UN CRC | Ratification Date | Care-Related Concluding Observations
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CRC/C/PAN/CO/5-6 | 12 Dec 1990 | 28 February 2018


III. Main areas of concern and recommendations

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

16. The Committee recalls its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 34) and recommends, in line with its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, that the State party allocate adequate human, technical and financial resources for the implementation of the inter-agency strategic plan for young people 2015–2019, disseminate this plan, and reinforce measures to:

(e) Raise awareness of the fact that adolescents are rights holders, including through campaigns that are designed with the full participation of adolescents and are disseminated through the mass media. Focus especially on children and adolescents from Afro-Panamanian and indigenous communities, pregnant girls, children with disabilities, children with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, refugee and asylum-seeking children and other groups of children in marginalized situations, through such campaigns

Respect for the views of the child
17. The Committee notes the establishment of two councils of children and adolescents in municipalities and recommends that the State party strengthen efforts to give due consideration to children’s and adolescents’ views in decisions that concern them, in accordance with its general comment No. 12 (2009) on the right of the child to be heard, and that it:

(b) Institutionalize the Children’s Parliament as a regular event, combining its action with the Youth Assemblies Programme (Programa Asambleas Juveniles). Ensure that these mechanisms are provided with a meaningful mandate and adequate human, technical and financial resources, and that eligible children from AfroPanamanian and indigenous communities, pregnant girls, children with disabilities, children with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, refugee and asylum-seeking children and other groups of children in situations of vulnerability are able to fully participate and that their views are taken into account when defining the legislative agenda and national policies;

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

21. The Committee is concerned at indications in the State party report that 44.9 per cent of children under 14 years of age experienced some form of violent discipline in 2013, and urges the State party, with reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, to its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 46) and to the State party’s commitments under both cycles of the universal periodic review, to:

(a) Revise articles 319 and 443 of the Family Code and explicitly prohibit, through legislative and administrative provisions, the use of corporal punishment in all settings, namely in schools, in childcare institutions, including early childhood care institutions, in alternative care settings, in the home and in juvenile detention centres;

(b) Reinforce measures to raise the awareness of parents, professionals working with children and the public in general about the harm caused by corporal punishment, and promote positive, non-violent and participatory forms of childrearing and discipline;
(c) Seek technical assistance from UNICEF in that regard, including on child-friendly school programmes.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

26. Drawing attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child’s social reintegration. In this regard, the Committee recommends that the State party:

(a) Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care;

(b) Strengthen efforts to accelerate reduction of the number of institutionalized children, including by allocating adequate human, technical and financial resources to allow reduction of delays in investigations and in the processing of files, extending the deinstitutionalization process to public institutions, encouraging foster families to adopt children regardless of their age or disability and providing the necessary training and support to suitable families to appropriately take care of a child with a disability;

(c) Strengthen efforts to train shelter staff on the implementation of the Protocol for Dealing with Children without Parental Care in Shelters and allocate adequate human, technical and financial resources for the monitoring of its implementation;

(d) Accelerate the regularization of shelters;

(e) Ensure proper regulation of the foster care system and fully implement the Foster Care Programme.

Adoption

27. The Committee recommends that the State party involve civil society in the revision of provisions of the Adoption Act and ensure its full compliance with the provisions of the Convention on the Rights of the

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Migrant, asylum-seeking and refugee children

35. The Committee recalls its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 65) and recommends, in line with its general comments No. 22 (2017) on the general principles regarding the human rights of children in the context of international migration and No. 23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, issued jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, that the State party:

(a) Ensure the effective participation of migrant, asylum-seeking and refugee children in all decisions that concern them;
(b) Take all necessary measures to avoid immigration detention of children and guarantee that the best interests of the child are taken as a primary consideration in immigration law, in the planning, implementation and assessment of migration policies, and in decision-making in individual cases, in particular with respect to nonrefoulement obligations;
(c) Expedite the adoption and implementation of protocols establishing a child-sensitive inter-institutional refugee status determination procedure which includes specific safeguards for unaccompanied asylum-seeking and refugee children, especially in border areas;
(d) Take measures to ensure that asylum-seeking and refugee children have access to education, in line with article 91 of the Constitution of the State party, including by granting them access to the Beca Universal;
(e) Develop campaigns to counter hate speech against asylum seekers and refugees, particularly children.
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III. Principal areas of concern and recommendations

B. Specific rights (arts. 5-30)

Women with disabilities (art. 6)

16. The Committee is concerned about the lack of a gender equality plan, the fact that disability policies do not specifically cover women and girls and the lack of policies and strategies on the prevention and punishment of violence against women and girls with disabilities, including indigenous persons and persons of African descent with disabilities.

17. The Committee recommends that the State party, in consultation with organizations that represent women and girls with disabilities and bearing in mind the Committee’s general comment No. 3 (2016) on women and girls with disabilities:

(a) Include women with disabilities in the plans and strategies of the National Secretariat for Disabilities;

(b) Revise its disability policies to incorporate a gender-based approach;

(c) Revise its policies on violence against women with a view to introducing a disability dimension;

(d) Allocate dedicated human and financial resources to the advancement and empowerment of women with disabilities;

(e) Be guided by article 6 of the Convention in pursuing targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals.
Children with disabilities (art. 7)

20. The Committee is concerned that children with disabilities are exposed to inequalities and subjected to discrimination, violence, abandonment, ill-treatment and institutionalization, and it notes that indigenous and Afrodescendent children with disabilities are particularly vulnerable. It is also concerned at the lack of legislation setting forth measures to protect children with disabilities from ill-treatment, abuse and exploitation and to prevent the abandonment, neglect and institutionalization of children with disabilities.

21. The Committee recommends that the State party:

(a) Draw up and adopt legislation that sets forth measures to protect children with disabilities from ill-treatment, abuse and exploitation and to prevent the abandonment, neglect and institutionalization of children with disabilities and that it provide adequate resources for the effective implementation thereof;

(b) Adopt measures to ensure that children with disabilities have access to community services and programmes in order to strengthen the protection of their rights and to promote equal opportunities for family, community and social inclusion.

22. The Committee is concerned that national legislation does not expressly prohibit all forms of corporal punishment in homes, schools, day-care centres and alternative care settings.

23. The Committee urges the State party to repeal the provisions of the Civil Code and the Family Code that empower adults caring for children to “correct” and punish them moderately and recommends that it draw up legislation that completely prohibits corporal punishment in all settings, including in family settings and in indigenous and Afrodescendent communities, and take all necessary measures to ensure the implementation of that legislation.

Freedom from exploitation, violence and abuse (art. 16)
38. The Committee is concerned at the incidence of exploitation, violence and abuse against persons with disabilities in the State party, especially women, children, Afrodescendants and indigenous persons. It is also concerned that so-called “safe havens” are used for long periods of time and thus come to resemble institutional settings.

39. The Committee urges the State party to take all necessary steps to prevent exploitation, violence and abuse against persons with disabilities, both inside and outside of the home. In addition, it recommends that the State party adopt measures to prevent so-called “safe havens” from being turned into institutions and becoming yet another barrier to the achievement of independent living by persons with disabilities and to their inclusion in society.

**Adequate standard of living and social protection (art. 28)**

54. The Committee notes with concern the number of persons with disabilities living in poverty or extreme poverty in the State party, especially women, children, Afrodescendants and indigenous people. It is also concerned that there is no inclusive social system in the State party and, in particular, no specific retirement scheme for persons with disabilities or other financial support that would be sufficient to cover the additional costs that they face owing to their disability.

55. The Committee recommends that the State party take concrete measures to enable persons with disabilities to enjoy a decent standard of living, including by guaranteeing access to drinking water, electricity and sanitation, and to mitigate the impact of disability-related poverty, especially the impact on groups subject to intersectional discrimination, such as women, children, Afrodescendants and indigenous persons with disabilities. The Committee urges the State party to establish an inclusive social system, including a retirement scheme for persons with disabilities, in its territory. It also recommends that the State party take into account article 28 of the Convention in its implementation of targets 1.3 and 1.4 of the Sustainable Development Goals.
### Hague Intercountry Adoption

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### Acronyms and Abbreviations:

- **CEDAW**: Convention on the Elimination of All Forms of Discrimination against Women
- **CRC**: Convention on the Rights of the Child/Committee on the Rights of the Child
- **CRPD**: Convention on the Rights of Persons with Disabilities
- **ICCRP**: International Covenant on Civil and Political Rights
- **ICESCR**: International Covenant on Economic, Social and Cultural Rights
- **OPAC to CRC**: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- **UN**: United Nations
- **UPR**: Universal Periodic Review