



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Eighty-second session

9–27 September 2019

Item 4 of the provisional agenda

Consideration of reports of States parties

### List of issues in relation to 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

Addendum

Replies of Panama to the list of issues\*

[Date received: 3 June 2019]

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\* The present document is being issued without formal editing.



### **Reply to paragraph 1 of the list of issues**

1. The Government of Panama has no record of cases in which the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict has been invoked directly before the courts.

### **Reply to paragraph 2 of the list of issues**

2. For the purpose of preventing violence, the Government ensures coordination between the following mechanisms:

- The National Intersectoral Committee for the Prevention of Violence against Children and Adolescents, which was responsible for drawing up the National Multisectoral Strategy for the Prevention of Violence against Children and Adolescents 2018–2022 and its accompanying plan of action for 2018–2019, which is undergoing in a trial run in four districts: Colón, David, San Miguelito and Chame.
- Municipal boards for the protection of children and adolescents, which are the coordinating bodies for the joint implementation of the National Multisectoral Strategy for the Prevention of Violence against Children and Adolescents at the district and local levels. They have their own local plans, programmes, procedures and activities for preventing and responding to violence against children and adolescents (Executive Decree No. 140 of 30 August 2018).
- The National Committee for the Support and Follow-up of the Strategy for the Deinstitutionalization of Children and Adolescents, a mechanism whose main objective is to monitor the implementation of the National Deinstitutionalization Road Map 2019–2023 and its accompanying plan of action for 2019 (Executive Decree No. 1 of 12 February 2019).
- The National Council for Children and Adolescents, whose technical secretariat is the National Secretariat for Children, Adolescents and Family. The Council coordinates, proposes and advises on public policies on children and adolescents that are generated by these mechanisms (Executive Decree No. 16 of 23 April 2019).

3. The National Secretariat for Children, Adolescents and Family is the institution responsible for coordinating, implementing and monitoring policies for the comprehensive protection of children's and adolescents' rights. It is also the administrative authority that specializes in protection, working within the framework of the Convention and its three Optional Protocols, the Constitution and other national and international standards that recognize children as subjects of rights.

### **Reply to paragraph 3 of the list of issues**

4. The Government, acting through the National Secretariat for Children, Adolescents and Family, has established three advisory councils of children and adolescents which meet in the provinces of Panamá and Colón. They are spaces for local and community participation and a forum for dialogue in which children can express their opinions and make complaints as part of the monitoring of the protection and promotion of their rights that is carried out under public policies on children and adolescents.

5. The children and adolescents that participate in the advisory councils receive training on the Convention and the three Optional Protocols.

6. The National Secretariat for Children, Adolescents and Family and the Ministry of Education implement a programme on the rights and duties of children and adolescents, which includes regular training on the Convention and its Optional Protocols.

7. This training is provided at the same time to children, adolescents and teachers in schools across the country.

### **Reply to paragraph 4 of the list of issues**

8. The Ministry of Public Security indicates that there are currently no armed conflicts taking place on Panamanian territory. In order to protect the population in border towns, the Government has coordinated with the Colombian authorities, establishing binational bases to combat transnational crimes at the border.

9. The Government has strived to extend the coverage of the National Secretariat for Children, Adolescents and Family in the provinces, especially in areas far from urban centres. As part of this effort, and in the light of the Convention and its Protocols, new offices have been opened, staffed by specialists in the implementation of the Secretariat's programmes for the protection of the human rights of children and adolescents.

10. These offices carry out activities to prevent violence, through training with an emphasis on the Convention and its Protocols that is delivered in schools, communities and government agencies.

### **Reply to paragraph 5 of the list of issues**

11. The Ministry of Public Security reports that there currently are no non-State armed groups with a permanent presence in Panamanian jurisdiction.

### **Reply to paragraph 6 of the list of issues**

12. Article 448 of the Criminal Code is found under chapter II, "Offences against persons or property protected by international humanitarian law" of title XV, "Crimes against humanity".

13. Article 121 of the Criminal Code establishes that there is no statute of limitations for crimes against humanity. Article 116 (39) of the Code of Criminal Procedure contains the same provision.

### **Reply to paragraph 7 of the list of issues**

14. Article 18 of the Criminal Code does not provide for extraterritorial jurisdiction, while Article 21 provides for extraterritorial jurisdiction in instances where an offence has been committed that is covered by the international treaties in force in Panama, provided that the same treaties give it territorial jurisdiction.

15. The multilateral agreements which provide the basis for extradition for offences covered by the Optional Protocol are the following:

- The Convention on Extradition adopted at the Seventh International Conference of American States – Organization of American States.
- The Inter-American Convention on Extradition adopted by the Organization of American States.
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

16. In addition, the double criminality principle of extradition is applied when the offence is recognized by the jurisdictions of both countries. Panama maintains bilateral treaties with the following States parties to the Optional Protocol:

- Brazil
- Colombia
- Costa Rica
- Russian Federation
- Mexico

- Paraguay
- Peru
- Spain
- Ukraine
- United Kingdom of Great Britain and Northern Ireland
- United States of America
- Uruguay

### **Reply to paragraph 8 of the list of issues**

17. The National Secretariat for Children, Adolescents and Family has coordinated and implemented protocols for the assistance of child asylum seekers, under which mechanisms are established for the care of these children and adolescents by a multidisciplinary team that identifies their status and determines their best interests, thus proceeding to the restitution of rights. The Secretariat is currently working to implement a protocol for the assistance of migrant children.

18. The introduction of these protocols is accompanied by training and awareness-raising days with the purpose of:

- Educating key actors responsible for the care of migrant children and adolescents and children and adolescents who may be in need of international protection.
- Building, in a participatory manner, a road map for the implementation of the protocols for the assistance of migrant children and adolescents and children and adolescents in need of international protection.
- Providing training on the process of implementing the protocol for children and adolescents in need of international protection.
- A working day was set aside to provide training in the Protocol for the Identification, Referral and Assistance of Child and Adolescent Asylum Seekers in Need of International Protection for the officials of institutions that assist children and adolescents in need of international protection.

19. The National Secretariat for Children, Adolescents and Family has also provided the following humanitarian assistance:

- Distribution of hygiene kits.
- Awareness-raising days to promote the correct use of hygiene kits and hand washing.

20. The National Office of Refugee Affairs, a State body, receives asylum applications from all persons who can demonstrate a well-founded fear of persecution in their country of origin or habitual residence.

21. Executive Decree No. 5 of 16 January 2018 on the status of refugees in Panama contains a chapter setting out key aspects for the comprehensive assistance of children and adolescents.

- Children and adolescents may make use of the application procedure, regardless of the person responsible for their legal representation or personal care, so that the particular circumstances giving rise to the application may be considered. In such cases, the National Office of Refugee Affairs shall evaluate whether it is appropriate to inform the National Secretariat for Children, Adolescents and Family so that it may adopt comprehensive protection measures.
- In cases where children and adolescents have been separated from their families or are accompanied, the National Office of Refugee Affairs shall immediately apprise the National Secretariat for Children, Adolescents and Family so that the necessary measures of protection, care and assistance may be adopted (art. 59); moreover, a public servant of the National Secretariat must be present in the interviews that are held with such children and adolescents (art. 60).

- Regarding child and adolescent victims of violence, the National Office of Refugee Affairs must inform the National Secretariat for Children, Adolescents and Family so that it may refer the case to the competent public authorities and adopt the necessary protection measures (art. 62).

22. The Protocol for the Identification, Referral and Assistance of Child and Adolescent Asylum Seekers in Need of International Protection arose from the need for the National Secretariat for Children, Adolescents and Family and the National Office of Refugee Affairs to have an inter-institutional road map that provides support for all public servants that deal with children and adolescents.

23. This Protocol has the following specific objectives:

- To identify the roles and responsibilities of the National Secretariat for Children, Adolescents and Family and the National Office of Refugee Affairs, within their spheres of competence, in providing assistance to accompanied, separated and unaccompanied children and adolescents.
- To provide information on different courses of action to address cases of children and adolescents in need of international protection on the basis of their best interests.
- To promote cooperation, coordination and communication between the National Secretariat for Children, Adolescents and Family and the National Office of Refugee Affairs in relation to the protection of children and adolescents.

### **Reply to paragraph 9 of the list of issues**

24. Between 2015 and 31 March 2019, the Public Prosecution Service delivered or hosted a total of 25 human rights training activities for its judicial and administrative personnel. The Convention and its Protocols were mainstreamed in this training. A full breakdown of these training activities is attached (see annex 1).

25. The National Secretariat for Children, Adolescents and Family engages in the continuous technical capacity-building of its staff and partners. Since 2017, 347 officials have participated in 580 training activities on various subjects including violence prevention, the implementation of protocols and handbooks, the determination of the best interests of minors and self-care processes for victims of violence and female workers.

26. Since 2017, the National Office of Refugee Affairs has held events in secondary schools to more intensively promote the well-being and the rights of children and adolescents and to raise awareness among teachers, administrators and students in order to prevent behaviours such as discrimination, rejection, bullying and xenophobia towards students with asylum-seeker or refugee status, ensuring that Panama is a model host country.

27. In the area adjacent to the border with Colombia, guidance is provided through citizen security programmes and in schools by the Specialized Unit for Children and Youth and the Comprehensive Action Unit.

### **Reply to paragraph 10 of the list of issues**

28. The Protocol for the Identification, Referral and Assistance of Child and Adolescent Asylum Seekers in Need of International Protection, adopted on 20 July 2018, is applicable to accompanied, unaccompanied and separated children and adolescents.

29. The protection of these children is underpinned by the principles set forth in Executive Decree No. 5 of 16 January 2018: non-refoulement, non-expulsion, non-punishment of irregular entry, non-discrimination, confidentiality of the personal information of refugees and asylum seekers, respect for due process, family unity, the best interests of the child and exemption from payment.

30. A multidisciplinary team of the National Secretariat for Children, Adolescents and Family provides these children with guidance, assistance and protection and addresses their status.

31. All decisions concerning unaccompanied or separated children and adolescents should be governed by their best interests, meaning that steps must be taken to allow for their well-being and comprehensive development.

### **Reply to paragraph 11 of the list of issues**

32. Act No. 11 of 3 May 2015 contains provisions on international legal assistance in criminal matters, allowing the Panamanian competent authorities to provide legal assistance in the framework of international cooperation, in accordance with international conventions and the treaties in force in Panama. This legal instrument supplements the provisions laid down in international treaties.

33. Under article 4 of the Constitution, the Government of Panama abides by international law and on that basis it has accepted the jurisdiction of international courts and may cooperate with them in accordance with their founding statutes.

34. In 2019, the Government conducted a biannual review of the United Nations Children's Fund (UNICEF) cooperation plan for 2016–2020. The review covered cooperation activities undertaken by UNICEF with the State to implement the recommendations of the Committee on the Rights of the Child. It also covered the protection and treatment of child and adolescent migrants, asylum seekers and refugees.

35. The Government and UNICEF also have a workplan that is coordinated by the National Secretariat for Children, Adolescents and Family, which holds regular meetings on the plan's implementation. The Government also has an agreement with RET International on matters relating to migrant and refugee children.

36. Various training courses have been organized to disseminate and raise awareness of issues such as armed violence (gangs), with the support of UNICEF and the United Nations Development Programme, and the identification and assistance of child migrants and refugees, supported by RET International, UNICEF, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration.

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