



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Panama under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the report of Panama (CRC/C/OPAC/PAN/1) at its 2408th meeting (see CRC/C/SR.2408), held on 12 September 2019, and adopted the present concluding observations at its 2430th meeting, held on 27 September 2019.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/PAN/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined fifth and sixth periodic reports submitted by the State party under the Convention (CRC/C/PAN/CO/5-6), adopted on 2 February 2018.

II. General observations

Positive aspects

4. The Committee welcomes the accession or ratification by the State party of:
 - (a) The Arms Trade Treaty, in February 2014;
 - (b) The Convention on Cluster Munitions, in November 2010;
 - (c) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in August 2004;
 - (d) The Rome Statute of the International Criminal Court, in March 2002.
5. The Committee also welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:
 - (a) The endorsement of the Safe Schools Declaration, in 2015;

* Adopted by the Committee at its eighty-second session (9–27 September 2019).



(b) The adoption of Act No. 57 of 27 May 2011, which regulates the possession, carrying, import and export of and trade in firearms, ammunition and related materials, as well as other related activities.

III. General measures of implementation

Coordination

6. The Committee notes that the National Secretariat for Children, Adolescents and the Family is the institution responsible for coordinating, implementing and monitoring policies for the comprehensive protection of children's and adolescents' rights. However, it is concerned that it is an administrative body and that it does not have sufficient authority to coordinate all activities related to the implementation of the Optional Protocol.

7. **The Committee recommends that the State party establish an efficient body at a high level with sufficient authority and a strong mandate to coordinate all activities related to the implementation of the Optional Protocol at the cross-sectoral, national, provincial and local levels. The State party should ensure that such a coordinating body is provided with the human, technical and financial resources necessary for its effective operation.**

Allocation of resources

8. The Committee is concerned about the lack of specific budget allocations for the implementation of the Optional Protocol.

9. **The Committee recommends that the State party ensure that sufficient and targeted resources are allocated for the effective implementation of all areas of the Optional Protocol.**

Dissemination and awareness-raising

10. The Committee notes with appreciation the steps taken by the State party to raise awareness of international humanitarian law and to incorporate it into the curricula of security service training programmes. It regrets, however, that it has not conducted any campaigns to raise awareness of the Optional Protocol. The Committee is further concerned that children have been insufficiently consulted in the preparation of the State party's report and in the implementation of the Convention.

11. **The Committee recommends that the State party:**

(a) **Enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the members of the security services and the public at large, in particular in a child-friendly manner for children and their families, by, for example, including it in school curricula and in long-term awareness-raising campaigns;**

(b) **Ensure training on the harmful effects of all the offences referred to in the Optional Protocol and on measures to prevent them;**

(c) **Strengthen efforts to actively and systematically consult children, including through representative non-governmental organizations and children's associations, in the promotion and implementation of children's rights, including by ensuring their participation in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.**

Data

12. The Committee notes that since 2017 the State party has been using the asylum application form to collect disaggregated data on who has been recruited or used in hostilities abroad. However, the Committee regrets that no such data was provided to the Committee.

13. The Committee recommends that the State party provide the Committee, in its next periodic report under the Convention, with up-to-date data, disaggregated by sex, age, nationality and ethnic origin, on asylum-seeking, refugee, migrant and unaccompanied children who enter the State party and who may have been recruited or used in hostilities abroad.

IV. Prevention

Prevention of recruitment by non-State armed groups

14. The Committee notes that non-State armed groups are not always present in the State party's territory. It is, however, deeply concerned at reports of cross-border recruitment of children and adolescents by non-State armed groups that are temporarily present in areas primarily inhabited by indigenous populations and persons of African descent.

15. The Committee reminds the State party of its obligations under the Optional Protocol to take all measures necessary to prevent effectively the recruitment or use of children, in particular children of African descent and indigenous children, as well as those living in poverty or in rural areas, by non-State armed groups. In that regard, the Committee urges the State party:

(a) To take all the legal, administrative and institutional measures necessary to prevent the recruitment of children and to protect them from violence by non-State armed groups;

(b) To establish appropriate mechanisms to identify children at risk of being recruited or of being used by non-State armed groups, including children living in remote or rural areas, as well as refugee, asylum-seeking and indigenous children;

(c) To develop awareness-raising and educational programmes on the negative consequences of participating in armed conflicts, targeting children, parents, teachers and any other relevant stakeholder in remote border areas.

Human rights and peace education

16. The Committee welcomes the initiatives undertaken by the National Secretariat for Children, Adolescents and the Family and the Ministry of Education to implement a programme for students and teachers on the rights and duties of children and adolescents, which includes regular training on the Convention and its Optional Protocols. However, the Committee regrets that human rights and peace education, as well as knowledge on the Optional Protocol, is not specifically incorporated as a mandatory part of the primary and secondary school curricula and in the teacher-training programme.

17. In line with its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party include human rights and peace education in the curricula of all schools and in teacher-training programmes, with specific reference to the Optional Protocol.

V. Prohibition and related matters

Prohibition and criminalization of recruitment by non-State armed groups

18. While the Committee notes with appreciation that, in accordance with article 448 of the Criminal Code, a person responsible for recruiting or enlisting children or using them in hostilities is criminally responsible, it is concerned, however, that the legislation does not specifically criminalize the recruitment and use of children in hostilities by non-State armed groups.

19. The Committee recommends that the State party promptly enact in its legislation the explicit prohibition and criminalization of the recruitment of children under the age of 18 years by non-State armed groups.

Extradition and extraterritorial jurisdiction

20. The Committee is concerned that the double criminality principle is applied to requests for extradition even when the offence is recognized by the jurisdictions of both countries. The Committee is further concerned that the lack of explicit criminalization of recruitment by non-State armed groups may constitute an obstacle to the extradition of offenders and to the exercise of extraterritorial jurisdiction by the State party in cases involving the compulsory recruitment and/or use in hostilities of Panamanian children abroad or the compulsory recruitment and/or use in hostilities of children by Panamanian citizens.

21. **The Committee recommends that the State party:**

(a) **Establish and exercise extraterritorial jurisdiction over crimes prohibited by the Optional Protocol without applying the principle of double criminality;**

(b) **Include offences prohibited under the Optional Protocol in all extradition treaties concluded with other States parties to the Optional Protocol.**

VI. Protection, recovery and reintegration

Measures of disarmament, demobilization and social reintegration

22. The Committee notes the State party's view that, due to the absence of conflicts and of armed forces, there are currently no demobilization programmes for child and adolescent victims of forced recruitment and no programmes designed to facilitate their social reintegration in the State party. The Committee also notes that the State party does not have a multidisciplinary team to assist unaccompanied refugee children. The Committee is concerned that the State party is a country of destination for asylum seekers and migrants, including children – some of whom come from countries affected by armed conflict, and regrets the lack of information about measures adopted with regard to the identification, physical and psychological recovery and social reintegration of such children.

23. **Drawing the State party's attention to its obligations under article 7 of the Optional Protocol, the Committee urges it to ensure appropriate and prompt assistance and support to migrant, refugee and asylum-seeking children, some of whom may have been recruited and/or used in hostilities abroad, and ensure their full protection in line with international standards. In that regard, the Committee urges the State party:**

(a) **To establish a mechanism for the early detection of all migrant, asylum-seeking and refugee children who are at risk of or who have been involved in armed conflict abroad, and take all measures necessary to ensure its effective functioning;**

(b) **Take all measures necessary – including careful assessment of the situation of children who may have been involved in armed conflict abroad, reinforcement of the legal advisory services available to them and provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance – to ensure that such children are provided with assistance for their physical and psychological recovery and that they have access to rehabilitation and reintegration programmes;**

(c) **Provide and strengthen the systematic training of multidisciplinary teams of professionals working with or for children, particularly immigration personnel, law enforcement officers, judges, prosecutors, social workers and medical professionals, on the early identification of refugee, asylum-seeking and migrant children who may have been involved in armed conflict abroad.**

24. The Committee also recommends that the State party take into account its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.

VII. International assistance and cooperation

International cooperation

25. The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund and other United Nations entities in the implementation of the Optional Protocol.

VIII. Implementation and reporting

A. Follow-up and dissemination

26. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Public Security, the Ministry of Social Development, the National Secretariat for Children, Adolescents and the Family, the National Office of Refugee Affairs, the Public Prosecution Service, the judiciary and local authorities, for appropriate consideration and further action.

27. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

B. Next periodic report

28. In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.
