moreover, programme promotion material has been printed. With the technical cooperation of the World Bank, such new textbooks have been produced as "Use and handling of teaching material", "Appropriate use of language", "Development of teaching material with recoverable resources" and "Inclusion and self-esteem".

2. Primary education

476. Primary school enrolment increased from a 2002 level of 408,249 pupils, comprising 367,423 public sector and 40,826 private sector pupils, to respective 2006 figures of 436,945, 390,530 and 46,415 pupils.

477. The number of teachers increased from a 2002 level of 16,780, comprising 14,899 public sector and 1,881 private sector teachers, to respective 2007 figures of 18,183, 15,953 and 2,230 teachers.

478. Of the 3,198 primary level classrooms available in 2006, 2,939 belonged to the public sector and 285 to the private sector. At that date, 17,965 classrooms were available in the public sector.

479. The official coverage figures suggest that, by 2005, Panama had attained in advance the Millennium Development Goal of ensuring that 100 per cent of children aged 6-11 have access to primary education.

3. Pre-secondary and secondary education

480. The second stage, or secondary education, lasts three years, during which the student opts for a baccalaureate and respective programme of study in one of the specialized areas corresponding to the scientific, technological, cultural and environmental needs of Panamanian society, thereby preparing for productive work and higher education.

481. In 2002, pre-secondary and secondary education enrolment amounted to 244,097 students, comprising 207,621 public sector and 36,476 private sector students.

482. In 2006, pre-secondary and secondary education enrolment amounted to 436,945 students, comprising 390,530 public sector and 46,415 private sector students.

483. In 2002, of the total number of 17,831 pre-secondary and secondary education teachers, 15,636 belonged to the public sector and 2,052 to the private sector.

484. Of the 574 pre-secondary and secondary education establishments operating in 2006, 369 belonged to the public sector and 205 to the private sector.

485. In 2006, a total of 7,994 pre-secondary and secondary education classrooms were available in the public and private sectors taken together.

486. The following pre-secondary and secondary education programmes allow students living in remote rural areas to continue their studies until they complete basic general education and, to advance to secondary education:

Telebásica Centres programme

487. This programme is designed to offer education to pre-secondary (grades 7- 9) students in remote rural, vulnerable urban and indigenous areas. It employs a distance-education system and methodology, pedagogically adapted educational material and counselling tutors.

488. Classes are accessible through a satellite signal originating in Mexico and transmitted by the National Channel "Tele 1". Every centre is endowed with audiovisual video recording equipment, learning resources for every subject transmitted from Mexico, furniture and logistics equipment.

489. The programme started in 1997 with five centres, 145 students and 10 vocational instructors. A second implementation phase began in 2002. In 2007, the programme comprised 232 classrooms, 4,515 students and 232 vocational instructors.

Multi-grade education programme

490. The goal of this programme is to guarantee the exercise of the right to education among indigenous and rural population groups which, for reasons of remoteness or extreme poverty, have a low enrolment ratio.

491. The programme is based on the "New School - Active School" model, with one teacher for two or more grades. Support is provided through curriculum, community and training strategies, monitoring and administration, offering a full basic general education of quality. This system is available at the primary and pre-secondary education levels.

492. In 2007, the programme comprised 6,556 primary education groups, with a total enrolment of 102,690 students, and 2,560 teachers; and 185 pre-secondary education groups, with a total enrolment of 2,373 students, and 116 teachers.

B. High-quality modern education

"Outstanding Schools" programme

493. This programme, designed to strengthen the school management and learning in basic general and secondary education, comprises the following three projects: Outstanding Schools of basic general education, with 50 establishments; Outstanding Schools of secondary education, with 25 establishments; and Managers for Educational Excellence, with 30 educational establishments.

494. In 2007, a concept and systematic presentation paper was drawn up, describing successful educational examples for replication. Three national forums were organized and attended by 1,000 educators and civil society representatives.

"Secondary Education Curriculum Reform" programme

495. The goal of this programme is to integrate creatively the scientific knowledge, instruments and technologies necessary for sustainable progresses at the education level in question. Secondary education curriculum reform is to be based on a participatory, efficient and high-quality model.

496. The programme is founded on a comprehensive assessment of the factors affecting learning, namely interconnections with preschool and primary education, repeat, dropping out and student deficiencies; on an analysis of the trends underlying the development of production and employment; and on an appraisal of young persons' perceptions of, expectations from and demand for secondary education.

497. Participants in this process are educators, members of the Education Coordination Commission and of teachers' associations, heads of household, students and representatives of civil society organizations.

498. On the basis of the studies carried out, 22 training programmes for the eleventh and twelfth grades were drawn up in 2007 in order to be implemented in teacher training. Technical support is provided for the preparation of teachers' guides and modules on the subjects of Panamanian geography, history and civics to be used in the Telebásica programmes.

"Improvement of the Quality of Basic Education" project

499. The goal of this initiative is to provide training for all multi-grade teachers working in the country's schools. Launched in 2002 for a five-year period of implementation, this project is carried out during the end-of-year school vacation.

500. Action undertaken as part of the project includes the following activities: In 2002, training for 4,947 teachers, 72 regional facilitators and 13 coordinators on "Educational planning and strengthening of strategies based on the New School - Active School methodology"; seminar on "Adaptation of primers to the new basic education programmes" for 4,656 teachers, 86 regional facilitators and 13 coordinators; in 2004, discussion on "Curriculum planning and learning assessment" for 4,462 multi-grade teachers, 107 facilitators and the coordinators of the country's 13 educational regions; in 2007, discussion on "Reading and writing: a lifelong connectivity" for 3,673 teachers, 119 regional facilitators and the 13 regional coordinators.

501. Through a tender, 100,197 pre-secondary Mathematics, Spanish and Natural Science textbooks and 55,641 teachers' guides, 155,838 books in total, were purchased for 33,400 students and 18,547 teachers.

"Connect to Knowledge" programme

502. This programme, implemented with the support of the Technical Secretariat for Science and Technology and the cooperation of the Institute for Human and Machine Cognition, is aimed at creating a national network connecting educational establishments, teachers, basic general education pupils and students, Government bodies and research organizations at the national and international levels.

503. To this date, 247 innovative classrooms have been prepared in an equal number of educational establishments. The classrooms are based on the "niche" system, according to which every student is provided with a work space, electronic mail and storage space. The programme has benefited more than 60,000 children; while 5,000 teachers have received training on subjects related to technology, meaningful learning and academic integration projects. The programme covers all provinces and indigenous areas.

"Hagamos Ciencia" ("Let's Do Science") project

504. The goal of this project is to implement methodological strategies for science teaching through research, an understanding of nature, stimulation of curiosity and development of scientific attitudes and skills.

505. Executive decree No. 5 of 2007 provided a legal basis for this initiative and its continuation within the education system.

506. In 2007, 47 schools in the various educational regions joined the project to the benefit of more than 20,000 students; 1,440 teachers and 68 facilitators were trained; and 54 and 14 teachers, respectively, received postgraduate and field training.

"Quality improvement in learning to read and write and mathematics" project, "ABCDESPañOL y Matemáticas" method, 0 to 20

507. This project aims to contribute to improving the quality of learning in the first grade; and is based on "play and learn" methods.

508. The project is implemented by stages. In 2006, it had been developed in 42 educational establishments and helped 15,100 pupils.

"English for Life" programme

509. This initiative, developed in accordance with Act No. 2 of 14 January 2003 establishing the compulsory teaching of English in public and private primary and secondary education establishments and containing other provisions, promotes learning of the English language with a view to developing language skills enhancing the learner's competitiveness on the labour market after his or her studies.

510. In 2007, the programme's "After School" module was attended by 5,300 students for more than 10 hours of classes per week, while the "Intensive English Course" module was attended by 3,300 persons. Such training is also offered to teachers in order to improve their teaching methods.

Learning Efficiency Assessment

511. In 2005, the SINECA Learning Efficiency Assessment System was implemented as a scientific and reliable means of evaluating the knowledge acquired by learners and determining its quality in terms of achievement or in relation to relevant factors.

512. The findings of the pilot phase, launched in 2005 and involving 30,000 tests given to students at various education levels, were published in 2007.⁷⁶

513. In cooperation with the Latin American Laboratory for Education Quality, SINECA participates in the periodic evaluations conducted through the Regional Comparative and Explanatory Study (SERCE) system.

C. Enhancement of the professional qualifications of teachers and improvement of their working conditions

514. Teachers and the managerial and administrative personnel receive ongoing training through the "Training and Updated Information for Teaching and Administrative Staff" project. In that framework, the teaching strategies are reinforced in the areas of language learning, science, social science, values and technology.

515. The following events are some of the most noteworthy activities carried out in the period considered: "First national meeting of teachers of French" attended by 150 teachers; "Enterprising 21st century leaders" event, attended by 1,500 school directors; "Value and quality of 21st century teachers" event, attended by 11,700 teachers; "Meeting of science

⁷⁶ These findings are available at <www.meduca.gob.pa>.

and mathematics teachers" and "New School - Active School" training, attended by 4,500 teachers; and "Connect to Knowledge" training, attended by 1,373 teachers.

516. In 2006, 24,081 teachers and 3,000 school directors participated in 423 seminars organized in all educational regions during the summer training period. In 2007, such training was provided to 17,568 teachers on the following topics: "Development of the students' potential and basic skills in teaching Spanish and Mathematics in multi-grade schools"; "Gathering and sharing knowledge for meaningful learning"; "Hagamos Ciencia" ("Let's Do Science") methodology; "Assessment of the process of inclusion" (in a seminar); "Computer literacy"; "School safety"; and "Educational establishment management, planning and administration".

517. Such periodic training is offered every year during school vacation.

518. In 2005, the teacher's curriculum vitae was introduced and new systems and services were established for the organization of competitive recruitment and appointment of teachers on the basis of transparency rules. These practices continued in subsequent years.

519. It is necessary to raise the level of remuneration of the teachers, especially those seconded to remote rural areas and to establish ongoing training procedures.

D. Development of new infrastructure

Educational establishment repair projects

520. In 2007, an amount of US\$ 7,272,161 was allocated for major building repairs in 125 schools; and US\$ 1,005,400 were allocated for minor repairs in 245 schools.

Educational Development programme

521. The target for this initiative has been set at 115 infrastructure works. At the end of 2007, 104 such works had been built. The total outlay for these activities amounts to US\$ 7,972,207.

"Decent Schools for Shack Schools" project

522. This project is aimed at transforming substandard schools into schools adapted to education purposes. Typically, the substandard schools are huts. Eventually they will be replaced by a concrete and appropriately outfitted building. The budgeted outlay of US\$ 4,357,845 covers the cost of 50 schools. The project is implemented with the cooperation of the Office of the First Lady.

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523. In the framework of this programme, educational establishments are remodelled in accordance with proposals formulated by the communities. A total of 86 projects were carried out in 2007.

"New power-supply technologies for education and health" (SOLEDUSA) project

524. This initiative aims at providing electricity and equipment to remote rural schools and schools located in indigenous districts, particularly in the Ngöbe Bugle region, with a view to overcoming inequalities, improving education conditions for the groups concerned and ameliorating the quality of primary education and basic health services. The project, implemented with the cooperation of the European Community, is carried out in stages. Currently, solar panels have been installed and furniture placed in educational establishments in the Ngöbe Bugle region.

Other projects

525. In view of the need to replace fibre glass material used as a roof insulator in various educational establishments and causing environmental pollution, the Ministry of Education, in 2007, redressed that situation by repairing 565 such centres.

E. Support for reenrolment and completion of studies

526. IFARHU grants scholarships to outstanding students, offers educational financial assistance to persons exposed to vulnerability and high risk, and forms partnerships with national and international educational organizations and institutions in order to provide students with broader study opportunities.

527. The main mechanisms currently used by IFARHU in granting student scholarships are the following: Financial Assistance Programme; General Scholarship Competition; Scholarship Programme for Persons with Disabilities; Scholarship Programme for Communities with Severe Poverty; and National Scholarship Programme for Eliminating Child Labour, for pupils and students aged 7-15.

528. The total number of scholarships granted increased from 19,434 in 2002 to 68,061 in 2007, when the total amount of such scholarships attained US\$ 40,062,979.55.⁷⁷

F. Coordination and cooperation with other organizations

529. The Ministry of Education cooperates with other Government bodies and with NGOs. Such action includes joint responsibility activities with communities, heads of household and associations of heads of household. The following activities are some of the most noteworthy such steps taken during the period considered:

- Social Commitment to Education Forum: The goal of this activity was to develop an assessment of education to serve as a basis for the preparation of the 20-year National Education Plan. The forum was conducted during six months in 2007 with the participation of representatives of all provinces and indigenous districts. The 3,000 participants met in 15 discussion forums.
- School-Business Alliance: The goal of this initiative is to establish strategic partnerships with entrepreneurial sector in order to support educational establishments in needy areas of the country. To this date, 631 enterprises, civic clubs and NGOs have joined this activity. At the end of 2007, these organizations had adopted 545 establishments to the benefit of 160,000 students.
- Community Education Programme: The goal of this initiative is to build the capacity of heads of household to participate in education management, and to involve other members of the community in that process. These persons sit on the National Boards of Education.

530. The Sociocultural and Educational Meeting of Heads of Household was held in 2007, with the participation of 300 persons from the 13 educational regions.

⁷⁷ Source: IFARHU Management Report, 2008.

G. Elimination of illiteracy

531. According to the National Census of 2000, 168,140 persons 10 years of age or older can neither read nor write.

532. The two major national projects currently implemented with a view to eliminating illiteracy are the "Move yourself for Panama" project managed by the Ministry of Social Development and the Reformed Educational Development Project coordinated by the Ministry of Education.

"Move yourself for Panama" project

533. The main objective is the elimination of illiteracy in the country, particularly in the rural, indigenous and vulnerable urban areas in order to improve the quality of life of the inhabitants by facilitating their integration into the social development process. The project, launched within the Opportunities Network Programme in 2007, has a two-year duration. The literacy promotion process is implemented with the support of the Volunteer Programme, consisting of persons over 16 who wish to contribute to such training. The methodology used in the project of Alphabetization is based on the Cuban "Yes I can" approach, recognized by UNESCO.

534. The project is currently implemented in 111 communities in all provinces and indigenous districts. Once the literacy component is completed, the next stage will consist in integrating the population groups concerned into the education system in cooperation with the Ministry of Education. The project is funded entirely by the State through the budget of the Ministry of Social Development.

Reformed Educational Development Project

535. The project targets persons aged 15-35 belonging to 300 selected communities living in severe or extreme poverty with a literacy problem; is implemented with IDB cooperation in the amount of US\$ 910,005; has a target population of 12,000; and was launched in 2007.

H. Leisure, rest and cultural activities

1. Culture

536. The National Institute for Culture (INAC) is the State body responsible for guiding, promoting, coordinating and managing cultural activities in the country. To attain its goals, it cooperates with the Ministry of Education and other Government agencies. To ensure nationwide coverage, it operates 19 schools in the various educational regions and 2 in indigenous districts. Some of the noteworthy activities carried out by INAC during the period considered are the following:

- **Programme for the integration of persons with disabilities in the arts and culture:** Aimed at children with disabilities, this initiative is implemented annually through the Festival of Inclusion; covers the areas of theatre, painting and sculpture; and is carried out in cooperation with the Office of the First Lady.
- **Painting Festival for Children with Cerebral Palsy:** In 2007, this annual event was of benefit to approximately 400 children participating in integration programmes.
- **Diversity Festival:** Its aim is to provide a space where children and adolescents with disabilities can express their artistic talent.

- **Museums:** Activities have been developed to help disabled children to find out what the Science Museum has in store. Such activities have been "Touch and learn" and "Guess who I am", based on tactile perception.
- **Art education:** Cultural activities are developed in educational centres in all provinces. In the centre of the Ngöbe Bugle region, such activities provide information on the local traditions, culture and language and promote original arts and crafts with a view to the preservation of the local culture and language.
- **Student band contests:** Such contests are organized on an annual basis in cooperation with the Ministry of Education and the Office of the First Lady. They are accompanied by musical training for the students during the school year and for the teachers, to enable them to promote such groups in the primary schools.
- **Flute Classes Programme:** This initiative is developed with INAC staff in communities located in various parts of the country, particularly where the population is poor. In 2007, the initiative included Musical Camping, with children who participate in the groups concerned.
- **Art Programme for Children Recovered from Child Labour:** This programme, developed in cooperation with the Office of the First Lady and CETIPATT, aims to offer beneficiaries of the child labour prevention and elimination programmes an opportunity to enjoy art. The programme targets 2,500 children in 57 schools and has been allocated US\$ 117,000.00.
- **Arts Programme for Adolescents in Conflict with Criminal Law:** This programme is implemented with INAC and the Institute for Interdisciplinary Studies as part of the process of social reintegration of the adolescents concerned.

537. As INAC does not receive technical cooperation from any organization, the Institute's action is based on inter-agency cooperation and on support from heads of household keenly interested in the development of their children's artistic endeavours. There is a constant lack of funds for the development of activities. Currently, an analysis of primary education curricula has been requested in order to improve the teaching of the various subjects through the fine arts.

2. Sport

538. To attain its objectives, PANDEPORTES, tasked with contributing, through sport and recreation, to the population's physical and mental development and health, coordinates its action with other Government bodies and with NGOs. Some of the noteworthy activities carried out by PANDEPORTES during the period considered are the following:

- **National Youth Games:** In this event, adolescents from all educational regions participate in volleyball, basketball, soccer and boxing championships.
- **Inter-college and inter-school championships:** Such events are held during the school year in order to promote the practice of sport among children and adolescents.
- **National Inclusion Plan, 2005-2009:** This initiative targets children, adolescents and adults with disabilities. In 2007, the outlay for such activities amounted to US\$ 175.000.

X. Special protection measures

A. Children in situations of emergency

1. Refugee children and adolescents

539. The Committee reiterated its recommendation that Panama should ensure adequate protection of refugee children, including in the fields of education, health and social services, and cooperate in a constructive and effective manner with UNHCR in that regard (CRC/C/15/Add.233, paragraph 54). Panama should take action to regularize the situation of those children of Colombians under temporary protection in Darién who were born in Panama and to facilitate their naturalization. The Committee also recommended full respect for the principle of non-refoulement and, whenever deportations are permissible under international law, they should be carried out in such a way as to avoid separating children from their parents. Panama should consider revising the current practice of restricting the freedom of movement of those Colombians under temporary protection, especially the young persons (CRC/C/15/Add.233, paragraph 54).

540. The total number of refugees and persons under the Temporary Humanitarian Protection Statute is estimated at 1,786,⁷⁸ comprising 957 refugees and 829 persons under the Statute. It is estimated that 835 are persons living in urban areas (urban refugees) and 400 are natives of America Centre (Nicaragua and El Salvador). Most of the persons in question have been living in the country for about 20 years.⁷⁹ There is another population group of approximately 951 Colombian persons (of African and indigenous descent), located in the Darién and Kuna Yala areas along the border with Colombia and including refugees and persons under the Statute.

541. According to estimates, the population group located in the border areas includes 442 children, namely 216 boys and 226 girls.⁸⁰ ONPAR is currently updating statistics on the various population groups. At the time of the relevant data collection, only estimates of the child population in border areas of Darién were available.

542. The Temporary Humanitarian Protection Statute (Executive Decree No. 23 of 1998) applies to population groups that cross the borders into Panama illegally and in significant numbers. The Statute stipulates an initial period of two months but actually that period has been eight years (since the arrival of the persons in question). By its transitory and restrictive character, the Statute limits the rights of the persons to whom it applies.

Measures⁸¹

543. Since the entry into force of Act No. 25 of 9 May 2008 which provides for the establishment of requirements so that refugees and asylum-seekers may, on an exceptional basis, apply for the immigrant status of permanent resident, refugees having been in Panama for more than 20 years are entitled to Panamanian nationality. Earlier, such persons obtained work permits on the basis of agreements concluded with the Ministry of Labour and Workforce Development.

⁷⁸ This number fluctuates constantly as a result of factors related to migration.

⁷⁹ United Nations office in Panama, Common Country Assessment (CCA), 2005, and Development Cooperation Framework (DFC), 2007, www.undp.org.pa/pnud.

⁸⁰ Figures calculated by the Department of Social Work of ONPAR on the basis of the 2004, 2005 and 2007 censuses.

⁸¹ Information provided by ONPAR.

544. ONPAR has promoted inter-agency cooperation agreements with the National Directorate of Migration and the Police with a view to ensuring timely consideration of the situation of migrants who cross the border. In the event that international humanitarian protection is required, ONPAR must be contacted in order to carry out enquiries and follow procedures as appropriate.

545. With regard to regularization through naturalization of children of refugees or people under the Temporary Humanitarian Protection Statute, ONPAR cooperates with the National Directorate of the Population Register in order to ensure recognition of that right. It is estimated that approximately 75 per cent of the population of African descent is registered. Efforts regarding the indigenous population meet with less success. Some of the main obstacles are cultural. In recent years, relevant awareness-raising has been reinforced and the population in question has shown greater interest in the recognition of that right. With regard to the Wounaan population in particular, the National Directorate of the Population Register has been requested to carry out a survey in the area in order to determine the demographic situation.

546. Within the framework of the Third Meeting of Ministerial Authorities of Panama and Colombia on the Treatment of Displaced Persons and as a result of the Binational Census of the Population under the Temporary Humanitarian Protection Statute, Panama and Colombia decided to take steps to improve the conditions faced by persons under the Statute.

547. These steps include voluntary repatriation and the issue of a great number of identity cards by Panama.

548. In order to preserve the unity of the family group, the Government of Panama through ONPAR, the Colombian Government in cooperation with the Social Action Network of Colombia and UNHCR implement the Family Reunification Programme, which averts the separation of minors from their family. Young persons over 18 have an option. Elderly persons who are ill are also not separated. Voluntary repatriations are an option under these procedures.

549. Upon arrival and request for assistance, a migrant or group of migrants undergo a socioeconomic assessment and receive legal assistance. Persons under the Temporary Humanitarian Protection Statute and refugees are accommodated in and live with the community. They are not isolated or confined as is the case under other circumstances.

550. Any minors in the group of migrants are provided with accommodation in the community or with NGOs and are not kept in police facilities.

551. Cases of minors crossing the borders alone are rare. There have been approximately two such examples, including an adolescent over 16 who had left the guerrilla. Such cases are immediately reported to the International Red Cross (one of the persons concerned, currently an adult, is known to have decided to settle in Panama).

552. With regard to restrictions on the movement of young persons under the Temporary Humanitarian Protection Statute, ONPAR has stated that national security measures are applied in relation to the causes for which the persons in question left their country and to the need to ensure the security of the local population (there have been cases of violence against the local population by groups attempting to locate specific individuals, including an assault in Boca de Cupé and Yape and the mutilation of a physician).

553. When wishing to leave the area, a person under the Statute must request an exit permit from the Police, and indicate the area that he or she will visit and the time of absence. Generally speaking, permits are granted for the sale of products.

554. Social care and action are coordinated by the national headquarters in Panama City in cooperation with local ONPAR personnel, UNHCR and the local authorities.

555. Currently, ONPAR has offices in El Real and Boca de Cupé. There are plans for an additional office. The staff of these offices is responsible for basic assistance to migrants. There is cooperation with the "People of the Forest" organization, the Darién Vicariate and UNHCR. ONPAR has a multidisciplinary staff which attends to the needs of refugees and persons under the Statute.

556. ONPAR ensures the provision of health care through the local services, while emergency cases are transferred to the Panama City office for speedy referral to a hospital. Such assistance is extended in cooperation with the Darién Vicariate, which covers the transport, accommodation and food expenses occasioned. ONPAR ensures free treatment in public hospitals. Otherwise, the patient would have to pay 10 per cent of the costs, a contribution required by the health system from uninsured nationals.

557. The State ensures access to education for all children without any discrimination, including those of asylum seekers, through requests in line with quotas applicable to the local schools. Arrangements are made for exemption from registration fees. In the event that the local authorities reject the request in ignorance of the applicant's rights, the headquarters communicate with the central Ministry of Education authorities in Panama City to resolve the problem. NGOs provide the children concerned with uniforms, footwear and school supplies.

558. During the documents processing stage, ONPAR provides asylum seekers with accommodation and a US\$ 150,00 family allowance. Such benefits are extended in cooperation with the Red Cross.

559. The State grants applicants the right to land use, and UNHCR and other organizations provide housing. Once refugee status is granted, refugees must be integrated into the community.

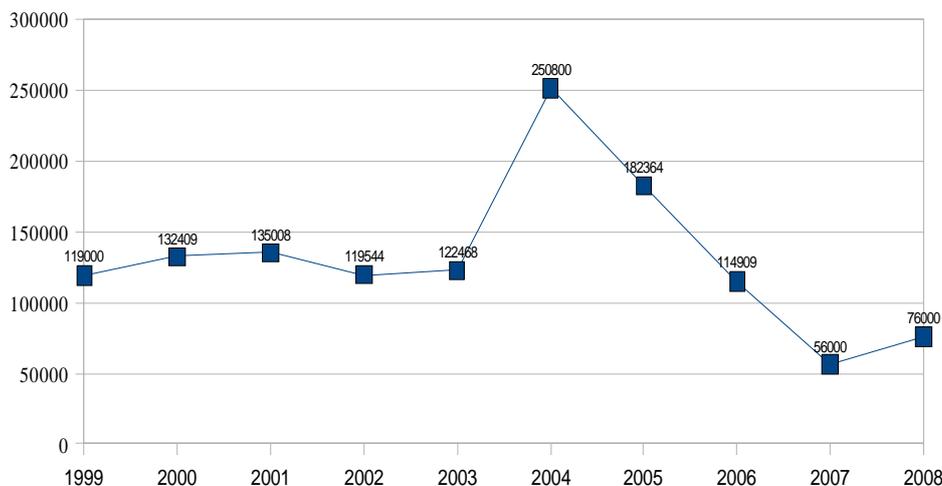
560. In cooperation with UNHCR, other State bodies and civil organizations, ONPAR conducts awareness-raising campaigns and training on such topics as "Gender equality and domestic violence prevention", "Boys' and girls' rights", "STDs and HIV/AIDS" and "Human rights". In cooperation with the local authorities, extensive awareness-raising campaigns are organized in connection with the UNHCR World Refugee Day (in June). The local communities are involved in all such campaigns and training activities. Discussions are currently under way with a view to organizing sport events.

561. Difficulties encountered by ONPAR in meeting its responsibilities include the lack of personnel, inadequate wages for its staff, and limited budget resources. In fact, financial cooperation with UNHCR has declined in recent years. Starting with the current year, the funds concerned are administered by the National Treasury, a process slowing down the provision of funds necessary for assisting refugees in a timely manner (earlier, funds transited directly through UNDP and the National Bank).

562. The reduction in budgeted cooperation funds has also affected the wages of the national staff, who are thus disadvantaged in comparison to peers under contract with UNHCR.

563. The Ministry of Governance and Justice should conclude inter-agency technical cooperation agreements with other Government bodies (the Ministries of Social Development, Health, and Education) in order to enable ONPAR to be more efficient in managing the services that it is expected to offer to the population in question.

Annual UNHCR contributions to ONPAR for assisting refugees in Panama



Source: ONPAR.

2. Children and adolescents affected by armed conflict

564. Although no armed conflicts are taking place in Panama, one of the measures adopted during the period considered has been to introduce under chapter II on "Offences against persons or property protected under international humanitarian law" of Title XV of the Criminal Code a new offence, consisting in violating the provisions on accommodation for women or families or on special protection for women or children, which are contained in international treaties to which Panama is a party. In particular, recruiting or enlisting persons under 18 or using such persons for active participation in hostilities carries 10-12 years' imprisonment.

B. Juvenile justice

565. The Committee recommended that Panama should continue its efforts to reform the legislation concerning the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System (CRC/C/15/Add.233, paragraph 61). As part of that reform, the Committee particularly recommended that Panama should: (a) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special facilities for children with conditions suitable to their age and needs and by ensuring the existence of social services in all those facilities, and guarantee separation from adults in all pre-trial and other detention centres; (b) investigate, prosecute and punish any case of mistreatment committed by law enforcement personnel, including prison guards, and establish an independent, child sensitive and accessible system for dealing with complaints from children; (c) ensure that children remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child was detained and where he/she is being held; (d) introduce regular medical examination of children by independent medical staff; (e) make every effort to

establish a programme of recovery and social rehabilitation of juveniles following judicial proceedings; (f) take into consideration the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paragraphs 203-238); and (g) request technical assistance in the area of juvenile justice and police training from, among others, UNICEF (CRC/C/15/Add.233, paragraph 62).

1. Adolescents in conflict with criminal law

566. According to the National Human Development Report, Panama, 2004,⁸² a comparison of criminal trends over the period 1997-2001 shows that, despite an increase in criminal offences, the adolescents' share in crime as a whole has remained approximately stable at approximately 14.0 per cent of the total of cases, while their share in serious crimes has fluctuated between 2 and 3 per cent, attaining 3.1 per cent in 2001. The report concludes that, in Panama, delinquency is mainly an adult phenomenon and juvenile delinquents usually commit lesser crimes.

567. In 2003, 3,182 cases involving the presumed commission of a criminal offence by adolescents were brought before the juvenile criminal courts and children's and juvenile courts of the country as a whole. Of the total number (100 per cent) of 2,424 judgements (judicial decrees and decisions) handed down by the courts on the above cases, 207 (8.5 per cent) involved a decision, and comprised 31 (1.3 per cent) acquittals and 176 (7.3 per cent) convictions. In sum, in 2003, of the 3,182 cases, in total, brought to juvenile criminal justice, in only 176 (5.53 per cent) was an adolescent found guilty.⁸³

568. In 2005, of the 4,050 such cases heard, 432 (11.18 per cent), approximately twice as many as in 2003 (7.3 per cent), led to a conviction.

569. Juvenile criminal courts began to function in September 2003. This may explain the increase in the number of sentences as from that year.

570. In recent years, the absolute number of cases involving juvenile delinquency and violence has increased. This has had a considerable impact on public opinion. Surveys, however, have shown that this increase has resulted from the demographic expansion of that age group. In fact, in percentage terms, young persons in conflict with the law do not exceed 2 per cent.

571. Moreover, the phenomenon of juvenile delinquency must be seen in the context of migration to the cities, lack of education and poverty. Clearly, the social risks involved are far more significant than the problems actually observed. The risks are perhaps contained by family support and to the minors' efforts to abide by society's rules in the face of considerable needs.

2. Amendments to the legal framework

572. Through Act No. 15 of 22 May 2007 laying down measures for streamlining pre-trial procedures in ordinary criminal proceedings and in special proceedings involving juvenile criminal responsibility, and containing other provisions, substantial amendments were made to Act No. 40 of 1999. These amendments contained provisions such as those discussed below.

⁸² UNDP. National Human Development Report, Panama 2004. From Invisible to Protagonist, first edition, October 2004.

⁸³ *Source*: Children's and Juvenile Courts and Juvenile Criminal Courts. Judiciary, Centre of Court Statistics.

573. With regard to the maximum duration of pre-trial detention (article 52), the non-renewable character of such detention was eliminated and it was stipulated that, in principle, such detention may be of six months renewable by the judge at the request of the public prosecutor. Before the amendment, pre-trial detention could only be imposed for a maximum period of six months.

574. With regard to the cases in which pre-trial detention may be imposed (article 58), the scope of the measure was extended to additional crimes, namely aggravated possession of drugs, trading in firearms or explosives, unlawful association and extortion. These crimes were added to those already provided for (felonious homicide, particularly severe personal injuries, felonious personal injuries resulting in death, robbery, abduction, rape and illicit drug trafficking).

575. With regard to the conclusion of the investigation (article 85), the duration of investigation remains ninety days and may be renewed if no adolescent is in pre-trial detention. However, the following exception has been introduced: By reasoned decision, the trial judge may decree detention renewals in view of the complexity of the investigation, when two or more adolescents are in conflict with criminal law, or on the grounds of pending judicial formalities.

576. An adolescent caught in the act (article 80) must within 24 hours be placed at the disposal of the public prosecutor by the person having carried out the arrest; and the public prosecutor may order pre-trial detention within the next 72 hours. Earlier, the person having carried out the arrest had an obligation to place immediately the adolescent at the disposal of the public prosecutor, who should then make the decision in question within 24 hours.

577. It is provided (article 129) that socio-educational sentences shall be revoked if the adolescent commits another criminal offence, and that they do not apply to cases of crimes that justify pre-trial detention. It has not been taken into account that a socio-educational sentence constitutes in itself a penalty and that, if another offence is committed, the offender must be punished for that other offence.

578. With regard to incarceration in a prison (article 141), the periods of imprisonment were lengthened, new crimes were added and an increase of the custodial sentence in view of aggravating circumstances was introduced. The following table shows the amendments made:

Comparative table
Special rules on the criminal responsibility of adolescents
Changes to the maximum period of imprisonment by type of offence according to amendments to Act No. 40 of 1999
(Act No.46 of 2003 and Act No. 15 of 2007)

<i>Act No. 40 of 1990 amended by Act No.46 of 2003</i>		<i>Act No. 40 of 1990 amended by Act No. 46 of 2003 and Act No. 15 2007</i>		
<i>Offence</i>	<i>Maximum period</i>	<i>Offence</i>	<i>Maximum period for simple commission</i>	<i>Maximum period for commission with aggravating circumstances</i>
Felonious homicide	7 years	Felonious homicide	9 years	12 years
Rape		Rape		
Illicit drug trafficking		Illicit drug trafficking		
Trading in firearms		Trading in firearms		
		Terrorism		

<i>Act No. 40 of 1990 amended by Act No.46 of 2003</i>		<i>Act No. 40 of 1990 amended by Act No. 46 of 2003 and Act No. 15 2007</i>		
<i>Offence</i>	<i>Maximum period</i>	<i>Offence</i>	<i>Maximum period for simple commission</i>	<i>Maximum period for commission with aggravating circumstances</i>
		Extortion*	9 years	N/A
		Abduction		
		Aggravated possession of firearms*		
Severe personal injuries	5 years	Severe personal injuries	7 years	N/A
Severe personal injuries resulting in death		Severe personal injuries resulting in death		
Abduction		Robbery		
Robbery				
Possession of firearms				
Membership in a criminal gang	3 years	Membership in a criminal gang	5 years	N/A

* New crimes.
N/A: Not applicable.

579. With regard to serving a custodial sentence in a penitentiary centre (article 151), the possibility for a person serving such a sentence who has turned 18 to serve out that sentence in a juvenile prison was eliminated. Thus, the judge responsible for sentence enforcement must immediately order the transfer of that adolescent to a prison. Moreover, the possibility for such a judge to release a person who has turned 21 on parole or grant at that point an early cessation of the sentence has also been eliminated.

580. Lastly, the role of the authority responsible for resocialization was transferred from the Ministry of Social Development to the Ministry of Governance and Justice. The Institute for Interdisciplinary Studies remains responsible for implementing resocialization programmes in the prisons and socio-educational measures, save that it is attached as a semi-independent body to the Ministry of Governance and Justice, with greater decentralization in the exercise of its functions.

3. Strengthening of institutional management

581. Transforming the Institute for Interdisciplinary Studies into a semi-independent body attached to the Ministry of Governance and Justice has contributed to strengthening its functions, particularly with regard to implementing resocialization programmes in the prisons and socio-educational measures. Indeed, through that change, the Institute ensures technical reinforcement within the organizational structure of the Ministry.

582. The Institute operates within the framework of Act No. 40 of 24 August 1999 and ensures that all of its functions are fulfilled and develop according to the principles and provisions of the Convention, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Guidelines for the Prevention of Juvenile Delinquency.

583. The Institute's work is based on a faithful pursuit of the aims of the sentence. Accordingly, priority is given to the adolescent's re-education and social reintegration

through school-enrolment, vocational-training, psycho-social care and recreation programmes, in accordance with the principles of defence, protection and reaffirmation of the human rights of the adolescents deprived, and those who are not deprived, of their liberty.

584. Measures taken for the technical strengthening of the Institute for Interdisciplinary Studies:

- Organizational restructuring and development of new units with specific responsibilities, which contribute to the functioning and the pursuit of the objectives of the Institute;
- Enhancement of the specialized staff dealing with the adolescents and of the administrative support staff;
- Drafting of model rules and regulations for the country's juvenile detention centres and prisons;
- Ongoing training, by experts and through seminars, for the specialized staff with a view to the development of new treatment skills;
- Conclusion of cooperation agreements with such bodies as the Ministry of Education and the National Institute for Professional Training and Qualification for Human Development, and thereby strengthening of the educational component aimed at the adolescents.

585. Another positive effect of institutional reinforcement has been the upgrading of the physical facilities of the Institute, which since 2007 operates in adequate premises independent of the Ministry, to which the Institute is attached. It has thereby been made possible to offer juvenile inmates and their relatives guidance and comprehensive care services through socio-educational activities under better physical conditions. The facilities include centres for therapy centre (with audio-visual equipment and a library), psychosocial attention and legal counselling. Inter-agency coordination for the provision of socio-educational services to adolescents in conflict with criminal law has also been upgraded.

4. Improvement of incarceration conditions

586. Currently, the Institute operates four custodial centres for pre-trial detention, including one for women, and four prisons for sentenced adolescents. In December 2007, the custodial centres housed 140 adolescents (139 boys and 1 girl), while the prisons housed 148 male adolescents.

587. In recent years, the State has continuously funded renovations and improvements in custodial centres and prisons countrywide in order to create a physical environment conducive to the resocialization process.

588. **Comprehensive Security Programme (PROSI):** Funded by IDB and the State, this programme is currently in the tender submission and construction stage for Panama Prison (*Centro de Cumplimiento de Panamá*) and represents an approximate investment of US\$ 6 million.

5. Enhanced rehabilitation, social reintegration, health care and family support programmes

589. As the authority responsible for resocialization, the Institute for Interdisciplinary Studies has developed a series of action lines aimed at the ongoing reinforcement and improvement of programmes of care for adolescents in conflict with the law.

590. Programmes with a psychosocial, educational, vocational, health-care, family-support, recreational, cultural and spiritual component are developed in the prisons in accordance with the law.

591. Moreover, a psychosocial care programme developed for juvenile inmates includes a socio-educational or counselling and monitoring component.

592. Such care is adapted to the socioeconomic characteristics of the population of adolescents in conflict with the law. Approximately 80 per cent of the adolescents deprived of their liberty come from poor or extremely poor households, with all the social, economic, educational and employment-related consequences that such a situation implies.

593. The projects discussed below have been developed with international organizations and State funding in order to contribute to strengthening the above programmes, broadening their scope and improving their effectiveness.

Project for improved action for socially vulnerable minors and adolescents in conflict with the law

594. With support from the Spanish-Panamanian Joint Fund for Cooperation, adolescent care programmes have been strengthened with a diagnostic assessment of requirements, new care and training methods, development of model profiles for centre and programme staff, new methodological tools, and the introduction of the specialty of social educator in the system of care for adolescents.

595. The introduction of social workers in the detention centres has largely reduced conflicts among adolescents. The Government has included such workers in the centres' staff lists.

Project for the protection of adolescents in and from deprivation of liberty

596. A draft sentence-enforcement Act is being drawn up in cooperation with UNICEF. Such legislation, currently lacking, would greatly contribute to organizing care for the adolescents concerned. There are also plans for the publication of bibliographical material and advice on institution building.

Study related to the preparation of a draft sentence-enforcement Act

597. This study, conducted in cooperation with UNICEF, addresses issues related to the manner in which sentences should be served. It takes into account training, meetings and exchanges of views with neighbouring countries which have organized systems of care for adolescents deprived of their liberty. The amount provided for the study is US\$ 18,000.

Comprehensive Security Programme (PROSI)

598. With IDB funding, a new model is developed for the programmes of comprehensive care for adolescents, family support, and follow-up action with regard to adolescents who complete a programme.

Young adults programme

599. In response to the provisions of Act No. 15 of 2007, under which, upon reaching majority, adolescent detainees must be transferred to a prison with a separate section providing conditions conducive to resocialization, this programme helps to ensure that the proper legal guarantees are applied to adolescents who, once they turn 18, must serve out their sentence in such facilities.

Enhancement of educational opportunities for adolescents in conflict with criminal law

600. A cooperation agreement has been concluded with INADEH for the provision of technical training; and agreements have been signed with Universities with regard to access to higher education.

Health care

601. Currently, Tocúmen prison and the "Arco iris" ("Rainbow") detention centre contain a clinic. In the other centres, health care is provided through the health care system of the local community.

Socio-educational programmes

602. These programmes are aimed at offering support and counselling services in response to socio-educational sentences handed down by the judge. Coordination between the responsible organizations has been improved and agreements have been concluded with, inter alia, the Fire-fighting Service, the National Red Cross and the National Civil Defence System, in which adolescents may fulfil community service obligations.

Processing of complaints

603. Adolescents deprived of their liberty may file complaints with the Ombudsman's Office or address themselves to the administrative authorities of the Institute for Interdisciplinary Studies.

604. Institute staff tour the country in order to assess the conditions prevailing in the detention centres, and hear and process as appropriate the adolescents' complaints. Guards have been removed on grounds of abuse and non-fulfilment of their responsibilities and appropriate investigations have been initiated.

Main problems

605. Certain problems affecting the operation of the Institute for Interdisciplinary Studies are related to the conditions of employment of prison and detention centre guards. Half (145) of that personnel are on temporary contracts, although the rest (125) are permanently employed. Wages are very low and there is no adequate wage policy (a guard earns between US\$ 300 and US\$ 350, while a centre director earns approximately US\$ 600,00. These factors have an impact on the training received by the personnel.

C. Exploited children and adolescents

606. The Committee recommended that Panama should: (a) Ensure the full implementation of the child labour provisions and take all necessary measures to prevent child labour, in rural as well as urban areas (child domestic workers); (b) develop preventive measures that target those soliciting and providing sexual services, including materials on the legislation concerning the sexual abuse and exploitation of minors, and education programmes, including programmes in schools on healthy lifestyles; (c) increase the number of trained labour inspectors and trained professionals providing psychological counselling and other recovery services to victims; (d) train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner (CRC/C/15/Add.233, paragraph 57).

1. Economic exploitation, including child labour

607. In 2000, Panama, in cooperation with ILO-IPEC, launched the first Survey on Child Labour, carried out by the Statistics and Census Directorate in the Office of the Comptroller General. The survey was designed to use the parameters necessary for an assessment of child labour, such as, inter alia, age group and type of approach used. It is therefore the only trustworthy survey and the one that best reflects Panama's reality in the area in question. Such is not the case with the Household Survey, which addresses the country's labour issues but does not use the specific parameters needed to study the problems at issue. The next Survey on Child Labour will be carried out in 2008.

608. According to the Survey on Child Labour, 2000, the economically active population included 57,534 children and adolescents aged 5-17⁸⁴, of whom 47,976 were actually employed.

609. It was also found that 28,417 or 59.3 per cent of the above group were aged 14-15 and 19,559 or 40.7 per cent were under 14. The minimum legal age for employment in Panama is 14. Of the 40.7 per cent under 14, 16,804 or 35 per cent were aged 10-14 and 2,755 or 5.7 per cent were aged 5-9.

610. Of the working minors, 68 per cent lived in rural and 31 per cent in urban areas.

611. Of these workers, 51.2 per cent were employed in agriculture, 14.7 per cent in the informal sector and 6.1 per cent in domestic service.

612. Of the above workers, 82 per cent worked during the day, while the rest worked in the evening or in the night (in violation of the law). The average number of hours of work per week was of 26.2. Moreover, 21 per cent worked 21-40 hours weekly and 21 per cent worked more than 40 hours weekly, in excess of the allowed number of hours of work per week (16 hours for ages 14-16 and 42 hours for ages 16-18).

613. Of the employed minors, only 42 per cent were enrolled in school. Of those enrolled, 59 per cent lived in rural and 41 per cent in urban areas.

614. Of the workers under 18, 53 per cent worked in the primary sector, 7.1 per cent in secondary sector and 39 per cent in the tertiary sector.

615. With regard to injuries suffered as a result of work, 1.9 per cent of the above workers stated that they had suffered such injuries frequently, 4.4 per cent occasionally and 93.7 per cent on very few occasions. Of the 3,148 children and adolescents who had suffered such injuries, only 65 per cent had received medical attention. The main causes of injury had been wounds (cuts), blows, various causes, burns, anaemia, fever and influenza, eye infections, skin problems and back problems. Of the burns, 70 per cent had been suffered by girl workers, while 100 per cent of wounds and 98 per cent of fractures had been suffered by boy workers.

616. During the period considered, the elimination of child labour has been a high-priority objective and a national issue related to poverty reduction. The main activities carried out and measures taken with a view to the attainment of that objective are described below.

⁸⁴ Namely, persons aged 5-17 who had worked or had sought employment in the past 12 months.

Strengthening of inter-agency action, and results achieved

617. Under Executive Decree No. 37 of 21 June 2005, CETIPPAT⁸⁵ was reinforced through a broadening of its composition and an improvement of cooperation mechanisms with a view to better coordination between Government bodies and NGOs engaged in eliminating child labour in Panama (there are currently more than 25 such Government bodies and NGOs). The committee is chaired by the Office of the First Lady, has a technical secretariat provided by the Ministry of Labour and Workforce Development and is provided with technical and financial cooperation by ILO-IPEC. An inter-sectoral intervention protocol is currently being drawn up to ensure appropriate coordination in interventions against child labour.

618. All of the significant advances achieved by CETIPPAT through action undertaken by each of its members have been based on joint efforts and ILO-IPEC technical and financial cooperation through the implementation of the country programmes for the elimination of child labour, which are discussed further on.

619. The formulation and implementation of the Operational Plan for Eliminating Child Labour in Panama, 2006, has been one of the outstanding achievements of CETIPPAT. In 2007, the National Plan for the Elimination of Child Labour and the Protection of Working Minors, 2007-2011, and the Operational Plan for 2007, were formulated and launched.

620. Within the National Plan, the trade unions represented in CETIPPAT drew up the Inter-Union Operational Plan for the Elimination of Child Labour, currently implemented. This plan, unique in the region, has inspired initiatives in other countries. Enterprises promoted relevant initiatives through the Entrepreneurial Social Responsibility Network. Among other notable contributions, the Telephone Foundation of Panama implements child labour prevention programmes.

621. With regard to the media, an agreement has been concluded with such bodies with regard to social communicators, and ongoing training has been organized to raise such communicators' awareness of the issue; and they have formed a Social Communicators' Network against Child Labour. Ongoing communication, dissemination and awareness-raising campaigns have been introduced at the national level, particularly in connection with the World Day against Child Labour on 12 June.

622. IFARHU created the National Scholarship Programme for Eliminating Child Labour and established cooperation mechanisms to ensure its sustainability.

623. UDELAS provides postgraduate training on "Strategies for the elimination of child labour" on a permanent basis, and the third diploma course in that area is currently in progress. UDELAS plans to integrate the child labour issue into all curricula.

624. The numerous studies carried out on child labour and its elimination in Panama, which include a diagnostic assessment through the National Survey on Child Labour, have addressed such issues as domestic child labour, urban child labour and the worst forms of child labour. Such studies have served as a basis for the design and implementation of measures for the elimination of the phenomenon in the country.

625. The formulation and implementation of direct action plans for the elimination of child labour and legislative progress with regard to the elimination of the worst forms of such labour are discussed further on.

⁸⁵ This Committee was created in 1997.

626. The Government has committed itself to providing funds within the sectoral budgets for action within the framework of the National Plan for the Elimination of Child Labour and the Protection of Working Minors.

627. The Government has also committed itself to the conduct of the National Survey on Child Labour through cooperation agreements between the Office of the Comptroller General, the Ministry of Labour and Workforce Development and the Ministry of Social Development. The next such survey will be carried out with local funds provided by these bodies.

628. A database has been set up for monitoring child labour in the country and indicators adapted to conditions in Panama have been developed.

629. Ongoing training is provided to the executive and technical staff of CETIPATT.

630. Awareness of the issue has been promoted among such parliamentary bodies as the Commissions on Women's Affairs, the Rights of the Child, Youth and the Family, and Indigenous Affairs. Analogous efforts are currently in progress with regard to the judiciary.

631. In 2007, a binational meeting was held between Costa Rica and Panama in order to examine the situation of indigenous population groups in the border area, within the framework of the child labour elimination policy. The meeting was attended by high-level authorities of both countries, delegations of indigenous population groups, CETIPPAT members and representatives of the business sector. The meeting led to important agreements. Currently, the two Governments follow up on that action.

Institutional enhancement of the Ministry of Labour and Workforce Development

632. **The Department for Child Labour Inspection and the Protection of Working Minors** was established⁸⁶ in order to: Ensure the implementation of the provisions on the prevention of child labour and exploitation contained in the Labour Code, the Family Code, ILO Conventions nos 138 and 182 and other instruments of constitutional rank; in particular, monitor and verify compliance with the social approach to labour regulations, and carry out "in situ" inspections to identify instances of child labour exploitation and monitor labour relations in the case of legally employed adolescents; follow up on the child labour elimination programmes implemented and financed with ILO-IPEC support (on domestic child labour, hazardous child labour and the elimination of the worst forms of child labour in the country); and develop programmes aimed at the progressive elimination of child labour.

633. On the basis of the Programme for Child Labour Care and Protection of Working Minors, the above department is responsible for: Meeting and counselling working adolescents and heads of household with regard to employment relations or employment-related conflicts; issuing and monitoring work permits for adolescents; providing advice with regard to child labour; carrying out ex officio or upon-request inspections in enterprises in order to check adolescents' work permits, contracts, wages, types of work, hour schedules and shifts; inspecting the physical conditions provided by the enterprises for workers' labour, rest and meals; making home calls to working adolescents in order to determine their socioeconomic condition; handling complaints related to the situation of working minors; in the absence of relatives or tutors, representing working minors in the Department of Labour Guidance and Individual Conciliation of the General Labour Directorate; in cooperation with the regional directorates of the Ministry, carrying out rounds for the elimination of child labour in agricultural activities; referring situations to

⁸⁶ Ministerial decision No. DM/22/2002.

appropriate bodies and/or agencies whose work is related to the Department's and providing coordination as appropriate; proposing the imposition of penalties to enterprises that violate the law on the work of minors; training child labour inspectors; and preparing and publishing bulletins and pamphlets with information on the Department.

634. Inspection capacity and management have been enhanced by increasing the number and improving the professional training and working conditions of the inspectors of the Ministry of Labour and Workforce Development. These inspectors, 100 in 2000 and currently 160, have all received university training, enjoy labour stability and are paid wages commensurate with their responsibilities. As part of multipurpose training, they are kept abreast on the issue of child labour elimination, so that, in the framework of general inspections, they are technically capable of detecting and reporting instances of child labour exploitation.

635. Inspection methods have been upgraded by making available to the inspectors a computer system enabling them to plan their activities in accordance with the protocol on child labour care. They are provided with a Palm terminal and File Master software, with which they automatically transmit information on detected cases of child labour and related exploitation to **the Technical Evaluation and Analysis Unit of the Ministry of Labour and Workforce Development**. Such information is also transmitted to the Office of the Comptroller General as an input to the relevant database and statistical indicators.

636. The Protocol on Labour Inspections for the Elimination of Child Labour and the Protection of Working Minors was prepared in 2007. An executive decree adopting the protocol is currently pending.

637. **The Health and Safety Network against the Unhealthy and Hazardous Child Labour** was established⁸⁷ with a view to the implementation of measures for eliminating the child labour in question. That network, attached to the Ministry of Labour and Workforce Development, includes, inter alia, the Ministries of Health and of Social Development, CSS, the National Health, Security and Environment Board, the Panama Canal Authority, the Firefighting Service, the National Civil Defence System, the Police and the National Maritime Authority.

Enhancement of the legal framework for the elimination of child labour

638. A list of the types of work considered to be too hazardous to allow their performance by persons under 18 was drawn up under Executive Decree No. 19 of 2006⁸⁸ adopting such a list in the framework of the worst forms of child labour in compliance with ILO Convention No. 182.

639. The draft Act on the comprehensive protection of children and adolescents contains a chapter on the protection of children and adolescents against economic exploitation. One of the chapter's provisions raises the minimum employment age to 15 years, thereby aligning national legislation with Panama's international legal obligations. As already indicated, this bill is currently with the National Assembly, pending the relevant legislative procedure.

640. Since 2007, the Criminal Code, in article 197, provides for penalties for child abuse and, in article 198, specifies the situations constituting abuse. They include inducing children to beg and employing them on types of work that are prohibited or endanger their

⁸⁷ Through Executive Decree No. 279 of 24 September 2003.

⁸⁸ Executive decree No. 19 of 12 June 2006 adopting the list of hazardous types of work in the framework of the worst forms of child labour.

life or health. The penalty carried is two to four years' imprisonment, or three to six years' imprisonment where there are aggravating circumstances.

International cooperation

641. ILO, through IPEC, has been the main organization providing technical and financial cooperation in the efforts undertaken during the period reviewed in order to eliminate child labour.

642. In the framework of that technical and financial cooperation, the following two phases of the Country programme for combating the worst forms of child labour in Panama have been implemented:

Phase I⁸⁹

643. Strategic planning was based on the National Survey on Child Labour, 2000. Use was made of other technical studies; and of coordination, planning and validation meetings with more than 40 relevant Government bodies and NGOs.

644. The overall goals were to enhance the institutional capacity and the quality of response against the worst forms of child labour; and to recover 1,000 children from the worst forms of child labour and reintegrate them into the education system (Direct Action Programme).

645. The main results achieved by the end of phase I included the following outcomes: Increased dissemination and training on child labour among the media, employers, and civil and community authorities and organizations; improved national and provincial coordination mechanisms, primarily through support for CETIPPAT, main organization responsible for inter-agency coordination; development of the National Plan for the Elimination of Child Labour and the Protection of Working Minors; enhancement of the legal framework; and implementation of Direct Action Programmes for the urban and rural areas.

646. The Stage I implementation budget amounted to US\$ 1,599,659 (US\$ 1,000,000 from the cooperating organization and a local contribution of US\$ 599,659). The duration of phase I, launched in 2002 and completed in 2006, was 32 months.

Phase II⁹⁰

647. The overall goal consists in building the inter-agency coordination and monitoring capacity both of CETIPPAT and of the national agencies involved in implementing the National Plan for the Elimination of Child Labour and the Protection of Working Minors; and ultimately in ensuring that the current Government's policies on child labour elimination become State policies.

648. In particular, phase II focuses on technical cooperation to ensure that the national agencies represented by CETIPPAT design, implement and monitor programmes for preventing and eliminating child labour within their own institutions.

649. At the legal level, the focus is on aligning the national legal framework with the relevant international standards ratified by Panama.

650. The phase also includes the development of Direct Action Programmes designed to recover 1,500 children from, and to prevent, child labour.

⁸⁹ PAN/02/P50/USA.

⁹⁰ PAN/06/50/USA.

Action programmes for eliminating and preventing child labour in Panama

651. Direct Action Programmes for the Elimination of Child Labour in Urban and Rural Areas, aimed at recovering 1,000 children: One such programme was implemented in the San Miguelito district, Panama province, and one in the Ngöbe Buglé region. Both programmes were carried out through NGO "Casa Esperanza", with a view to removing 1,000 children from the workforce. Launched in 2002, they were completed in 2006 as part of the implementation of the Country Programme for the Elimination of Child Labour in Panama, Phase I, Government and ILO-IPEC.

652. Project for the Reduction of Domestic Child Labour in the Districts of Mesa and Cañazas, Veraguás province: The project was implemented with ILO-IPEC technical and financial cooperation. The ILO contribution amounted to US\$ 50,000.00 and the local contribution to US\$ 28,400. The project was launched in 2004 and lasted 12 months. NGO "Centre for studies, promotion and social assistance" (CEPAS) was the executing agency. The overall goal was to contribute to a progressive elimination of domestic child labour in the target areas. Specific goals consisted in: Taking preventive action in respect of 200 vulnerable children and adolescents in the areas concerned; recovering 150 children and adolescents, in those areas, from domestic child labour and reintegrating them into the formal or informal education system; training 50 of the families of those children in production and self-management techniques with a view to income generation; and supporting local structures with a view to the creation of a local system for protecting and monitoring the situation of children employed as domestic workers in the target areas. By the end of the project, the goals had been attained in excess of 100 per cent.

653. Direct Action Programme for Child Labour Elimination and Prevention in Rural and Urban Areas: This programme aims to help 1,500 children, of whom 750 are to be recovered from child labour and 750 are to be prevented from engaging in child labour. The relevant activities are carried out in Veraguás province, the Ngöbe Buglé indigenous district, and Panama province, Western region. The two first are implemented by NGO "Casa Esperanza" and the third by the FUNDESPA organization. The programme is part of the implementation of the Country Programme for the Elimination of Child Labour in Panama, Phase II, Government and ILO-IPEC.

654. Direct Action Programme in the Kuna Yala region: This programme, developed through ILO-IPEC technical cooperation, is funded by AECID, aims to help 150 children and is managed by the beneficiary community.

655. Direct Action Programme for the Prevention and Elimination of Child Labour in Panama City and Colón - Government of Panama: Created by the Government as a pilot programme within the framework of the National Plan for the Elimination of Child Labour and the Protection of Working Minors, 2007-2008, with a one-year duration (2008 to 2009), this programme is currently in the implementation stage.

656. The goal of the programme is to help approximately 5,000 children between the ages of 5 and 14 (direct beneficiaries) by preventing them from engaging in, or recovering them from, child labour, and 2,500 parents or guardians. The action mechanism consists in providing care for working children or potential child labourers through a network of services addressing the needs of the population group in question and in helping their parents to acquire productive income-generating technical skills.

657. The programme is implemented by Government agencies participating in CETIPPAT. The executive role is fulfilled by the Office of the First Lady, which chairs the Committee. The other agencies, nine in total, are the Ministries of Labour and Workforce Development, Social Development, Education, and Health, IFARHU, INAC, PANDEPORTES and the National Human Development Institute. ILO-IPEC provides technical cooperation.

658. Every agency has earmarked within its budget the funds necessary for the implementation of the project, which represents a total outlay of approximately to US\$ 1,225,080.48.

659. This project is significant in the area of institutional measures for the elimination of child labour in Latin America because it is the first such activity that is funded with Government budget allocations. Studies are under way for the implementation of the second phase of the project, whose budget exceeds US\$ 2.5 million.

660. Prevention of Child Labour through the Opportunities Network: The Opportunities Network Programme serves to discourage child labour through the mutually complementary components of care for the beneficiaries and joint responsibility that the beneficiaries assume in order to receive benefits. Indeed, the heads of household concerned commit themselves to keeping their children in the education system instead of sending them to work. By the end of 2007, 2,764 children had been recovered from child labour. Through the Opportunities Network Programme, approximately 19,630 persons under 18 have so far been prevented from engaging in child labour.⁹¹

661. National Scholarship Programme for Eliminating Child Labour: This initiative, implemented by IFARHU, a member of CETIPATT, is aimed at the reenrolment and retention of children and adolescents, who are beneficiaries of Direct Action Programmes for the Elimination of Child Labour, in the school system. The number of children thus helped increased from 2,682 in 2006 to 3,395 in 2007. The respective costs were US\$ 938,700 and US\$ 1,427,560.⁹² In cooperation with the Office of the First Lady, which chairs CETIPPAT, IFARHU has organized annual fund-raising activities for financing this programme.

662. Since 2005, the Government has intensified its efforts to eliminate child labour. Substantial progress towards that goal has been achieved through CETIPPAT. The issue has acquired increased visibility and importance in the participating organizations and in society at large. In that context, synergies have developed between State bodies, NGOs and civil society. Despite that progress, it has not yet been possible to secure the sustainability of the policy in question. It is therefore necessary that agreements should be concluded among the various political forces to ensure that the elimination of child labour becomes a long term policy of the State. Various types of courts (labour, children's, family and criminal courts) display a certain lack of awareness of the issue in their areas of competence, and the members of the public prosecution service should be encouraged to play a more decisive role in the matter. Lastly, it is necessary to buttress the child labour elimination process with amendments to the law, particularly with a view to aligning national legislation with the relevant international legal instruments ratified by Panama. International cooperation with the organizations working in the area in question should be maintained in order to provide that processes with the support necessary for its fruition.

2. Commercial sexual exploitation of children and adolescents

663. The Committee recommended the adoption and effective implementation of adequate legislation to prevent and combat trafficking, sexual exploitation and pornography involving children. It also recommended the provision of sufficient financial resources for the implementation of the activities promoted by the new National Committee against Commercial Sexual Exploitation. The Committee further recommended that Panama should: (a) undertake awareness-raising campaigns, particularly for children, parents and

⁹¹ Ministry of Social Development, National Report of the Opportunities Network Programme December 2008, annex 4.

⁹² IFARHU Management Report, 2008.

other caregivers; (b) ensure that trafficked children and children who have been subjected to sexual exploitation are always treated as victims and that perpetrators are prosecuted; and (c) provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children (CRC/C/15/Add.233, paragraph 59).

Situation of the crimes of commercial sexual exploitation in Panama

664. In 2001, ILO-IPEC, together with the Women's Institute of the University of Panama, conducted Panama's first survey on the situation of commercial sexual exploitation.

665. The survey focused on Panama City and the San Miguelito district, which were chosen on the basis of their high levels of poverty and social problems. The research concentrated on a sample of 100 children and adolescents, victims of commercial sexual exploitation, and two hundred adults (key respondents, community leaders, neighbours and local authorities).

666. The sample of minors interviewed had the following age composition: ages 11-14, 15 per cent; age 15, 17 per cent; age 16, 31 per cent; and age 17, 37 per cent.

667. According to the survey findings, 87 per cent of the exploiting "clients" were adult men and 10 per cent were women. Of the exploiting "clients", 61 per cent were aged 22-29 and 85 per cent had Panamanian nationality.

668. The victims stated that the "clients" mainly sought them in the streets, although in 38 per cent of the cases there an intermediary acted between the victim and the exploiting "client". The victims are contacted by cell phone, through a land line (their own, a friend's or a neighbour's) and through classified advertisements in newspapers.

669. Of the victims, 49 per cent lived with their families and 51 per cent with other persons; while 49 per cent stated that the persons with whom they lived were aware of the activity in which they engaged. The findings pointed to tolerance in the family environment towards commercial sexual exploitation, a lack of protection for the victims and, in society at large, ignorance of the gravity of using children and adolescents in commercial sexual activities.

670. At the time of the interview, two thirds of the sample lacked access to education as a result of, *inter alia*, lack of motivation to study, financial difficulties, disease, change of residence, pregnancy or, in the case of men, discrimination.

671. Generally speaking, the following factors underlie the problem in question: Poverty; weak economic, social, political or cultural structures; corruption; inadequate monitoring of social risk factors, such as dropping out of school; weak community mechanisms of prevention and solidarity; deterioration of moral values; and excessive propensity to consume. In the specific case of Panama, the factors leading to a minor's vulnerability to commercial sexual exploitation are: Inadequate social policies leading to poverty; lack of protection for causes related to migration; exposure to domestic violence, previous sexual abuse, or drug addiction; social discrimination; and prolonged presence on the streets and in public places.

672. To this date, the above survey constitutes the only scientific study available on the situation of under age victims of commercial sexual exploitation in Panama. Moreover, the survey does not address the problem in its entirety but only provides some indications regarding the situation in a specific area.

673. According to Technical Judicial Police records, of the 30 cases involving offences related to commercial sexual exploitation reported in 2007 (provisional data), remunerated sexual relations accounted for the largest percentage. They were followed by child pornography and sexual trafficking. In the period 2004-2007, 146 cases of commercial sexual exploitation were reported.

**Commercial sexual exploitation offences recorded by the Technical Judicial Police
Period: 2004 - 2007**

Type of offence	Year				Total
	2004	2005	2006	2007 (preliminary)	
Child pornography	6	12	26	10	54
Pimping	0	1	3	2	6
Remunerated sexual relations	5	8	19	11	43

Type of offence	Year				Total
	2004	2005	2006	2007 (preliminary)	
Sex tourism	1	1	6	0	8
Procuring	3	4	4	0	11
Sexual trafficking	3	8	6	7	24
Annual Total	18	34	64	30	146

Source: Technical Judicial Police Statistics Unit, based on data reported by divisions, agencies, sub-agencies, sections and units.

674. Moreover, according to the Public Prosecution Service, the various public prosecution offices specialized in offences against decency, sexual freedom and sexual integrity processed in the period 2003-2008 nationwide a total of 5,431 cases, in which the victim was a minor (provisional data).⁹³ In the same period, juvenile criminal courts processed 2,388 cases involving such crimes with under age victims. Of those cases, 199 led to a conviction, 34 to an acquittal and 233 were in progress.⁹⁴

675. The measures taken by the Government during the period under review with regard to the commercial sexual exploitation of children and adolescents are discussed below.

Legislative measures

676. Act No. 16 of 31 March 2004,⁹⁵ which contained provisions on the prevention and criminalization of offences against sexual integrity and freedom and amended and inserted articles in the Criminal Code and the Judicial Code, filled earlier legal gaps in the area in question. That Act contained the following five chapters: chapter I on General Provisions (goals and scope), making compliance with the Act compulsory on the grounds of public policy; chapter II, containing criminal provisions, including on the various forms of commercial sexual exploitation; chapter III, containing procedural provisions; chapter IV, containing provisions on protection, care and compensation for the victim; and chapter V,

⁹³ Collection of statistical data provided by the Attorney-General's Office (Note PGN-SAL-383-08).

⁹⁴ Ibidem.

⁹⁵ Act No. 16 of 31 March 2004 containing provisions on the prevention and criminalization of offences against sexual integrity and freedom and amending and inserting articles in the Criminal Code and the Judicial Code. Official Journal No. 25,023 of 5 April 2004.

addressing public policy issues related to the prevention of commercial sexual exploitation and providing for, inter alia, the creation of CONAPREDES as a technical and administrative body, composed of representatives of Government agencies and civil society organizations, tasked with considering mechanisms for the prevention and eradication of sexual exploitation. Chapter V also provided for the establishment of a special fund, in which taxes, fines and confiscated money would be deposited and which would serve to finance prevention, training and victim care, treatment and rehabilitation plans and programmes (the taxes provided for by the Act are a 5 per cent levy on the value of every X-rated adult video that is rented or sold; and a US\$ 1 tax to be paid by any foreign person exiting Panama).

677. In 2007, Panama adopted a new Criminal Code,⁹⁶ which included provisions that had been incorporated into other special legal instruments. Chapter II of Act No. 16 of 2004 ceased to have legal force. In the new Criminal Code, substantial amendments were made to the offences established under Act No. 16 of 2004. In some cases, the penalties were reduced. In other cases, offences such as pimping were eliminated. Subsequently, CONAPREDES submitted to the National Assembly draft legislation intended to maintain in force the provisions on commercial sexual exploitation offences contained in Act No. 16 of 2004. Thus, pimping was maintained as a crime under Act No. 26 of 2008.

678. The procedural provisions and the provisions relating to protection for victims of commercial sexual exploitation contained in Act No. 16 of 2008 also ceased to have legal force once the Criminal Procedure Code, approved by the National Assembly in 2008, was signed into law and promulgated.

679. One of the main difficulties encountered in the National Assembly at the time of adoption of the Criminal Code was the omission of the offences in question and of the special protection that the State must extend to children and adolescents in order to avoid that they fall victims of commercial sexual exploitation and sexual abuse. That omission betrayed a lack of sensitivity to and awareness of that problem. It seems that, between the adoption of Act No. 16 of 2004 and the adoption of the new Criminal Code in 2007, there had been a lack of an ongoing information, dissemination and awareness-raising policy on the issue, and in particular of action addressing the very office-holders who were called upon to adopt the legal framework in question.

Strengthening of inter-sectoral cooperation

680. Since 2005, CONAPREDES, which is chaired by the Attorney-General, has been taking steps to ensure a clear definition of matters related to the national policy that must govern penalties, prevention and care for the victims of commercial sexual exploitation.

681. CONAPREDES comprises 14 representatives of Government bodies and NGOs. Its most noteworthy activities include in particular the following: Awareness-raising media campaign entitled "His crime was different"; organization of workshops for drawing up the National Plan for the Prevention and Elimination of Commercial Sexual Exploitation; university-level training for social communicators through a diploma course on "Prevention of the crime of sexual exploitation in Panama"; an agreement among social communicators regarding their role in preventing and eradicating commercial sexual exploitation; police training seminar on "the role of the Police in combating the commercial sexual exploitation of minors" and production of a documentary on the same topic; and design of the CONAPREDES logo. Approximately 320 persons have received training in the diploma courses and training events organized in the period 2006-2007.

⁹⁶ Act No. 14 of 2007.

Enhancement of national policy on the prevention and eradication of commercial sexual exploitation

682. In 2006, the process of preparation of the National Plan for the Prevention and Elimination of Commercial Sexual Exploitation was launched through various discussion and validation workshops, which provided valuable inputs regarding the responsibilities of the institutions involved in the prevention and elimination of exploitation, and made it possible to define the main thrusts of the draft National Plan.

683. The National Plan for the Prevention and Elimination of the Commercial Sexual Exploitation of Children and Adolescents, 2008-2010, was adopted and published in 2008. It lays down the policies and strategies to be implemented by the State in subsequent years in order to ensure the prevention and elimination of the offences in question; and specifies the responsibilities of every body participating in CONAPREDES and of the organizations which, under the law, must protect the rights of minors and provide comprehensive care to the victims of such offences.

684. The Special Fund against Sexual Exploitation, provided for in Act No. 16 of 2004, was established in the period considered. For reasons related to tax collection procedures, it had not earlier been possible to levy a tax on the rental or sale of X-rated videos. It also became possible to introduce a US\$ 1 tax to be paid by any foreign person exiting Panama.

685. During 2007, the Ministry of Social Development, through the National Directorate for Children and Adolescents, drew up the Protocol on Assistance for Under Age Victims of Commercial Sexual exploitation. The purpose of that document is to ensure action and timely care for victims of commercial sexual exploitation, avoid re-victimization and provide effective and comprehensive medical, legal, socioeconomic and psychological protection. The protocol applies to public service providers having an obligation to offer protection for the minors; NGOS providing care services to under age victims of commercial sexual exploitation; and civil servants and civil society representatives who provide care services to vulnerable minors. The protocol specifies a model for the provision of care and the procedures to be followed.

Care for victims of commercial sexual exploitation programme

686. This programme, currently implemented by the Ministry of Social Development in cooperation with NGO "Casa Esperanza", aims to build an effective network of protection at the family and local levels; ensure the comprehensive development of victims of commercial sexual exploitation from a human rights perspective; and improve guidance and training for the parents, focusing on children's growth and development issues, defence of children's rights, the role of parents in protection against such risks and evils as commercial sexual exploitation, fulfilment of the needs proper to each stage of life, cultural factors affecting upbringing and education, the implementation of effective health care, education, training and recreation methods, the use children make of their free time, and the development of self-management skills and productive capabilities.

687. The National Directorate for Children, Adolescents and Adoptions of the Ministry of Social Development is responsible for ensuring coordination with Government bodies involved in the reception of complaints, with a view to improving the procedures and implementing the mechanisms necessary for the protection and security of vulnerable children and adolescents and of victims. It is also responsible for awareness-raising and mobilization, at the local level, of the sectors of education and health in order to encourage such actors to play a leading role in preventing, reporting and eradicating commercial sexual exploitation; of the Police in order to ensure the availability of tools for detecting such cases; and of the local communities in the areas of action.

688. The Programme includes the creation of a local monitoring network for follow-up, care and prevention purposes in relation to the beneficiary group. The network will consist of local authorities, Government bodies and community-based children's and adolescents' organizations. The Social Work School of the National University will also be involved in these activities.

689. The beneficiary group consists of 55 children and adolescents having suffered commercial sexual exploitation, 60 vulnerable minors targeted through prevention activities and 40 beneficiaries of the first stage of the programme, who should be supported.

690. This programme is carried with ILO-IPEC technical and financial cooperation in the amount of US\$ 80,0000 and with a local contribution of US\$ 28,880.

3. Protection of children and adolescents having suffered sexual abuse

691. Based on the definition of sexual abuse offences, Title III, "Offences against sexual freedom and integrity", of the Criminal Code adopted in 2007 lays down penalties for rape, statutory rape, lascivious acts and sexual harassment. The crime of rape carries 8-10 years' imprisonment, or 8-12 years' imprisonment if the victim is under 14, even if no violence or intimidation was used. The crime of statutory rape consists in using a position of advantage to have sexual intercourse with a person aged 14-18. The sentence carried is two to four years' imprisonment, increased by one third of half the maximum sentence in certain circumstances, with exemption from criminal responsibility where demonstrably a partner relationship existed between the supposed victim and the alleged offender and the age difference between them does not exceed five years. The offence of non-consensual lascivious acts carries one to three years' imprisonment, and the victim's being under 14 constitutes an aggravating circumstance. Sexual harassment carries one to three years' imprisonment, and the victim's being under 18 constitutes an aggravating circumstance. In these last two offences, deprivation of liberty may be replaced day-fine units or weekend arrest.

4. Sale, trafficking and abduction

692. The crimes of unlawful rendition, sale and trafficking are defined in chapter III, "Offences against the identity of and trafficking in minors", Title V. Crimes related to the abduction of minors are also defined in the same title.

693. The crime of unlawful rendition of a child or adolescent carries three to six years' imprisonment. The crime of sale, offer or transfer against remuneration, payment or reward carries 5-10 years' imprisonment. This penalty also applies to acts related to illegal adoption. Where the act is aimed at sexual exploitation, extraction of organs, forced labour or slavery, the sentence is increased by one third of half of the maximum sentence.

694. The crime of abduction or removal or retention of minors by illicit means, such as kidnapping or consent obtained by fraud or force, with a view to securing the consent of the parents or the custodian, carries 8-10 years' imprisonment.

695. Despite its title, chapter III does not define trafficking in children. This crime is addressed in Title XVI, "Crimes against humanity", chapter I, "Crimes against international human rights law", article 433, which only refers to the punishment of a leader or member of an international organization engaged in human trafficking, not of an offender acting alone. The sentence stipulated is 10-15 years' imprisonment and no aggravating circumstances are specified in connection with the victim's being a minor.

696. The crime of abduction proper is addressed in Title II, "Crimes against liberty", chapter I, "Crimes against individual liberty". It carries 10-15 years' imprisonment, increased by one third of half of the sentence, if the victim is a minor.

697. As part of specific programmes for the recovery of children and adolescents who are victims of the crimes of sexual abuse, sale, trafficking or abduction, care for young victims of sexual abuse is provided by NGO "Home of San Jose de Malambo" and, at the national level, through the national health care system.

698. In 2008, the National Migration Service was tasked with monitoring and contributing to the implementation of the legal provisions on the prevention and punishment of the crimes of trafficking in persons and trafficking in migrants.⁹⁷ The Unit of Care for Victims of Human Trafficking was created within that body in order to provide comprehensive assistance, in cooperation with the competent authorities, to legal and illegal migrants who are witnesses or victims of the two crimes in question, particularly minors. The relevant operational regulations are being drawn up.

5. Drug abuse

699. According to the Inter-American Drug Abuse Control Commission (CICAD) 2003 Comparative Report on Nationwide School Surveys in Seven Countries, the prevalence of drug consumption among fourth-grade pupils in Panama was 15.9 per cent, and concerned primarily marijuana (7 per cent), secondly solvents (2.6 per cent) and thirdly cocaine (1.4 per cent). Of the legal substances, alcohol is the one mainly consumed, at the rate of 44.2 per cent. Of the smokers, 43 per cent are male and 36 per cent female. The Global Youth Tobacco Survey, 2002, revealed a lifetime prevalence of 31.6 per cent among students aged 13-15.

700. As indicated in the previous report, the National Commission for the Study and Prevention of Drugs-related Crime (CONAPRED), chaired by the Attorney-General, is responsible for coordinating national policies on drugs.

Drug Use Prevention and Care Programme

701. The aim of this State-funded initiative, jointly implemented by CONAPRED and the Ministry of Social Development, is to organize seminars and workshops focused on human development in order to help young addicts to realize the causes of their problem and their ability to change, and to accept to join rehabilitation programmes. Two stages of the programme have been carried out.

702. Moreover, the Ministries of Health and of Education carry out various campaigns for the prevention of the illegal use of drugs and for treatment and rehabilitation.

Comprehensive Preventive Education Programme

703. Implemented by the Ministry of Education in all of the country's educational establishments, this initiative aims to prevent drug consumption among students by creating conditions conducive to comprehensive education designed to enable the students themselves to promote change. Programme action includes formulating and presenting drug consumption prevention and detection projects; organizing educational, recreational and cultural activities intended to inculcate healthy habits in the student population; promoting social, moral and cultural values; engaging in outreach work aimed at the parents; and preventing violence and delinquency, including offences related to sexual exploitation.

⁹⁷ Executive order No. 3 of 2008, Title VIII, "Protection of victims", Single chapter, "Protection and prevention measures".

Counselling services

704. Through the Comprehensive Counselling and Care Centre, the Ministry of Social Development ensures the provision of counselling to children, adolescents and their parents on issues related to drug addiction. In 2007, 378 cases were treated.

Outpatient programme for drug-dependent young persons

705. This activity is carried out with the Ministry of Health and NGOs subsidized by the Ministry of Social Development.

Prevention campaigns and inter-sectoral coordination

706. In organizing interventions and implementing prevention campaigns against drug consumption, the Ministry of Social Development closely cooperates with NGOs receives State subsidies, such as the Medical and Educational Antidrug Foundation (FEMA), with which drug consumption prevention activities are organized on an annual basis and, in 2007, a public speaking competition on "Young persons as protectors against drugs" was jointly held. There is also close cooperation with the Panamanian White Cross, Teen Challenge, Hogares Crea and PRIDE of Panama, which are active in the area of recovery from drug abuse.

National plan for eliminating substance consumption in the schools

707. This initiative, currently in the planning stage, is based on cooperation with the Ministries of Education and Health, PAHO, WHO and the Institute of Mental Health.

National Health Plan for Children and Adolescents, 2008-2011

708. Through this plan, the Ministry of Health mainly intends to pursue the development of strategic approaches to adolescent lifestyles. With regard to drug consumption, there are plans to carry out the Action Packages Development and Implementation Project. The Ministries of Health, of Social Development and of Education, CSS and adolescents' associations will participate in the design and implementation, in cooperation with PAHO, WHO and UNFPA.

6. Children of indigenous minorities or groups

709. The Committee recommended that Panama should take all necessary measures to ensure that indigenous children should enjoy all their rights without discrimination, including equal access to culturally appropriate services including health, education, social services, housing, potable water and sanitation. The Committee also recommended that Panama, with the full participation of indigenous communities and children, should develop public awareness campaigns, including through the media, to combat negative attitudes and misperceptions about indigenous children. The Committee further recommended that Panama should pay particular attention to guaranteeing the preservation of the identity of indigenous and Afro-Panamanian children, for instance through the implementation of the national plan to develop bilingual intercultural education (CRC/C/15/Add.233, paragraph 64).

710. During the period considered, various activities have been carried out to ensure that indigenous children enjoy their rights without any discrimination. The Opportunities Network Programme is the social policy vehicle for direct support for these population groups.

711. The implementation of the Bilingual Intercultural Education Programme has been launched. This national and regional initiative aims at promoting education for the

indigenous population groups at all levels and in all components of the education system, seeking adequate educational quality, equity and relevance in order to overcome exclusion, vulnerability and intolerance.⁹⁸ To that end, training was provided to representatives of the various indigenous ethnic groups and primer-based games and literacy guides for the Kuna, Ngöbe and Emberá languages were printed.

712. The major goals attained since 2006, when the implementation of the programme began, are the following: Preparation of three first- and second-grade textbooks in the native languages of the three regions concerned; design of three textbooks in Spanish as a second language; and distribution of teaching material. During the programme's first year of implementation, 14,000 pupils were taught; the technical personnel of the Indigenous Affairs Unit of the Ministry of Education received training (through a diploma course) in content development as part of the preparation and management of educational projects; and 16,200 copies of basic education first-grade textbooks in the Kuna, Emberá and Ngöbe languages and teachers' guides were produced. Moreover, school supplies and equipment were distributed to 280 indigenous district educational establishments attended by 9,000 Ngöbe, Kuna and Emberá children (with World Bank Second Basic Education Project funding).

713. In order to bring the National Plan for Bilingual Intercultural Education to the attention of the indigenous communities, an awareness-raising process was launched, addressing 300 traditional authorities in seven indigenous communities, namely Ngöbe, Buglé, Emberá, Wounaan, Kuna Yala, Naso and Biri Biri (with Education Development Project (PRODE) and IDB funding). And awareness-raising days were organized for Juan D. Arosemena teacher-training college students belonging to the seven communities in question.⁹⁹

714. At the end 2007, the outlay for bilingual intercultural education for the indigenous areas amounted to US\$ 401,386 and 46,600 bilingual textbooks had been distributed.¹⁰⁰ Programme implementation continues in 2008.

Distribution of educational material to indigenous groups, by group, 2007¹⁰¹

<i>Comarca</i>	<i>Educational material</i>	<i>Number of copies</i>
Kuna	Textbook: I learn Spanish, level 2	12 000
	Workbook, level 2	2 000
	First grade workbook in Kuna	2 000
	Teacher's guide	4 000
	Second grade reader in kina	2 000
Emberá	Textbook: I learn Spanish, level 2, Workbook for speakers	2 500
	Book: My first bilingual vocabulary	2 500
	Teacher's guide	3 000
Ngöbe	Book: My first bilingual vocabulary	15,000
	First grade workbook in Ngöbe	1,100
	Teacher's guide	500

⁹⁸ Ministry of Education Management Report to the National Assembly, 2007.

⁹⁹ Ibidem.

¹⁰⁰ Ibidem.

¹⁰¹ Ibidem.

<i>Comarca</i>	<i>Educational material</i>	<i>Number of copies</i>
Total		46 600

7. Children living or working on the street

715. According to the National Survey on Child Labour, 2000, of the 57,524 economically active children and adolescents aged 5-17, 13,093 or 24.5 per cent engaged in street vending; and 50.9 per cent of these vendors did so in urban areas. The survey did not cover persons under 18 living in the street.

Safe passage" programme

716. This initiative is carried out by the National Directorate for Children, Adolescents and Adoptions of the Ministry of Social Development. It was launched in 1993 and targets urban street children and adolescents. In view of the increase in the number of vulnerable children since 2003, the focus and methods of the programme have changed. Currently, the initiative provides comprehensive care for children aged 7-13 and 11 months and for their families, in particularly vulnerable areas of the capital. The care centres of the programme operate on a daily schedule and provide children with an after school tee or snack, and scholastic support and follow-up. The children also participate in recreational activities. Moreover, every child receives individual attention commensurate with his or her needs through workshops and various planned events, whereby the children's ability to express themselves and their creativity are cultivated, and their capacity to overcome adverse conditions hampering their development is stimulated.

717. Every Safe Passage centre has an interdisciplinary team consisting of social workers, psychologists, teachers and staff in charge of cultural and recreational activities.

718. In 2008, the centres serviced 98 children, 74 per cent more than in 2003.

719. There are current plans to set up, within each such centre, a **School for Parents** designed to enhance the preparation of parents and legal representatives of children and thereby strengthen the family in terms of role definition, development of attitudes, family relations and emotional bonds.

720. In order to broaden its coverage, the programme will be implemented in the schools and through NGOs.

721. The programme has received AECID support for the training of the team of experts.

Re-education activities programme

722. This initiative, also implemented by the National Directorate for Children, Adolescents and Adoptions, was launched in 2006 with a view to raising, through educational and training workshops, the parents' and children's awareness of issues related to communication, emotional bonds, and disciplinary constraints, thereby reducing vulnerability and contributing to the preservation of family relations.

723. The initiative is implemented in the area of the capital and works with persons referred to the programme by children's and juvenile courts, helpline 147, the Juvenile Police of Children and volunteers.

724. In the period 2006-2008, 120 children were helped and their relatives participated in all of the workshops.

725. Both programmes need support for enhancing their specialized staff and increasing their budget in order to expand their coverage.

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