



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES**  
**UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 1998**

**PANAMA\***

[27 March 2002]

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\* For the initial report submitted by Panama, see CRC/C/8/Add.28; for its consideration by the Committee, on 13 and 14 January 1997, see documents CRC/C/SR.353-356 and CRC/C/Add.68.

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## I. INTRODUCTION: THE NATIONAL CONTEXT

### A. Socio-economic situation

1. According to the tenth population and housing census, in 2000 the population of Panama was 2,815,644. The average annual population growth rate, which in the 1990s was 1.8 per cent, is in decline. The indigenous population is 232,400, or 8.3 per cent of the total population.
2. The population density is 37.3 inhabitants per square kilometre. The lowest population density is 1.9 inhabitants per square kilometre in the Emberá region, and the highest population density is 115.3 inhabitants in Panama province.
3. According to the 1990 population and housing census, 75 per cent of the 10,654 settlements in Panama have fewer than 100 inhabitants, and the total number of inhabitants in these 7,990 settlements accounts for only 11 per cent of the population. Since such settlements are scattered and hard to reach, it is sometimes difficult to provide them with public services.
4. Internal migration has increased over the past few decades, and migrants generally live in the major cities, creating spontaneous settlements on the outskirts.
5. In 2000, the urban population accounted for 56.20 per cent of the total population.
6. There is an increasing tendency towards disproportionately large population growth in the metropolitan region; the uneven population distribution as well as the effects of the return of areas of the former Panama Canal Zone to Panama have created urban problems and are jeopardizing decentralization and municipalization processes as well as efforts to provide special assistance with the most vulnerable sectors of society, namely children, adolescents and women.
7. In Panama, 50.5 per cent of the population is male and the remaining 49.5 per cent is female. While the population is predominantly young, it is ageing. According to the Office of the Comptroller General of the Republic, life expectancy at birth in 2000 was 74.45 years.
8. Panama's economic structure is defined by the marked contribution of the tertiary, or service, sector to the gross domestic product (GDP), largely owing to Panama's role as a hub for transit and services that has dominated its participation in the global economy.
9. The Panama Canal and related activities, such as the Colón Free Zone and the International Banking Centre, have shaped Panama's economic structure. This sector accounts for about 75 per cent of Panama's GDP, demonstrating an upward trend in recent decades. The policy pursued in the agricultural and industrial sectors throughout the 1990s did not promote growth but rather had the effect of increasing existing intersectoral and interregional imbalances.
10. There are indications that the economic growth and recovery process is slowing down. Between 1995 and 1998, the average annual increase in GDP was 3.8 per cent; the annual growth rate in the first five years of the decade was 5.5 per cent. Real per capita GDP rose steadily, from 2,356 balboas in 1995 to 2,509 balboas in 1998 and is among the most unequally distributed. The concentration of income conceals significant inequalities, which partly explains the social gaps and poverty levels in some sectors of society, social strata and regions of the

country. According to recent calculations, the Gini coefficient is 0.49 for consumption and 0.60 for income - the highest of all the Latin American countries with the exception of Brazil.<sup>1</sup> In 1999, Panama ranked 49 in the human development index, falling to 59 in 2000.<sup>2</sup>

11. Historically, Panama's labour absorption capacity has been weak, even during periods of high growth. Open unemployment, which was 14 per cent in 1996, dropped to 13.30 per cent in 2000.<sup>3</sup> It affects mostly women (20.1 per cent on average between 1995 and 1998) and young people (27 per cent under the age of 25). Apart from being subject to higher rates of open unemployment, women generally receive lower wages, which means that they sometimes have to work longer hours to obtain goods and services.

### **B. Poverty**

12. More than 1 million people (37 per cent of the population) live below the poverty line, and more than half a million (19 per cent) live in conditions of extreme poverty.<sup>4</sup> More than half of Panamanian children are poor.

13. Poverty and extreme poverty are concentrated in the rural areas, where poverty is highest in relative and absolute terms: 65 per cent of the poor and 39 per cent of the extremely poor live in rural areas. This segment of the population is growing most rapidly. The indigenous group most affected is the Ngobe-Bugle. Geography and cultural barriers are determining factors of indigenous poverty.

14. Poverty is not so widespread in urban areas; it affects some 15 per cent of the urban population.

### **C. Public policies**

15. Between 1994 and 1999, poverty, income concentration, unemployment, low purchasing power, fiscal constraints, and shortages in the health and education sectors were the main problems affecting Panamanian society.<sup>5</sup> In 2000, the main challenges for economic policy continued to be unemployment, poverty, an uneven distribution of wealth and a high level of debt.<sup>6</sup>

16. The strategy for tackling such problems included an economic proposal designed to bring about stabilization and structural change. The proposal defines measures to be taken in the areas of expenditure, public administration, external debt, foreign trade, agriculture, land returned to Panama and competitiveness in production and trade. In the social sphere, priority attention was accorded to health, education, social security, employment, housing and the environment.<sup>7</sup> To that end, work began on modernizing Panama's infrastructure and a process of decentralization towards regional and local levels was begun.<sup>8</sup>

17. In 1998, the document entitled *Nuevo enfoque estratégico frente a la pobreza* [New strategic approach to poverty] laid down new guidelines for dealing with this problem.

18. Since 2000, the main objective of public policy has been to promote sustainable human development, achieve a systematic and sustainable reduction of poverty, integrate groups excluded from development and achieve a more equitable distribution of wealth.

19. The strategic guidelines are designed to create more and better jobs, access to basic social services, social participation and the decentralization and sustainability of social policies and programmes.<sup>9</sup>

## **II. GENERAL MEASURES OF IMPLEMENTATION**

### **A. Panama and the Convention on the Rights of the Child**

#### **1. Harmonization of domestic legislation**

20. The following legislation has been approved:

(a) Act No. 24 of 12 January 1996 (*Official Gazette* No. 22951 of 15 January 1996) establishing the Kuna region of Madungandi;

(b) Executive Decree No. 28 of 26 January 1996 relating to article 491 of Act No. 3 of 17 May 1994;

(c) Act No. 34 of 6 July 1995 (*Official Gazette* No. 22989 of 8 March 1996) supplementing and amending Act No. 47 of 1946 (Education Act);

(d) Act No. 10 of 3 March 1997 (*Official Gazette* No. 23242 of 11 March 1997) establishing the Ngobe-Bugle region and adopting other measures;

(e) Executive Decree No. 25 of 15 April 1997 (*Official Gazette* No. 23271 of 22 April 1997) establishing the Committee for the Elimination of Child Labour and the Protection of Child Workers;

(f) Executive Decree No. 26 of 15 April 1997 (*Official Gazette* No. 23271 of 22 April 1997) establishing the Commission for the Study and Preparation of the Special Act on Childhood and Adolescence;

(g) Executive Decree No. 54 of 28 July 1997 establishing the Commission for the Implementation of Family Code, which will lay down regulations for article 485 of the Family Code, relating to the impact of the mass media on minors;

(h) Executive Decree No. 139 of 13 August 1997 establishing the Education Centre for Minors in Particularly Difficult Circumstances;

(i) Executive Decree No. 240 of 30 September 1997 (*Official Gazette* No. 23344 of 31 July 1997) incorporating the Pact for Panamanian Children of the Office of the First Lady of the Republic into the policies of public-sector bodies dealing with children (*Official Gazette* No. 23392 of 6 October 1997);

(j) Act No. 42 of 19 November 1997 (*Official Gazette* No. 23424 of 24 November 1997) establishing the Ministry of Youth, Women, Children and the Family, aimed at promoting human development;

(k) Municipal Order No. 19 of 10 February 1998 (*Official Gazette* No. 23509 of 26 March 1998) establishing design standards for the construction of public buildings and public areas situated in the District of Panama in order to provide persons with disabilities and/or reduced mobility access to their physical surroundings;

(l) Executive Decree No. 23 of 10 February 1998 (*Official Gazette* No. 23480 of 12 February 1998) relating to Act No. 5 of 26 October 1977, which ratifies the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, repeals Decree No. 100 of 6 July 1981 and Executive Decision No. 461 of 9 October 1984, and lays down new provisions concerning temporary protection on humanitarian grounds;

(m) Executive Decree No. 9 of 21 April 1998 (*Official Gazette* No. 23529 of 24 April 1998) amending Executive Decree No. 25 of 15 April 1997, which established the Committee for the Elimination of Child Labour and the Protection of Child Workers;

(n) Act No. 31 of 28 May 1998 (*Official Gazette* No. 23553 of 29 May 1998) concerning the protection of victims of crime;

(o) Act No. 33 of 28 May 1998 (*Official Gazette* No. 23557 of 4 June 1998) ratifying the Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption, adopted in The Hague, on 29 May 1993;

(p) Act No. 37 of 25 June 1998 (*Official Gazette* No. 23576 of 1 July 1998) ratifying the Inter-American Convention on International Traffic in Minors, adopted in Mexico City on 18 March 1994;

(q) Act No. 38 of 25 June 1998 (*Official Gazette* No. 23576 of 1 July 1998) ratifying the Inter-American Convention on Support Obligations, adopted in Montevideo, Uruguay, on 15 July 1989;

(r) Executive Decree No. 27 of 12 August 1998 (*Official Gazette* No. 23606 of 12 August 1998) reorganizing the Social Cabinet;

(s) Executive Decree No. 29 of 26 September 1998 (*Official Gazette* No. 23647 of 8 October 1998) establishing the National Committee for Monitoring Compliance with the Convention on the Rights of the Child;

(t) Act No. 80 of 23 November 1998 (*Official Gazette* No. 23684 of 2 December 1998) creating a database and databank of forensic information and DNA data and adopting other measures;

(u) Act No. 105 of 30 December 1998 (*Official Gazette* No. 23717 of 21 January 1999) ratifying the Inter-American Convention on Conflict of Laws concerning the Adoption of Minors, adopted in La Paz on 24 May 1984;

(v) Act No. 106 of 30 December 1998 (*Official Gazette* No. 23717 of 21 January 1999) approving the Basic Cooperation Agreement between the Government of the Republic of Panama and the United Nations Children's Fund (UNICEF), signed in Panama City on 4 June 1998;



- (w) Act No. 4 of 29 January 1999 (*Official Gazette* No. 23729 of 6 February 1999) instituting equal opportunities for women;
- (x) Executive Decree No. 18 of 19 July 1999 (*Official Gazette* No. 23850 of 28 July 1999) amending Executive Decree No. 25 of 15 April 1997, which established the Committee for the Elimination of Child Labour and the Protection of Child Workers;
- (y) Executive Decree No. 26 of 6 August 1999 (*Official Gazette* No. 23862 of 12 August 1999) amending Executive Decree No. 21 of 2 July 1998, which abrogates Executive Decree No. 25 of 8 May 1996 and establishes new provisions concerning State subsidies;
- (z) Executive Decree No. 30 of 13 August 1999 (*Official Gazette* No. 23868 of 20 August 1999) adopting provisions for the establishment of comprehensive centres for child development, pre-school education and child guidance throughout the country;
- (aa) Act No. 40 of 26 August 1999 (*Official Gazette* No. 23874 of 28 August 1999) concerning the Special Regime governing Juvenile Criminal Responsibility;
- (bb) Act No. 42 of 27 August 1999 (*Official Gazette* No. 23876 of 31 August 1999) establishing equal opportunities for the disabled;
- (cc) Act No. 3 of 5 January 2000 (*Official Gazette* No. 23964 of 7 January 2000) concerning sexually transmitted diseases, HIV (human immunodeficiency virus) and AIDS (acquired immunodeficiency syndrome);
- (dd) Executive Decree No. 1 of 11 January 2000 (*Official Gazette* No. 23980 of 1 February 2000) establishing the National Council for Indigenous Development;
- (ee) Executive Decree No. 1 of 4 February 2000 (*Official Gazette* No. 23987 of 10 February 2000) establishing regulations for the inclusive education of people with special education needs;
- (ff) Act No. 6 of 4 May 2000 (*Official Gazette* No. 24045 of 5 May 2000) providing for the compulsory use of gender-sensitive language, contents and illustrations in school textbooks and publications;
- (gg) Act No. 17 of 15 June 2000 (*Official Gazette* No. 24077 of 19 June 2000) ratifying International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, adopted on 26 June 1973;
- (hh) Act No. 18 of 15 June 2000 (*Official Gazette* No. 24077 of 19 June 2000) ratifying ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted on 17 June 1999;
- (ii) Act No. 34 of 25 July 2000 (*Official Gazette* No. 24106 of 28 July 2000) establishing the Kuna region of Wargandi;

(jj) Decree No. 99 of 20 November 2000 (*Official Gazette* No. 24187 of 24 November 2000) establishing the National Commission for Drafting the National Plan to Combat Domestic Violence and a Policy for a Well-Ordered Society;

(kk) Act No. 47 of 13 December 2000 (*Official Gazette* No. 24201 of 15 December 2000) ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the General Assembly on 25 May 2000;

(ll) Act No. 48 of 13 December 2000 (*Official Gazette* No. 24201 of 15 December 2000) ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the General Assembly on 25 May 2000.

## **2. Legal status of the Convention**

21. The Convention on the Rights of the Child has been incorporated into Panamanian law (Act No. 15 of 6 November 1990). However, in spite of the progress that has been made, the Convention is not fully enforced in practice by the various administrative, political and judicial bodies, owing to an unwillingness to change traditional attitudes, a lack of information and resources and the absence of a real national movement for the rights of the child.

### **B. Public policies for the human development of children and youth**

22. The Plan of Action for Human Development, Children and Youth 1992-2000 (PAN) established priority programme areas and goals based on national requirements, which increased in number to keep pace with the Santiago Agreement. There are now 33 quantitative goals with 110 indicators and 36 descriptive goals with 49 indicators.

23. Although the Plan of Action does not include an integrated follow-up mechanism, since the mid-decade assessment in 1995 the principal social ministries have by and large incorporated its objectives, strategies and indicators into their development policies and plans.<sup>10</sup>

24. Executive Decree No. 240 of 30 September 1997 (*Official Gazette* No. 23392) incorporated the Pact for Panamanian Children of the Office of the First Lady of the Republic into the policies of public-sector bodies dealing with children.

25. The technical secretariat of the Social Cabinet, in cooperation with the Ministry of Youth, Women, Children and the Family (MINJUMNFA), is analysing and evaluating information on the attainment of the goals up to the year 2000. Panama's analysis of the indicators for determining whether or not those goals have been met is contained in the report submitted to the meeting held in Jamaica in 2000.

## **1. Major achievements**

26. In 1992, the Pan American Health Organization (PAHO) and the World Health Organization (WHO) certified Panama as being polio-free; in fact, there have been no cases of poliomyelitis in Panama since 1972. Vaccination coverage against this disease for infants under 1 year of age reached 90.2 per cent in 2000.

27. Since 1996, neonatal tetanus has been under control and an acceptable level of vaccination coverage has been maintained among women of childbearing age and expectant mothers.
28. Since 1996, there have been no cases of or deaths from measles in children under 5, and vaccination coverage against this disease is higher than 90 per cent for this group.
29. During the 1990s, the level of vaccination coverage against diphtheria, whooping cough, tetanus, measles, poliomyelitis and tuberculosis exceeded 90 per cent.
30. The low birth-weight rate (2.5 kg) remained below 10 per cent; this was another goal that was achieved during the decade.
31. In addition, there was a rise in the primary school enrolment rate and the relevant goal was met: at least 80 per cent of children entering primary school completed their primary education.
32. National primary school enrolment rates were higher than 90 per cent throughout the decade, with disparities between urban and rural areas and the indigenous population.
33. The failure and repeat rates fell, although the dropout rate remained at about 2 per cent.

## **2. Significant progress**

34. Between 1990 and 2000, Panama succeeded in lowering the mortality rate of infants and children under 5. Panama is one of the countries in the region with the lowest child mortality rates, even if it has not managed to reduce those rates by a third, as proposed at the World Summit for Children.
35. In order to ensure that all couples have access to information and services designed to prevent pregnancies that entail a high risk or are not well spaced out or excessive, family planning programmes have been expanded; nevertheless, mothers under 20 years of age account for some 20 per cent of the total number of births. This indicates that prevention and information programmes need to be stepped up. Moreover, pregnant women's access to prenatal care, to assistance by trained staff during childbirth, and to post-natal services requires greater attention (the same applies to breastfeeding mothers) since 100 per cent coverage has not been achieved. These factors have an effect on maternal mortality. Panama has not been able to achieve the goal of reducing the maternal mortality rate.
36. According to studies carried out in 1999, the prevalence of goitre at the national level in children between 6 and 12 years of age was 10.2 per cent, as compared with 13.2 per cent in 1990. It is worth noting that during the decade these figures decreased, particularly in rural areas, as a result of salt iodization programmes and the supplementation of iodine compounds. The Azuero region is no longer an endemic area and, owing to those results, Panama is in the process of being certified by PAHO and WHO as a country free of iodine deficiency disorders.

37. With regard to access to drinking water and sewage facilities, the percentage of the population that benefit from such basic services has increased, although there are still disparities between urban and rural areas: there is virtually 100 per cent coverage in urban areas, while in rural areas no more than 80 per cent of the population has access to such services.

38. Efforts are being made to prolong breastfeeding until the sixth month, with food supplements. There are six baby-friendly hospitals at the national level.

39. Between 1990 and 1997, the illiteracy rate decreased from 10.7 per cent to 7.8 per cent, reaching the goal set in the National Plan. However, the marked differences between the figures for urban, rural and indigenous areas pose a challenge in the area of education.

40. The enrolment of more than 95 per cent of children who completed primary education in the first year of secondary education was another important achievement in the area of education.

41. At present, programmes to step up development activities for infants are under way, including activities for the comprehensive care of children under the age of 4.

42. With regard to the care and protection of children and adolescents at risk, following ratification of the Convention on the Rights of the Child, Panama adopted the Family Code which entered into force in 1994 and contains provisions on gender equality and equity, the education of girls, the possibility for pregnant teenagers to continue their education, and other matters that considerably improve the living conditions of children and adolescents.

43. In addition, in 1995 Panama adopted Act. No. 27, which criminalized domestic violence and ill-treatment of minors and provided for the establishment of specialized departments to deal with victims of such offences.

44. A significant achievement in the field of care was the establishment of the Ministry of Youth, Women, Children and the Family, whose overall aims are to foster human development through participation and the promotion of equity as well as the organization, administration, coordination and implementation of policies, plans, programmes and a variety of activities designed to strengthen the family, the community and priority groups.

45. Act No. 40 of 26 August 1999 establishes the Regime Governing Juvenile Criminal Responsibility, the purpose of which is to lay down the terms and conditions under which juveniles can be held responsible for offences. The Regime provides for the establishment of a number of specialized institutions and special procedures pertaining exclusively to the jurisdiction of minors. The aim is to educate individuals about the principles of justice, to protect society, and to ensure public safety and to reintegrate minors into society.

### **3. Main difficulties**

46. In recent years, high mortality rates and a large number of cases of diarrhoea among children under 5 have been recorded. However, there has been a considerable rise in the number of cases treated with oral rehydration. Mortality caused by acute respiratory infections among children under 5 continues to be a health problem in Panama, since it has not been possible to attain the proposed goal of reducing by one third deaths caused by such illnesses.

47. Major efforts have been made in the area of nutrition, although high rates of serious and moderate malnutrition among children under 5 persist; these rates have not been reduced by half, thereby falling short of the proposed goal.

48. The indicators show that, although great efforts have been made, Panama is far from meeting the goal set for the year 2000: to achieve a sufficient intake of vitamin A, reduce illnesses caused by iodine deficiency and lower the level of acute global and chronic malnutrition.

#### **4. Challenges for the future**

49. In order to improve children's health, greater efforts will have to be made to prevent cases of acute diarrhoea and acute respiratory infections and to ensure the total elimination of neonatal tetanus and measles, which will help to meet the goal of reducing child mortality. Similarly, nutrition programmes for expectant mothers will need to be stepped up in order to lower the incidence of low birth weight. It is important to focus on rural and indigenous communities, where problems caused by poverty, low levels of education and shortage of drinking water and sanitation facilities greatly affect children's health.

50. In order to reduce maternal mortality it will be necessary to promote programmes in the area of prenatal care and treatment and specialized perinatal care, and to prevent anaemia among pregnant women by expanding folic acid supplement programmes in the poorest areas.

51. Emphasis must be placed on providing information and services in order to prevent unwanted and high-risk pregnancies, which cause a large number of maternal deaths. Of importance in that regard are educational activities to inform women of childbearing age of the need to space out pregnancies and to avoid high-risk and excessive pregnancies, laying emphasis on the need to monitor the pregnancy during the first four months.

52. One of the major challenges over the next five years will be to reduce the effects of malnutrition, by stepping up sustainable development and other programmes and strengthening existing nutrition centres, particularly in indigenous and rural areas, where there is a marked incidence of acute, serious and global malnutrition.

53. Increasing access to drinking water so that it is available to the entire population is a short-term challenge, since disparities between rural and other areas call for major investments in this sector. Sewage facilities still require attention throughout the country, especially in rural and indigenous areas.

54. The education of children living in rural areas, the indigenous regions and poor and marginalized areas affected by poverty must be dealt with in special programmes. There are still disparities between the different regions in the number of children who do not complete their education, hence the need to step up programmes to reduce the school dropout rate.

55. It is essential to continue programmes aimed at enhancing the education of children and adolescents with recreational and leisure activities in order to protect them from violence, drug addition, alcoholism, delinquency and prostitution.

56. It is important to have a sociodemographic information system that makes it possible to monitor and evaluate indicators of progress towards the attainment of specific goals.

### **C. Institutional framework**

#### **1. Institutions responsible for policy and programme implementation and evaluation**

57. The Ministry of Youth, Women, Children and the Family was established by Act No. 42 of 19 November 1997 (*Official Gazette* No. 23424) and began its work on 1 January 1998. The Ministry promotes and supervises the organization, administration, coordination and implementation of public policies designed to strengthen the family, the community and priority groups.

58. The Ministry identified a number of problems to be overcome as it embarked on its task, including a lack of uniformity within the institutional framework for social development, poor coordination of economic and social policy and the complete absence of any integrated social policy such as that proposed in the 1998 five-year strategic plan for sustainable human development, a problem that still hampers effective, coordinated action to implement the Convention on the Rights of the Child.

59. Other institutions include the Social Cabinet, which was established in 1992 and restructured by Executive Decree No. 27 of 12 August 1998 (*Official Gazette* No. 23606). The Social Cabinet is a government advisory body on social affairs, whose basic task is to recommend actions that lead to the design and implementation of social policy. It is coordinated by the Ministry of Youth, Women, Children and the Family and brings together the ministries of Agricultural Development, Education, Health, Housing, Labour, Public Works, and Finance and the Economy, as well as the Office of the First Lady of the Republic, who acts as honorary adviser. It is a forum for discussion, training, operational coordination and strategic evaluation of the Government's social policy.

60. The national councils (on the Family and Children, on Women, and on Youth, among others) conduct liaison and consulting activities that link the State and civil society.

61. The Department of Children and the Department of Youth, both part of the Ministry of Youth, Women, Children and the Family, are responsible for establishing and analysing the situation of children and adolescents and proposing and implementing programmes and projects that contribute to their full development, protection and assistance.

62. The Institute for Interdisciplinary Studies is responsible for establishing and regulating procedures to ensure the smooth operation of centres and programmes offering alternative care and rehabilitation measures for juvenile offenders.

63. The National Committee for Monitoring Compliance with the Convention on the Rights of the Child was established by Executive Decree No. 29 of 26 September 1998 (*Official Gazette* No. 23647).

64. Direct action on behalf of children and adolescents is carried out by governmental and non-governmental organizations (NGOs) with support from international cooperation. Some of the NGOs active in this area are listed in the annex.

65. The national Panamanian child and youth support network brings together a significant number of national comprehensive care institutions and coordinates action to eradicate some of the sensitive problems faced by children, including child labour, sexual abuse, the sex trade and violence and ill-treatment of all kinds.

## **2. Coordination with civil society and evaluation of progress**

66. As mentioned above, the Government established the National Committee for Monitoring Compliance with the Convention on the Rights of the Child in 1998. The Committee's most important tasks include monitoring compliance with constitutional and legal provisions, supervising, coordinating and consulting with national and international institutions and agencies - in both the public and private sectors - with a view to implementing the Convention, and preparing the periodic report to the United Nations. The Committee has a technical secretariat.

67. In harmonizing legislation and preparing policy on the aims and objectives of action, the Government encourages the participation of the general public. Various pacts (Pact for Children, Pact for Women, Pact for Youth, and others) were signed in the course of the election campaign, as a means of strengthening mechanisms of civic participation and cohesion.<sup>11</sup>

68. A process was launched to ensure the involvement of all government sectors and civil society in building a social movement to encourage implementation, awareness and defence of the Convention through a series of organizational strategies. Networks were then formed around three hubs: civil society, local government (Child-Friendly Cities) and the State institutions working in the field. This will make it possible, through a network of facilitators, to carry out promotion and awareness-raising activities among the community at large. Local situation analyses will enable effective strategies to be devised to supervise and monitor the realization of rights on the basis of certain indicators.<sup>12</sup>

69. Until 1999, participation by children and adolescents was encouraged by various means: mini-summits for the school population throughout the country, designed to encourage children to make a collective commitment to exercise their rights, with adult participation; the Pact for Children, the purpose of which is to promote the rights of Panamanian children at the national level; the Panama Coalition for a Drug-Free Community; and youth organizations, promotion of leadership in schools, and so on.

## **D. Resources**

### **1. Social expenditure**

70. According to information from the Budget Department of the Ministry of Finance, social expenditure increased at an average annual rate of 9.4 per cent between 1990 and 1998. From \$895 million in 1990, it rose to \$1,840 million in 1998; in 1999, however, it fell to \$1,821 million. It also increased as a percentage of GDP, from 4 per cent in 1990

to 20.12 per cent in 1998, falling to 18 per cent in 1999. The health and education sectors were top priorities and, between 1996 and 1998, average expenditure on the multi-social sector reached two and a half times the average of the early 1990s.<sup>13</sup> Although Panama allocates more than 40 per cent of its national budget to social sectors, a targeted policy is needed to channel resources towards the most disadvantaged sectors of the population.

71. Both the amount and the distribution of public expenditure in general, and social expenditure in particular, are contingent on the precise level of payments to service the public debt, particularly external debt.

72. The objective for 2000-2004 is to ensure that social expenditure and investment have a positive effect on the redistribution of income and opportunities by focusing attention on the poorest and most vulnerable sectors of society in order to facilitate universal access to public services.<sup>14</sup>

## **2. International cooperation**

73. Panama received a total of \$44,881,575 in international cooperation in 1997 (latest available information), which represented a decline from its peak in 1991. In terms of distribution by sector, more than half the amount of external cooperation (\$23.7 million) went towards human resources training; another priority sector was development administration (\$7.4 million). The projects in both these sectors concerned modernization of the State. In the education sector, the specific objective was to equip school classrooms and upgrade and build educational infrastructure, making use of new technologies to adapt study programmes and curricula, as part of a thorough, comprehensive overhaul of the system in order to enable it to meet the challenges of international competition.<sup>15</sup>

74. Funding comes from various bilateral, multilateral and NGO sources (see tables 1-3).

75. Act No. 106 of 30 December 1998 (*Official Gazette* No. 23717) approved the Basic Cooperation Agreement between the Government of Panama and UNICEF.

## **E. Dissemination and information**

### **1. Awareness of the principles and provisions of the Convention**

76. Information on the Convention on the Rights of the Child has been disseminated through the efforts of government and non-governmental organizations and the Panamanian section of UNICEF. Between 1996 and 1999, the Convention was publicized through various media and by various means: press conferences, briefing kits, workbooks, TV spots and talks, videos, posters, children's rights workshops, a national press award, recognition ceremonies, children's communicators, campaigns, articles, animated films promoting children's rights, cooperation agreements with child-friendly companies to raise funds for publicity events, and projects with the Journalists Association and university schools of communication.

77. A communication plan was prepared as part of the programme to promote children's and women's rights. The plan strengthened the channels of information and communication with a view to encouraging the community to bring about change and support children's programmes and make them known to the public at large, and to mobilize communities and companies to



support such actions. The plan operates chiefly in the areas of advocacy, communication and social mobilization. The proposed monitoring system will serve to assess progress in promoting awareness of the content and principles of the Convention among the population at large, maintain a standard approach and ensure more controlled and effective communication.<sup>16</sup>

78. In spite of these dissemination efforts, there is still confusion concerning the content of the Convention; further dissemination and explanation of the Convention is required, particularly in rural and indigenous areas.

## **2. Dissemination of reports**

79. Panama's last report on its implementation of the Convention was disseminated in various contexts, but was not made generally available.

## **3. Preparation of the present report**

80. The present report is the outcome of a participatory approach, involving government and non-governmental organizations and international cooperation.

# **III. DEFINITION OF THE CHILD**

## **A. Domestic legislation**

81. The Family Code governs the rights and legal guarantees of minors. "Minor" means any human being from conception to the age of 18 (art. 484). On reaching the age of 18, a person attains the age of majority and acquires citizenship.

## **B. Minimum legal ages**

### **1. Health**

82. There is no specific provision establishing a particular age for seeking medical advice without parental consent. The administrative regulation notes that the comprehensive health programme for adolescents includes advice and guidance for adolescents on request, without the authorization or presence of parents. In practice, however, this regulation remains subject to the decisions taken by health service providers.

83. In cases of abuse, the administrative and medical authorities may decide to provide care even against parents' wishes, and may be obliged to prevent a recurrence of such situations (Family Code, arts. 503 and 504).

84. Parents' or guardians' permission are required for surgical interventions.

### **2. Legal advice**

85. There is no provision for obtaining legal advice, either with or without parental consent. Nevertheless, Act No. 40 of 26 August 1999 (*Official Gazette* No. 22823) establishes in article 17, on special trial guarantees, the rights to be informed, to be defended by counsel, and to a defence. The minimum age for seeking legal advice is 14.

### **3. Education**

86. According to Act No. 47 of 1946, the Education Act, as amended by Act No. 34 of 6 July 1995 (*Official Gazette* No. 22823), the first level of education, or basic general education, comprises pre-primary, primary and pre-secondary education and is compulsory (sect. 1, title III, arts. 36-39 and 43). This is also mentioned in the Family Code (art. 489, para. 5). Article 37 of Act No. 34 of July 1995 establishes a minimum age of 4 for pre-primary education; the fact that this is not compulsory as far as parents are concerned does not relieve the State of its obligation to provide pre-primary education.

### **4. Employment**

87. According to Act No. 17 of 15 June 2000 (*Official Gazette* No. 24077), the minimum age for admission to employment is 15 (art. 2, para. 3). Where the nature of the work or the conditions under which it is carried out may pose a potential risk to the health, safety or morality of minors, the minimum age is 18 (art. 3). If their safety, health and morality can be guaranteed, the minimum age is 16 (art. 3, para. 3). The Constitution of Panama prohibits persons under the age of 14 from working, except as provided by law.

### **5. Marriage**

88. The ages indicated in the previous report have not changed: men may marry at 16 and women at 14.

### **6. Sexual consent**

89. The age of sexual consent is 18. Anyone having sexual relations with a girl over 14 and under 18 years of age, even with her consent, is liable to punishment under the Criminal Code (art. 219). However, if the perpetrator marries the victim, the penalty is discharged.

### **7. Voluntary enlistment and conscription into the armed forces and participation in hostilities**

90. Under Act No. 48 of 13 December 2000 (*Official Gazette* No. 24201), Panama ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which stipulates that the State shall ensure that no person under 18 years of age may be drafted into its armed forces.

### **8. Criminal responsibility**

91. The age of criminal responsibility is 14, in accordance with Act No. 40 of 26 August 1999 (*Official Gazette* No. 23874).

### **9. Testimony in court**

92. The assistance of a guardian *ad litem* is required in order for a child over 7 and under 14 years of age to give testimony in civil or criminal cases. Children 14 and older may give testimony without a guardian *ad litem* (Judicial Code, art. 900).

93. In cases of adoption, the views of children 7 or older must be heard (Family Code, art. 297).

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

94. A name may be changed only after the age of majority (18) has been reached.

95. In cases of adoption, the views of children 7 or older must be heard (Family Code, art. 297).

96. According to article 489, paragraph 10, of the Family Code, any minor shall be allowed to express his or her opinion freely and shall be informed of his or her rights in that regard. In any proceedings that might affect a minor, the minor shall 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; no minimum age is specified.

**11. Access to information concerning biological parents**

97. All minors have the right to know who their parents are, to use their surname and to exercise other rights of filiation; no minimum age is specified (Family Code, art. 489, para. 3).

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

98. Any natural or legal person may inherit, provided that no legal provision to the contrary exists (Civil Code, art. 634). The existence of a natural person begins at birth (art. 41).

99. The Family Code establishes the concept of emancipation and the term *habilitación* (coming of age) is no longer used (art. 362).

100. Property transactions may be conducted from the age of 18; however, emancipation enables individuals to dispose of their own person and property within the limits established by law (art. 358).

101. Any person over 15 years of age may apply, in the presence of his or her parents, for emancipation, if that is necessary for the disposal and control of his or her own person and property (art. 356).

102. The minimum age for joining or becoming a member of associations is 18 (Commercial Code, Act No. 32 of 26 February 1927).

**13. Choice of a religion and attendance at religious instruction classes**

103. According to the Constitution, there shall be no public or private privileges or discrimination on grounds of religion (art. 19). The Family Code establishes the right of minors to respect for their freedom of thought, conscience and religion, to a degree commensurate with their level of development and under the guidance of their parents (art. 489, para. 11).

#### **14. Consumption of alcohol and other controlled substances**

104. The sale of alcohol and tobacco is permitted to persons over the age of 18. While alcohol consumption is regulated by law (Act No. 55 of 1973; Municipal Decree No. 873 of 26 February 2000 (*Official Gazette* No. 24000)), there are some questions regarding its application.

### **IV. GENERAL PRINCIPLES**

#### **A. Measures to observe the principle of non-discrimination**

105. Title III, chapter I, of the Constitution contains the basic guarantees and article 19 of the Constitution stipulates that there shall be no discrimination on grounds of race, birth, social class, gender, religion or political beliefs, although age is not specified. Article 20 refers to foreigners.

106. Article 489 of the Family Code states that every minor has the right to be protected against any form of discrimination and that all minors without exception or discrimination of any kind are entitled to the protection of the State, which guarantees their recognition as subjects of law (art. 585).

107. Act No. 40 of 26 August 1999 (*Official Gazette* No. 23874) on the Special Regime governing Juvenile Criminal Responsibility states in article 16, paragraph 2 (on special criminal guarantees), that equality and the right not to be discriminated against are underlying principles. This Act is an important achievement, although certain aspects of it have not been implemented. It is in the process of being amended.

108. Chapter XII of Act No. 4 of 29 January 1999 (*Official Gazette* No. 23729) refers in sections I and II, articles 21 and 22, to certain aspects of the State's public policy to promote equality of opportunity for girls and young women, and also makes special provision for indigenous, peasant, Afro-Panamanian, disabled and imprisoned women and girls. This Act has yet to be enforced.

109. Article 491 of the Family Code, given effect by Executive Decree No. 28 of 26 January 1996, prohibits the use of disciplinary sanctions against pregnant students and develops a system to enable teenage girls to continue and complete their studies. Some problems have arisen in enforcing this article owing to the lack of human and financial resources to extend the coverage of preventive education programmes.

110. Act No. 6 of 4 May 2000 (*Official Gazette* No. 24045) prescribes the mandatory use in all school textbooks and manuals, of language, content and illustrations that help to eliminate gender-based discriminatory practices that run counter to the idea of equality between the sexes (art. 1).

111. The Department for the Curriculum and Educational Technology, the Office of Women's Affairs and the Department for Vocational Training and Continuing Education of the Ministry of Education are the bodies responsible for complying with the provisions of the Act, and for coordinating actions with other governmental organizations.

112. The technical coordination unit for the implementation of special programmes in indigenous areas, attached to the Education Department of the Ministry of Education, was established in 1998.

113. The proposal for a national plan to develop bilingual intercultural education in Panama (1997-2006) has been prepared but not yet implemented.

114. A gender-oriented literacy project for indigenous women in the three indigenous regions has been developed.

115. The social development policy and strategy 2000-2004 proposes the development of programmes, projects and activities to reduce the economic, social and geographical disadvantages of vulnerable groups.

116. Despite the measures envisaged, change in cultural patterns is slow and discriminatory practices persist. These take the form of economic, social and cultural disparities, particularly those experienced by the most disadvantaged children.

### **B. Best interests of the child**

117. Articles 2, 488 and 740 of the Family Code lay down the basic principle that legal provisions must be interpreted in the best interests of the minor, in accordance with national and international principles concerning the rights of the family and minors.

118. Executive Decree No. 26 of 15 April 1997 (*Official Gazette* No. 23271) appointed 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. Work on the proposal is now continuing.

119. Article 587 of the Family Code also recognizes that minors have a developing personality and establishes the overriding principle that any person having a legal, voluntary, temporary or permanent relationship with a minor must give preference and prevalence to his or her rights.

120. The Family Code (art. 489, para. 19) provides that children shall be accorded preference by the public services and in public social policies, and shall receive preferential allocation of any resources made available in any circumstances affecting them.

121. Actual practice in the judicial, administrative and legislative fields shows that the provisions listed above are not being fully implemented. Insufficient human and financial resources and personnel changes continue to hinder genuine implementation, despite the publicity and training undertaken.

### **C. Right to life, survival and development**

122. Chapter III of the Family Code provides for comprehensive State protection of all children and adolescents without exception. Title III refers to social welfare institutions and stipulates measures relating to education, health, maternal and child protection, work-related issues and pregnant women. The measures implemented are referred to elsewhere in the report.

#### **D. Respect for the views of the child**

123. The laws and regulations concerning the views of the child have already been mentioned.

124. The following measures have been taken to guarantee children's right to express their opinion:

(a) In the administration of justice (Family Code, art. 297; Judicial Code, art. 900; and Act No. 40 of 26 August 1999);

(b) At school, the establishment of forums and disciplinary boards;

(c) Children's mini-summits;

(d) The Methodist programme for progress and development;

(e) The Pact for Children;

(f) The Pact for Youth;

(g) Youth discussion groups;

(h) International children's summits.

125. Courses have been organized to train and inform professionals who work with children and adolescents. There are courses for magistrates, judges, family courts, juvenile judges, police officers, prison officers and others.

126. The Criminology Institute of the University of Panama is developing a special postgraduate course in childhood and adolescence within the framework of the Convention on the Rights of the Child, with the involvement of officials from various public institutions and NGOs.

127. Despite the progress that has been made to date, there is a need for better training and publicity and for the broadening of effective forums to ensure that minors can enjoy this right.

### **V. CIVIL RIGHTS AND FREEDOMS**

#### **A. Name and nationality**

128. The right to a name is recognized under the relevant legal norms. Act No. 100 of 30 December 1974 establishes that all births must be recorded within 15 calendar days. The Act distinguishes between medically assisted births and those without such assistance, and establishes deadlines and requirements in each case. Provision is also made for the recording of newborns of unknown parentage or who have been declared abandoned.

129. The paternity of a child is established by a declaration to this effect. If no such declaration is made, the father's name is not recorded in the register of births, except in the case of a marriage in existence at the time of the birth (Electoral Code, art. 469).

130. In the case of minors declared by a person other than their father, and minors whose paternity has not been recorded, the father may claim paternity at any time by making a declaration to this effect before the appropriate authority.

131. Pursuant to article 269 of the Family Code, in the case of a married woman it is assumed that it is the husband's duty to recognize a son or a daughter. The son or daughter of a married woman may nevertheless be recognized pursuant to a judicial order requiring proof that the husband is not the father of the child.

132. In the case of foreigners, the father must recognize the child voluntarily and the mother must give her consent.

133. Act No. 80 (*Official Gazette* No. 23684), promulgated on 23 November 1998, established a DNA forensic database. However, lack of financial resources has hindered full implementation of this Act, which provides for paternity testing in filiation proceedings pursuant to a request by one of the parties concerned or through an official channel.

134. Publicity and information campaigns on the rights of the child and the Family Code are currently aimed at encouraging mothers to insist on filiation in the interests of their children. However, a shortage of personnel and resources in the judiciary hinders the proper enforcement of the summary provisions of the Family Code.

135. This notwithstanding, the Family Code prescribes "summary" proceedings in cases that must be dealt with expeditiously (for example, determination of responsibility for custody and upbringing, regulation of visits, suspension and extension of parental authority), and as a complement to "ordinary" proceedings, which include those involving filiation (arts. 788 and 793). The difference is that the scope of "ordinary" proceedings is much broader than that of "summary" proceedings.

136. Efforts have been made to promote the registration of births through frequent outreach tours organized by the Civil Status Registry.

137. The Civil Status Registry, the Department for the Family and the Ministry of Health are coordinating efforts to train social outreach workers with a view to promoting registration in various communities around the country.

138. Educators have been sent on guidance courses, information has been made available and open meetings have been held with families to raise awareness and encourage registration.

139. The Civil Status Registry has modernized and computerized its systems to provide better information and service.

140. Improved coordination has been achieved among the relevant institutions, for example in clarifying concepts, sensitizing members of provincial assemblies and identifying significant obstacles, with regard to the bureaucratic procedures governing registration and the recording of births.

141. The Constitution states that nationality is acquired at birth in Panamanian territory, irrespective of the nationality of the parents, or by virtue of either parent being Panamanian, in cases where the child is born outside Panamanian territory. A child may have up to three different nationalities by virtue of his or her place of birth and the nationality of his or her parents.

### **B. Preservation of identity**

142. The measures described in the previous report (CRC/C/8/Add.28, para. 21) continue to apply.

### **C. Freedom of expression**

143. Article 37 of the Constitution recognizes freedom of expression as a fundamental guarantee (CRC/C/8/Add.28, para. 29).

### **D. Freedom of religion**

144. The measures described in the previous report continue to apply.

### **E. Freedom of association and peaceful assembly**

145. Title III of the Constitution (chap. 1, art. 38) stipulates that Panamanians have the right to assemble peacefully for lawful ends.

146. There has been an upsurge in the number of youth associations sponsored by government organizations, NGOs, civic clubs, international organizations and other civil society organizations. The Pact for Panamanian Children has developed activities aimed at changing social attitudes, boosting self-esteem, fostering a culture of peace, reforestation, sports, discussions on cinema, social and community work, comprehensive prevention of violence in families, social settings and at school, and the collection of books for libraries.

147. The Department of Youth of the Ministry of Youth, Women, Children and the Family plans, programmes, promotes and carries out initiatives to encourage the active participation of young people in social and sporting events and cultural, economic and political processes.

### **F. Protection of privacy**

148. Chapter II of the Family Code dealing with family rights (arts. 575-578) specifies that the State must guarantee respect for the intimacy, personal freedom, security and honour of the family and the right to the family image. In addition, each member of the family has the right to respect for his or her intimacy and privacy.

### **G. Access to appropriate information**

149. Executive Decree No. 54 of 28 July 1997 (*Official Gazette* No. 23271) established a commission for the regulation of article 485 of the Family Code as regards the quality of programming in the media and its impact on the informal education of children.



150. Programmes and activities developed by government bodies, NGOs, education centres, the media, church organizations and civil society centre around the right to access high-quality information and material. This helps to develop the personalities of children and adolescents and ensures that they enjoy full access to culture.

151. Efforts have been made to implement the self-policing agreement signed on 4 February 1999 between the Ministry of Youth, Women, Children and the Family and television media regarding programming for children.

#### **H. Right not to be subjected to torture or other cruel treatment or punishment**

152. Article 18 of the Family Code stipulates that the inviolability of minors shall be respected and that minors shall not be subjected to torture or cruel or degrading punishment, and shall not be arbitrarily detained. Minors deprived of their liberty shall be entitled to respect for their guaranteed rights and to proper legal assistance, to maintain contact with their families, and they shall be brought immediately before a competent authority.

153. Act No. 12 of 1991 fully endorses the Inter-American Convention to Prevent and Punish Torture.

154. Title II, chapter III, article 160 of the Criminal Code refers to the crime of torture committed by public servants and specifies the appropriate penalty for commission of this crime.

155. Article 16 (on the special criminal guarantees), section I, of Act No. 40 of 26 August 1999 (*Official Gazette* No. 23874) refers to the principle of respect for human dignity, which provides that adolescents have the right to be treated with the respect due to all human beings, which includes protection of the individual's dignity and physical integrity to the full extent required by the adolescent's physical, social, cultural, moral and psychological needs. No complaint procedures are specified.

### **VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

#### **A. Parental guidance**

156. The 1997 standard of living survey reveals that approximately one quarter of all households in Panama are headed by women (self-designation), with a higher proportion in urban areas. Of these, 84 per cent are households headed by women without a male partner. On the whole, households headed by women are not poorer, except in some subgroups and above all in urban areas.

157. The State party has taken a variety of measures to guarantee respect for the responsibilities, rights and duties of mothers and fathers, family members and the community.

158. The Family Code is the legal instrument that regulates these matters in Panamanian society; it is given practical effect by the family and juvenile courts and social security benefits provided by public bodies and NGOs. The Code establishes the juvenile police, attached to the National Police, whose functions are to direct, assist, cooperate and coordinate with State bodies

and agencies involved in the education, safety, protection and rehabilitation of children. The juvenile police is a specialized, technical corps at the disposal of and subject to the orders of the family courts (Family Code, chap. III, arts. 592-596).

159. Under Act No. 42 of 19 November 1997 (*Official Gazette* No. 23424), the Ministry of Youth, Women, Children and the Family, through the Department for the Family, plans, promotes, organizes, directs, develops, coordinates, executes and follows up monitoring of the Family Code and the enforcement of policies, programmes and regulations regarding the family.

160. This institution offers free family guidance services in the following areas: marriage, divorce, support payments, recognition of children, child abuse, juvenile delinquency, street children, family relations, couples counselling, drugs, and so on. It also publicizes the regulations that apply to family rights and duties through talks, conferences, seminars and round tables, prepares and distributes printed material and gets involved in the mass media. It also organizes campaigns to promote the family through parenting classes and activities for children.

161. Awareness-raising campaigns have been organized for parents and the community at large on such topics as the rights of the child, child abuse and street children.

162. Training modules have been organized for pre-school teachers and staff at institutions for the protection of children and adolescents.

163. Various materials have been developed for dissemination purposes, such as brochures, leaflets and cassettes for radio stations.

164. The Ministry of Education also offers parental counselling through the “school for parents”. Family guidance courses have been incorporated into educational curricula.

165. A telephone helpline, 260-5188, has been set up for persons who wish to assert, either on their own behalf or on behalf of their children, certain rights (maintenance, custody and upbringing, visiting rights, and others).

166. Family committees have been promoted in various districts around the country. These enable families in a given community to take part in solving the major problems together with government bodies and NGOs.

167. The National Council on the Family and Children is an advisory body comprising representatives of the Government and organized social and community groups that work together to organize, promote, develop and coordinate public- and private-sector programmes and policies designed to institute preventive measures and protect and ensure the well-being of minors and families.

## **B. Parental responsibility**

168. The Family Code stresses that both parents have equal rights and obligations in respect of the education and upbringing of their children (art. 320). In this regard, it states that parents must protect their children’s life and health, live with them, satisfy their emotional needs, support them, educate them, ensure their full development, chastise them moderately and reasonably, act on their behalf and administer their property (art. 319).

169. All of the above highlights the responsibility of parents, taking into account the principle of the best interests of the child, family values and the rights of the child.

170. The Institute for the Training and Use of Human Resources has provided assistance to families by awarding grants to children of school age. The various grants awarded by the Institute, amounting to 10,525,584 balboas, have benefited 35,984 primary school children. These figures include community and collective bursary schemes (table 4, figure 1).

### **C. Parental separation**

171. Article 326 of the Family Code states that, when the parents do not live together, they shall reach agreement on custody, upbringing, contact and visiting rights, provided that the best interests of the child or adolescent are not impaired thereby.

172. If the parents are unable to reach agreement or they harm the material or moral interests of their child or children, the competent authorities shall determine the most beneficial solution for the child (Family Code, art. 327).

173. Where the parents disagree as to the exercise of parental authority, either parent may refer the matter to a judge (art. 321) who, after hearing both parents and the child or children, shall take a decision based on the best interests of the child.

174. The judge may not decree a divorce or consider the grounds invoked (mutual consent or de facto separation) until all matters pertaining to the child's custody, contact and visiting rights and the maintenance payments to which the child or children are entitled have been dealt with and resolved (art. 218).

175. The competent authority shall take steps to ensure that the parent who does not have custody or guardianship of the child shall maintain the right to communicate with and visit the child on a regulated basis. This right extends to ascendants and other relatives of the minor (art. 329).

176. In the best interests of children or adolescents, provision may be made for restricting communication with or visits by either or both parents or other relatives, for a specified period or indefinitely (art. 330).

177. The Family Code formerly indicated that, all things being equal, custody of children would normally be awarded to the mother (art. 328). However, this part of the article was declared unconstitutional by the Supreme Court because it contravened the principle of equality.

### **D. Family reunification**

178. Executive Decree No. 23 of 10 February 1998 (*Official Gazette* No. 23480) giving effect to Act No. 5 of 26 October 1977 ratifies the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees and prescribes new provisions concerning temporary protection for humanitarian reasons. Chapter XII on the rights and obligations of refugees (art. 53, para. 12) establishes the right to reunification of the basic family unit. Chapter XIII outlines the procedures to be followed to reunite refugees with their families.

179. The Office for Refugee Affairs of the Ministry of the Interior and Justice carries out the relevant procedures to ensure family reunification, to the extent possible. In other cases, family members are located and contact is established.

180. Recently, owing to the conflict on the border with Colombia, there has been a large influx of Colombian families into Panama. In every case, children have arrived accompanied by their parents. These families are categorized as displaced persons; they are accorded two months' temporary protection and negotiations are held to ensure their return, if practicable.

181. The Department for the Family of the Ministry of Youth, Women, Children and the Family provides support and guidance on request concerning the specific formalities that must be carried out in each case.

#### **E. Illicit transfer and non-return**

182. Panama ratified the Inter-American Convention on International Traffic in Minors in Act No. 37 of 25 June 1998 (*Official Gazette* No. 23576).

#### **F. Recovery of child maintenance**

183. Article 807 of the Family Code, entitled "Maintenance proceedings", in section IV (on special procedures), establishes the procedure to ensure that persons having an economic responsibility do not escape their obligation to pay child support. Article 811 lists the cases involved and the corresponding penalties.

184. The Department for the Family offers advice on the procedures to be followed, the rights involved and the appropriate instances to which matters must be referred.

185. Problems arise as a result of failure to register a child, since in such cases no claim is possible. Other problems are unemployment, evasion of responsibility, unknown whereabouts or abandonment of work.

186. If the child has been recognized, it is possible to take legal action to compel the child's next of kin to pay maintenance.

187. Panama has acceded to the Inter-American Convention on Support Obligations, adopted in Montevideo on 15 July 1989, which entered into force on 6 January 1996. The Convention was ratified by Act No. 38 of 25 June 1998 (*Official Gazette* No. 23576) and entered into force in Panama on 16 April 1999. Declarations were made under articles 3 and 18.

#### **G. Children deprived of a family environment**

188. Title VI of the Family Code contains the provisions on fostering and alternative care (arts. 364-376). Fostering or alternative care consists in the placement of a minor in residential accommodation away from his or her parents, guardians or relatives, with the attendant obligation to support, care for, educate and assist the child. The custodian may be a natural or legal person designated for this purpose and having the necessary legal and regulatory qualifications.

189. There are 35 residential institutions for the protection of children, catering for 3,800 children and adolescents.

190. The Department of Children is developing an alternative care programme as a temporary care option for abandoned children, children at risk or children whose rights have been violated, to the extent that their parents or relatives cannot guarantee their proper care.

191. The Department of Children promotes the reintegration of children into their family unit by seeking to remedy situations that resulted in the child's temporary removal from his or her biological family.

192. Another existing option is volunteer alternative care (for 36 children between the ages of 0 and 18), whereby volunteers make themselves available to family units after deciding of their own accord to help children or adolescents who could benefit by such arrangements. The volunteer parents are trained to provide the children with proper care and protection.

#### **H. Adoption**

193. Title III of the Family Code refers to the provisions in force regarding the adoption of minors (arts. 290-315).

194. Pursuant to the Act of 29 May 1998 (*Official Gazette* No. 23557), Panama has ratified the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, adopted in The Hague on 29 May 1993.

195. Act No. 105 of 30 December 1998 (*Official Gazette* No. 23717) ratified the Inter-American Convention on Conflict of Laws concerning the Adoption of Minors.

196. The Ministry of Youth, Women, Children and the Family examines the relevant documentation and carries out the corresponding assessments (social work and psychological reports). Once this formality is complete, the dossier is referred to the juvenile or family court.

197. The Legislative Assembly has drafted a bill amending, repealing and supplementing certain provisions of book I, title III, of the Family Code pertaining to adoption with a view to guaranteeing and expediting adoption procedures so as to ensure that children are accepted into their new families under the most favourable conditions.

198. In all, 250 children were adopted between 1995 and 1999.

#### **I. Periodic review of placement conditions**

199. Executive Decree No. 26 of 6 August 1999 (*Official Gazette* No. 23862) establishes regulations and related requirements, procedures and obligations in respect of State subsidies to non-profit organizations and natural persons.

200. Chapter V stipulates that national departments responsible for different sectors of the population are to monitor and evaluate the organizations subsidized in accordance with established criteria.

201. The Department of Children at the Ministry of Youth, Women, Children and the Family (MINJUMNFA) implements the child protection institutions oversight programme. It supervises, coordinates and provides advice on programmes and activities carried out by institutions dealing with the protection of children and adolescents at risk, thereby guaranteeing comprehensive care and regular contact with the relatives of children, who on account of their serious circumstances, need a period of institutionalization.

202. The national child and adolescent support network has been set up; it comprises representatives from all institutions with programmes, projects and activities for this sector of the population; its main purpose is to promote and defend their rights.

203. The Ministry of Youth, Women, Children and the Family is seeking to refocus the programmes on institutions and alternative care. To that end meetings have been held on a regular basis with all institutions to review their activities and aspects requiring regulation, which has resulted in a new proposal.

204. At present there are 35 institutions, including homes and institutions overseen by the Ministry of Youth, Women, Children and the Family, receiving government subsidies from the operating budget.

205. The national child and adolescent support network has been set up; it comprises representatives from all institutions with programmes, projects and activities for this sector of the population; its main purpose is to promote and defend their rights.

#### **J. Abuse and neglect, including physical and psychological rehabilitation and social reintegration**

206. Title III, article 500, of the Family Code refers to ill-treated children and adolescents and defines them as the victims of ill-treatment when there is a risk of suffering, harm or injury to their physical or mental health or well-being through actions or omissions by their parents, guardians, persons in charge or having custody of them, or State employees or institutions responsible for their care.

207. Act No. 27 of 16 June 1995, which complements title V of the Criminal Code, on domestic violence and the ill-treatment of minors, criminalizes domestic violence and the ill-treatment of minors; it also provides for the establishment of specialized units for the care of the victims of such offences, amends and supplements articles of the Criminal Code and of the Judicial Code, and adopts other measures.

208. Its provisions prohibit physical or mental violence, including corporal punishment, humiliation, injury, ill-treatment, neglect or exploitation, at home or in institutions.

209. The Act includes a compulsory complaints procedure. In the case of a minor, it is initiated by the legal representative or person responsible for the child's care or upbringing or having temporary custody of him, even if it is not his legal guardian. The complaint must be submitted within three months of the offence being reported, if the complainant is in the country, and within one year, if abroad.

210. The Act specifies those cases in which a complaint is not necessary; for example, when the offence has resulted in death, when it is committed in a public place, or when it involves the abuse of parental authority or of the authority of the guardian or person responsible.

211. Once informed of the situation of ill-treatment, the juvenile judge, or, in urgent cases, an administrative official, will take the necessary action and is obliged to prevent the recurrence of such offences by ensuring that family rehabilitation and therapy are provided by the competent bodies.

212. Act No. 31 of 28 May 1998 (*Official Gazette* No. 23553) is intended to protect the victims of offences. It provides a definition of persons who are considered victims of offences and details their rights.

213. Various measures have been taken in the area of education: the programme to combat school violence, aimed at training key actors and teachers, is being carried out by the Ministry of Education; committees to combat violence have been set up in schools; teaching material has been prepared, and so on. Through the institutional plan for the prevention and treatment of violence and the promotion of community-based lifestyles, the Ministry of Health is conducting awareness-raising and training activities aimed at patients, community-based organizations, interested institutions and civil servants. The Ministry of Youth, Women, Children and the Family has the programme to combat the ill-treatment of young children, and is also carrying out awareness-raising and training activities aimed at teachers, parents and the community at large. The Public Prosecutor's Office is also carrying out educational activities through the family prosecutor's offices and the Centre for the Care of Victims. The Law School has trained judges, lawyers and police. The National Committee for the Analysis of Crime Statistics (CONADEC) is providing civil servants from different institutions with education and training. Non-governmental organizations help to disseminate information, promote community-based lifestyles and offer seminars on the topic of violence.

214. The Division of Care and Protection and the Division of Child Guidance within the Department of Children at the Ministry of Youth, Women, Children and the Family offer guidance on prevention-related matters to teachers at community nursery schools (102 centres) and run an educational programme with parents to prevent the ill-treatment of young children. There is also a telephone number where the general public can report such incidents, which are investigated in close cooperation with juvenile judges and the juvenile police.

215. Educational campaigns aimed at the general public have been launched through the mass media, of which the most significant were: "Women, speak out", "Women, know your rights", "The rights of the child", "Educating through love" and "Preventing the sexual abuse and exploitation of children and adolescents".

216. Victims of violence are cared for in health centres, emergency wards, hospitals and medical centres, public or private surgeries and clinics, depending on the human resources available and the level of specialization required. Despite the fact that the law provides for the establishment of specialized care centres, it has not yet been implemented.

217. There is a hostel providing temporary shelter for the victims of domestic violence; it is run by the Support Centre for Battered Wives a non-governmental organization, and another one is being built in Chiriquí province.

218. In 2000 the Social Security Fund opened a gender clinic where the victims of ill-treatment, minors, and victims of domestic violence are cared for and provided with psychological and psychiatric assistance.

219. There is an ongoing policy of providing training for State and local employees on the subject of domestic violence.

220. There is a Standing Committee against the Ill-treatment of Young Children, which comprises representatives of State and non-governmental institutions and civil society.

221. The criminal investigation police have a complaints centre and a centre for the care of victims with professionally-trained psychologists and social workers, who are assisted by students in these areas from the University of Panama. A record is kept of cases reported and dealt with by the centre (table 5 and figure 2).

222. Significant progress has been made, including work on consolidating the joint epidemiological surveillance system and a system of indicators for monitoring, the drawing up of a sectoral plan and of standards of care, the establishment of social networks in this area, and the training of a considerable number of civil servants. However, it has not been possible to coordinate properly and swiftly the comprehensive care of children and adolescents and their families, and, above all, to follow up on all cases that arise.

223. Greater resources are required to implement Act No. 27 of 16 June 1995.

224. The family prosecutor's offices do not have national coverage, and the scope of their activities has failed to fulfil expectations.

225. Efforts have been made to organize care by non-governmental and State organizations for both offenders and victims.

226. Specialized human resources training is now available, following the establishment of a special post-graduate course at the University of Panama on the prevention and treatment of domestic violence, with an emphasis on gender-based issues, in cooperation with the Institute for Women.

227. The national network against violence carries out a yearly review of the implementation of Act No. 27 of 1995.

228. By Decree No. 99 of 20 November 2000 (*Official Gazette* No. 24187), the executive established the National Commission for Drafting the National Plan to Combat Domestic Violence and a Policy for a Well-Ordered Society with a view to reviewing current shortcomings and mobilizing all sectors concerned and the necessary resources and budget.



## **VII. BASIC HEALTH AND WELFARE**

### **A. Children with disabilities**

229. The National Council for the Comprehensive Care of Disabled Minors (CONAMEDI), an inter-agency coordinating body, bringing together 13 institutions representing the State and civil society dealing with disabled children has become operational.

230. The municipality of Panama City adopted Municipal Order No. 19 of 10 February 1998 (*Official Gazette* No. 23509), which contains design standards for the construction of public buildings and areas located in the District of Panama, aimed at guaranteeing persons with a disability and/or reduced mobility access to their physical environment and to facilities they use.

231. Act No. 42 of 27 August 1999 (*Official Gazette* No. 23876) states that it is in the interest of society for disabled persons to develop in all areas on the same conditions and to enjoy the same quality of life and opportunities, and exercise the same rights and duties, as the rest of society, with a view to their personal fulfilment and full social integration. It also states that it is in the interest of society to provide the necessary care and assistance for persons who are not in full possession of their faculties.

232. Executive Decree No. 1 of 4 February 2000 (*Official Gazette* No. 23987) establishes regulations for the inclusive education of individuals with special educational needs.

233. At the end of 2000 the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (approved by the Organization of American States (OAS) in June 1999) was submitted to the Legislative Assembly for ratification.

### **B. Health and health services**

234. Panama has broad legislation dealing with the right to health of the population in general and children in particular.

235. In 1997, the country launched the reform of the health sector, as part of the modernization of the State. The health authorities are continuing that process and have set objectives to improve quality, efficiency, effectiveness and equity.

236. The network of services covers three levels of care. The primary level has the resources to provide services to meet the most basic needs and comprises health clinics, health centres and sub-centres, and local primary health-care units, with a range of care including individual care, home visits and comprehensive medical rounds. The secondary level includes general hospitals, general health centres, and rural and regional hospitals intended to deal with acute and chronic illnesses. The tertiary level consists of national hospitals offering sophisticated treatment and capable of dealing with critical, chronic and long-term illnesses. In all, there are 801 health institutions in the country.

237. Public expenditure on health has steadily increased over the last few decades, and in 1998 was at 6.7 per cent; it accounts for more than 12 per cent of total public expenditure and provides coverage for approximately 80 per cent of the population, with services provided by the Ministry of Health, the Social Security Fund and other public and private agencies.

238. Overall the global indicators for health conditions show that progress has been made, which is a result of health services coverage and the sanitation policy. Effective action of note includes immunization, oral rehydration therapy, proper treatment of acute respiratory infections, use of birth control methods, monitoring pregnancy and professional care during childbirth as well as an increased supply of drinking water. Disparities remain with regard to morbidity and mortality in women and infants, the shortage of drinking water and basic sanitation and the availability of and access to food for proper nutrition (tables 6 and 7, and figures 3 and 4).<sup>17</sup>

239. Changes in the epidemiological profile of the population show a rise in deaths and traumas due to external causes and chronic degenerative diseases. At the same time there are infectious and communicable diseases, mainly in marginalized urban and rural areas. In addition, problems such as acquired immune deficiency syndrome (AIDS), dengue and tuberculosis are emerging or re-emerging. Public health problems associated with drug dependency, malnutrition, smoking and alcoholism and the deterioration of the physical, chemical, biological and social environment persist (table 8 and figures 5 and 6).<sup>18</sup>

240. The infant mortality rate recorded, and that estimated using different methods, seems to be associated with under-recording of deaths among 1-year-old children. Between 1990 and 1999 the recorded infant mortality rate was between 16.1 and 16.6 per 1,000 live births, as a result of the implementation of the health promotion and prevention activities mentioned earlier and the increased coverage of the education system.<sup>19</sup>

241. By the end of the 1990s, perinatal disorders (maternal diseases, complications at birth affecting the foetus or newborn child, and infections during the neonatal period) and perinatal anomalies accounted for 55.1 per cent of all deaths of children below the age of 1. Such problems require complex and costly treatment.

242. There are marked differences in the infant mortality rate among the different health regions, indicating the poor accessibility of services for people living in remote areas and in extreme poverty. The risk of infant mortality is four times higher among indigenous children than the rest of the population.

243. The probability of a child dying before reaching the age of 5 was 22.4 per 1,000 live births in 1999, reflecting a decrease of 7.8 per cent compared with 1990.

244. The specific mortality rate for children between the ages of 1 and 4 has remained the same over the last 20 years. The main causes are diarrhoea and gastroenteritis, presumably caused by infection, malnutrition, accidents, assault and other forms of violence.

245. Since 1979 the Ministry of Health has extended the national vaccination programme to all children in the country, and offers it free of charge at all health institutions. The vaccination coverage rate for infants under 1 year is 97.7 per cent for DPT, 98.5 per cent for poliomyelitis, 114.1 per cent for BCG and 96.6 per cent for measles. Coverage rates vary, and in certain regions or areas are below 80 per cent (table 9 and figures 7 and 8).

246. Although child malnutrition has decreased considerably throughout the decade, it continues to be a major problem. The 1997 standard of living survey found that 16 per cent of Panamanian children below the age of 5 suffered from some form of malnutrition, with chronic malnutrition being the most prevalent.

247. Malnutrition is closely related to poverty levels: it affects 24.4 per cent of poor children and 34.5 per cent of extremely poor children, yet only 4.3 per cent of children who are not poor; it therefore affects rural areas and especially the indigenous population.

248. Iron deficiency anaemia affects 36 per cent of children between 12 and 59 months, and 52.6 per cent between 12 and 23 months.<sup>20</sup>

249. Obesity affects 5 per cent of children under the age of 5 and is more prevalent in urban areas (7.3 per cent) than in rural areas (3.1 per cent).

250. With a view to improving the nutritional status of the population, State and non-governmental institutions have implemented programmes aimed at combating malnutrition in the country; these include the school meal subprogramme (Social Investment Fund and Ministry of Education), the free snack subprogramme (Ministry of Education), the nutritional care programme (Ministry of Health), and the food production programme (Ministry of Health).

251. With a view to combating malnutrition and boosting the productive and organizational capacity of rural communities, a sustainable farm programme, projected to last until 2004, is currently being undertaken, catering to the needs of 225,000 people. Its impact will be greatly enhanced through a programme to build rural and axial roads, the strengthening of programmes relating to sanitation, drinking water and rural health, mother and child health care and primary health care in general, as well as complementary feeding, delousing, vaccination and increasing micronutrients.

252. In 1996, 32 per cent of infants aged under 4 months, and around 25 per cent up to the age of 6 months, were exclusively breastfed. The percentage of infants who continued to be breastfed thereafter was 34.2 per cent between 12 and 15 months, and 21.2 per cent between 20 and 23 months.

253. Of the hospitals in the country with maternity facilities, 40 per cent qualify as "baby friendly" hospitals.

254. Activities carried out by the mothers' and women's comprehensive health-care programme to reduce perinatal mortality and provide prenatal and post-natal care, were as follows (see tables 10-13, and figures 9-12):

(a) Comprehensive, early, periodic, appropriate care with broad coverage for pregnant women;

(b) Special care for women who have high-risk pregnancies and run a very high risk of obstetric and perinatal complications;

(c) Diagnosis of foetal pathology;

- (d) Promotion of good nutrition among pregnant women to reduce the incidence of low birth weight;
- (e) Administration of tetanus toxoid to women of childbearing age and all pregnant women so as to eliminate neonatal tetanus;
- (f) VDRL tests for all pregnant women so as to eliminate congenital syphilis;
- (g) Rubella vaccination among girls, women of childbearing age and newly-delivered women so as to eliminate congenital rubella;
- (h) Greater coverage of hospital births and improvement in the quality of care during birth and for the newborn;
- (i) Early suckling and immediate attachment to the breast, rooming-in and the promotion of exclusive breastfeeding for four to six months;
- (j) Promotion of the baby-friendly hospital initiative in all regions;
- (k) Epidemiological surveillance of maternal and perinatal mortality;
- (l) Pregnancy and HIV/AIDS standards so as to prevent the vertical transmission of infection;
- (m) Identification and monitoring of risk factors affecting oral health;
- (n) Care immediately and later in the post-partum period;
- (o) Prevention, detection and treatment of pre-cancerous lesions of the cervix and of breast cancer;
- (p) Birth control;
- (q) Study and treatment of sterile couples;
- (r) Monitoring, treatment and control of sexually transmitted diseases (STDs);
- (s) Promotion of sex and reproductive health education;
- (t) Promotion of gender-specific care.

255. In 1998, 60 per cent of maternal deaths were from direct obstetric causes: haemorrhage, sepsis and hypertensive disorders during pregnancy were the major causes. Although in urban areas health services are provided almost universally, in some indigenous districts the coverage is only 32 per cent. The maternal mortality rate is 37 per 100,000 live births in urban areas and 94 per 100,000 live births in rural areas (table 14).

256. In 2000 the coverage of professional care during childbirth was 73.6 per cent at the national level, with variations between urban and rural areas.

257. Act No. 3 of January 2000 (*Official Gazette* No. 23964) on sexually transmitted diseases and the human immunodeficiency virus (HIV) and AIDS was approved.

258. Every year different activities and campaigns are launched to commemorate World AIDS Day. Men make the difference - It's important to me ... What about you?" - is the theme of the second year of a two-year campaign, whose purpose is to focus more closely on the role played by men in the AIDS epidemic. The results so far are:

- (a) General Act No. 3 on STD/HIV/AIDS;
- (b) Decree No. 119 on regulations;
- (c) Establishment of a national AIDS programme;
- (d) Establishment of the National AIDS Commission (CONASIDA);
- (e) A strategic national plan;
- (f) Access to antiretroviral treatment provided by the Ministry of Health.

259. Tests are being carried out nationwide so as to identify the viral load of AIDS by the Gorgas Memorial Institute for Health Research. Regulations relating to STD/AIDS are being implemented and disseminated in all health regions (table 8, and figures 5 and 6).

260. In 1999 the National Plan for Sexual and Reproductive Health was drawn up with the participation of different sectors of civil society and government agencies; it contains a specific component on dealing with STD/HIV/AIDS. The plan is currently being implemented in the health regions and will subsequently be implemented at the local level.

261. Measures proposed to achieve equity in the coming period are aimed at:

- (a) Providing universal access to comprehensive health-care programmes and improving the quality of services, using a new decentralized health-care model, with the emphasis on primary health-care services;
- (b) Drawing up regional health plans, by consensus, with public involvement and goals and programmes set in accordance with the epidemiological profile;
- (c) Modernizing the network of health services by upgrading the health infrastructure so as to enhance coverage and quality (social development policy and strategy 2000-2004).

### **C. Housing**

262. Panama faces a serious housing problem with an estimated shortage in 1999 of 187,000 housing units.

263. Measures taken include the implementation of the housing programme with subsidies and savings (PROVISA) and the joint funding programme (PROFINCO), intended to help families with incomes of between 300 and 600 balboas and 600 and 1,000 balboas respectively to gain access to housing.

264. The planning, evaluation and legalization of illegal settlements, and the clearance of slum districts in the centre of Panama City and Colón, were carried out.

265. The prompt assistance for low-cost housing programme (PARVIS) continues to provide construction material for basic housing and the plots with services programme provides access to the corresponding funding.

266. Between August 1997 and April 1998, 43,033 housing units were provided at the national level, at a cost of approximately 50 million balboas.

267. The metropolitan urban development plan for the Pacific and Atlantic area was drawn up.

#### **D. Social security**

268. The Social Security Fund covers children, adolescents and minors, who are considered as “beneficiaries”, when they are recognized and registered by the insured person, whose membership of the social security scheme is mandatory, in accordance with the provisions of article 2 of Decree Law No. 14 of 27 August 1954.

269. In 2000, 70 per cent of the population was covered by the Social Security Fund.<sup>21</sup>

270. Pursuant to article 41 and article 39 (a) of the Decree Law, beneficiaries are entitled to medical, surgical, pharmaceutical, dental and hospital treatment, provided that they are children of the insured person and are under 18. The medical services regulations provide further details of the scope and limitation of the services provided.

271. Article 4 prohibits minors aged under 16 from joining the social security scheme, if they are employed by their mother or father.

272. Under article 53 (b), persons in receipt of an old age or disability pension are entitled to a family allowance of 10 balboas for each child aged under 14 or 18, if they are studying at State or State-recognized schools.

273. As part of its range of medical services, the Social Security Fund provides prenatal and obstetric care as well as care during the birth and post-partum period for the persons insured, pursuant to articles 43 and 44, provided that the insured party is paying his or her contributions and has paid a minimum of four months’ contributions in the eight months preceding the request for assistance.

274. Article 44 governs the right of the insured persons to receive a maternity allowance, with a compulsory period of rest before and after the birth.

275. The Social Security Fund takes preventive measures and provides care in accordance with the provisions of Act No. 27 of 16 June 1995 and complies with the formalities relating to suspected domestic violence, set forth in that Act.

## **VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including training and career guidance, and the objectives of education**

276. The previous report described legislation concerning the right to education.

277. Over the reporting period, the vehicle for reform and modernization of the education sector has been the 10-year strategy for modernizing Panamanian education, which aims to raise people's quality of life in this domain. Act No. 34 of 6 July 1995 (*Official Gazette* No. 22823) lays down the objectives of national education.

278. Quantitatively speaking, a high level of education coverage has been achieved, illiteracy has stayed at an overall low level, and exclusion and dropout rates have declined in poor areas<sup>22</sup> (see table 15, figure 13).

279. The school population is for the most part catered to by the public sector through the Ministry of Education, which administers a network of schools and institutes up and down the country. In 1999, approximately 86.3 per cent of all schools, classrooms, pupils and teachers formed part of and were provided for by the public sector. Compared with previous years, the share of education services provided by the private sector has increased.

280. Education coverage for the year 1999 was 38 per cent for 4- and 5-year-olds; 96.5 per cent for 6- to 11-year-olds; and 72.1 per cent for adolescents aged 12 to 17. In 1998, 69 per cent of primary school pupils and 44 per cent of secondary school pupils stayed on; 7 per cent of primary school pupils and 8 per cent of secondary school pupils failed their grade; and 2.51 per cent of primary school pupils and 4.74 per cent of secondary school pupils dropped out of school.<sup>23</sup> Generally speaking, education indicators have improved over the reporting period.

281. Costs per pupil rose in 1998 to 374.58 balboas at the pre-primary and primary levels, 484.4 balboas at the secondary level and 1,303.73 balboas at the university level.

282. Expenditure by the central Government on education at various levels amounted to 429,497 balboas in 1997, which represents an increase over the decade at all levels of education.

283. The State has weighed up the actual cost to families of educating children and adolescents and provides complementary support services that help to strengthen ongoing programmes and achieve equality of opportunity.

284. Nutrition and health programmes for schools aim to ensure that students continue their education, remain in school and achieve academically within the education system. All pupils in State-run primary schools receive a basic nutritional supplement consisting of milk and biscuits or enriched cream, or alternatively cream and biscuits, as prescribed by Act No. 35 of 6 July 1995.

285. The amount allocated in the budget for implementation of the supplementary food programme increased substantially from 7.1 million balboas in 1996 to 13.3 million in 2000.

286. In 1998 the supplementary food (meals) programme was implemented for education facilities that work extended hours, thereby helping to boost children's school performance.

287. An eggs scheme was launched in 2000, under which 36,000 balboas has been allocated to cover the needs of 51,048 students.

288. Investment programmes for indigenous peoples will enable them to build and consolidate their life projects, from their cultural perspective, in dignity and equity, and will allow indigenous society to lay the foundations for social, economic and cultural progress. Some of the measures taken include gender-based awareness-raising campaigns among Ngöbe-Buglé and Kuna women through an approach that involves bilingual, intercultural education; the initiation of a review process to identify their interests and problems; and the holding of seminars on the educational situation of the indigenous population, with the involvement of teachers, community leaders, education authorities and indigenous leaders.

289. In 1998 the Ministry of Education set up the indigenous continuing vocational education unit. This implements special programmes designed to provide an education more in keeping with the social, cultural and linguistic needs of indigenous children, with the basic aim of implementing bilingual intercultural education in the indigenous regions.

290. One of the actions being taken to ensure that all children with special needs or children in especially difficult circumstances have access to education is the elaboration of the National Plan for Inclusive Education. The inclusion plan has been publicized and promoted in the 13 education districts around the country, training manuals have been prepared for teachers, and the National Council for the Comprehensive Care of Minors with Disabilities has been enlisted in this effort. Executive Decree No. 1 of 4 February 2000 has been approved; it lays down the regulations governing inclusive education for persons with special needs. The procedural guidelines that underpin this Decree are being revised. A team of facilitators has been trained to ensure that the plan is updated in each education district.

291. The Ministry of Education has inaugurated a programme of training, skills updating and refresher courses for teachers in the context of continuing education, thereby ensuring that staff engage in lifelong learning. Motivational and training workshops have been organized for basic general education teachers; these have been attended by 237 teachers. A gender-awareness training experiment has been systematized and applied more widely among teachers at the general basic and secondary levels. Gender-neutral education resource centres have been set up and are running. A team of trainers has been formed, with 2,880 individuals receiving appropriate training, and a scheme to design texts and materials for teaching purposes has been



developed, pursuant to which 74 teachers have been trained in various regions. Two hundred head teachers have been trained under the programme to teach service-oriented institutional management. And in 1999, 225 schoolteachers were trained under the programme to update schoolteacher skills.<sup>24</sup>

292. Programmes of promotion and prevention are being devised to ensure the all-round academic and personal development of students, and to make good any shortcomings. The National Child Guidance Department makes available guidance and psychological, social and learning support by way of comprehensive preventive education programmes, school adaptation, individual coaching and career guidance. Other programmes have been devised with a focus on the family environment and in-school violence, namely “Education and strengthening family life”, “Preventing violence” and “Practical tips on living together in peace”. A new format has been developed to obtain reliable data on the prevalence of abuse, and the programme for the prevention, detection and remedy of learning difficulties has been updated in a constructive spirit with emphasis on guidance for fathers, conflict management and classroom discipline, and measures to encourage children’s psychological and emotional development and stimulate their intelligence.

293. An understanding has been reached with head teachers to improve the support network for pregnant teenagers, by involving the child guidance specialists on the disciplinary boards and offering advice and support to teachers and parents in terms of management and referral to the appropriate services (Executive Decree No. 28 of 26 January 1996).

294. In 2000 a total of 284 primary school classrooms were either repaired or replaced in various regions of the country in the context of the World Bank’s Basic Education Project.

295. The family and community early education centres (CEFACEI) are one component of programmes to expand out-of-school early education with a view to promoting the all-round development of 4- and 5-year-olds in very poor, remote or indigenous communities. Children are attended to by community action workers chosen from among members of the community. Committees made up of parents and CEFACEI workers are responsible for ensuring that the centres operate smoothly. In 2000 there were 252 community-action workers looking after a population of 6,250 children aged under 6. The mother-to-mother programme in rural areas without kindergarten facilities encourages families to become childcare facilities by taking in children aged under 6, the mother acting as a childminder. In all, 1,740 mothers and 5,220 children aged under 6 who would otherwise be without childcare support facilities have benefited under this programme.

296. Executive Decree No. 30 of 13 August 1999 (*Official Gazette* No. 22823) ratified provisions to establish integrated centres for childhood development, nursery schools and child guidance.

297. A start has been made on reorganizing and updating the working documents used by CEFACEI, so-called teaching packages for the “integrated learning units”, which facilitate the participation of children, parents, counsellors, community-action workers and other actors involved in bringing up children.

298. A radio programme has been launched for transmission by local radio stations, entitled “The Amaya family and their wise woman Guacamaya”, which dispenses practical advice to help families and communities bring up children, with emphasis on stimulating children under 6, having regard to the social and cultural characteristics of each region.

299. Thoroughgoing changes have been contemplated in the school curriculum, the coaching and training of teachers, the development of education resources and educational materials, scientific and technological innovation and teaching methods in general, which have affected all the plans and programmes of the education system as it stands.

300. These new plans and programmes will flow from a contextual approach and a technique of investigation and full consultation that will allow for continuous readjustment. The changes to the curriculum will affect the education of young people, adults and inclusive education too.

301. Act No. 34 of 6 July 1995 establishes that one of the priorities of the National Education Inspectorate is to improve all aspects of the teaching and learning process with a view to attaining the goals and targets of the education system and thereby contributing to national development. Oversight is basically geared towards dispensing advice and inspecting educational establishments to ensure achievement of education quality targets in the teaching process and greater efficiency and effectiveness in matters of institutional management. The inspectorate has additional responsibilities relating to investigation, planning, consulting, assessment, curriculum development and teacher training.

302. Efforts are being made to meet schools’ requirements in respect of equipment and furniture, especially in rural and indigenous areas.

303. Arrangements are being made to expand bursaries programmes, extend their coverage and stimulate the involvement of the private sector.

304. Programmes and new techniques designed for children with special educational needs are being developed in a systematic and progressive fashion, it being understood that inclusion is a process that requires quantitative and qualitative changes at all levels.

## **B. Leisure, recreation and cultural activities**

305. State bodies and relevant non-governmental organizations plan, promote and develop cultural, sporting, recreational and social activities in all education and social facilities in order to shape attitudes and skills relating to cultural life and identity in children and young people.

306. Among the various cultural, sporting and recreational activities being developed are painting competitions, national chess championships, national public speaking competitions, events for parents and children, theatrical events, and national competitions in various sports. Dialogue between generations is encouraged and various cultural activities are developed during the summer holidays.

307. The Ministry of Education has coordinated efforts with public and private institutions and associations and clubs in civil society to put into effect the Pact against Violence and for Student Safety and the arrangement on security and prevention concluded between the Ministry of Education and the national police. Efforts have also been made to bring into being the children's parliament and put a stop to improper behaviour among students.

## **IX. SPECIAL PROTECTION MEASURES**

### **A. Children in exceptional situations**

#### **1. Refugee children**

308. Executive Decree No. 23 of 10 February 1998 (*Official Gazette* No. 23480) amplifies the provisions of Act No. 5 of 26 October 1977, whereby the 1951 Convention on the Status of Refugees and the 1967 Protocol were ratified, repeals another decree and executive decision, and promulgates new provisions regarding temporary protection on humanitarian grounds.

309. Chapter XII of the Decree establishes the rights and obligations of refugees, and title II, chapter I, institutes the Temporary Humanitarian Protection Statute, applicable in cases of mass influxes of persons entering the country illegally or irregularly in search of protection, and also to persons accorded temporary protection. Article 83 states that Panama will guarantee the following rights: (a) the right to receive such assistance as may be necessary to satisfy essential and basic needs, including provision of food, shelter and basic health and hygiene services, in conditions of safety; (b) the right to keep the basic family unit intact; and (c) the right to return to one's country of origin or to resettle in a third country.

310. The National Office for the Care of Refugees (ONPAR) is responsible for coordinating and carrying out decisions reached by the National Commission for Refugee Protection as well as programmes to care for and protect refugees and persons subject to the Temporary Humanitarian Protection Statute.

#### **2. Children affected by armed conflicts, their physical and psychological recovery and social reintegration**

311. Persons categorized as "displaced" are afforded temporary protection for two months and negotiations are undertaken to ensure their return, provided that they can return without risk.

312. As a result of the border conflict with Colombia, two projects are being developed for families unable to return to their homes: the "Peoples of the woods" project in Puerto Obaldía (Atlantic region) organized by an NGO, and the "Life" project developed by the Vicariate of Darién in Darién Province. Both projects are being monitored by the Office of the United Nations High Commissioner for Refugees (UNHCR), which also provides funding.

313. Provision is made for basic needs in terms of food supplies, health care and instructing families how to grow their own vegetables, catch fish, etc. All the children go to school and are provided with shoes, books and school supplies.

314. A school canteen has been built in Puerta Obaldía to satisfy the need for school meals. Support is also offered in the form of training and technical assistance for activities intended to boost food production, and the health clinic has been strengthened through the provision of new medical supplies and equipment.

315. Monthly monitoring has made possible the detection of unrecorded entries from Colombia into Panama, the steady comings and goings across the border, problems caused by warring bands and encroachments on the protected areas of Darién Park, which forms part of the heritage of humanity.

316. UNHCR is developing programmes to defray the costs associated with migratory changes, on an as-needed basis.

## **B. Children in conflict with the justice system**

### **1. Administration of juvenile justice**

317. Act No. 40 of 26 August 1999 on the special rules for the criminal responsibility of adolescents articulates the basic concepts flowing from the new right to childhood and adolescence, which is itself based on international normative instruments such as 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 Convention on the Rights of the Child, comparative law and Panamanian domestic law.

318. The statute defines terms and conditions regarding adolescents' responsibility for offences contrary to criminal law and establishes a system of specialized institutions and special procedures to deal with minors, all of which conform to the Constitution. It also regulates the special arrangements for the custody, protection and education of minors deprived of their liberty.

319. In addition, the statute characterizes the offending act and affirms the principle of specialty and the best interests of children and adolescents. It applies to young people aged between 14 and 18, but also to accused persons who reach the age of majority in the course of legal proceedings.

320. Essentially, the statute has three basic objectives: the education of the individual with respect to the principles of justice; the protection of society and public safety; and the reintegration of offenders into society, which is the minimum right of adolescents. It guarantees 20 principles, including non-discrimination, the best interests of the adolescent, respect for adolescents' opinions and their right to life, survival, and development to the maximum extent possible.

321. International instruments are reflected in the principle of specialty (art. 3). The fundamental rights and safeguards envisaged in articles 15 and 16 for detainees, accused persons and those serving a sentence handed down by a court involve special penal rights, safeguards and

procedural guarantees (the principles of respect for human dignity, characterization of the offence as a crime according to law, respect for personal freedom, application of the law most favourable to one's case, presumption of innocence, specialty of jurisdiction, and protection of privacy).

322. The statute establishes the jurisdiction, competence and requirements and recognizes the rights and safeguards applicable to adolescents who have either perpetrated or been party to the commission of offences under the criminal law. It organizes the system of institutions for the investigation of such offences, prosecuting adolescents and resolving the matter without recourse to judicial proceedings. It regulates the stages and institutions involved in criminal proceedings against adolescents and prescribes the sanctions and measures that may be taken, in addition to monitoring compliance.

323. Article 65, paragraph 1, of the statute specifies that a criminal court judge competent to try adolescents is empowered to halt the trial and refer the case to a juvenile judge if the adolescent is aged under 14 or the offence against the criminal law was committed before the adolescent's fourteenth birthday. The trial may also be conditionally suspended (art. 96) in two cases, pursuant to prescribed conditions (art. 97). The judge must issue a decision to end the trial and refer the case to the juvenile judge for the adoption of appropriate measures. The latter may not order custodial measures of any kind, unless hospitalization is required (art. 66).

324. The chief purpose of any sanction imposed on adolescents must be to educate them (art. 126), and the sanction should preferably be applied with the involvement of the family and the community and the assistance of specialists. The Act provides for sanctions of a social and educational nature such as cautions, mandatory participation in assistance programmes, community work and making amends to the victim.

325. Guidance and supervision orders are orders or prohibitions imposed by the criminal court judge and may relate to place of residence, individuals, use of free time, instruction in everyday tasks, habits and treatment for drug addiction.

326. Statistics compiled over a 10-year period show that juvenile delinquency is not a major problem, because the majority of crimes are committed by adults. Juveniles are more frequently implicated in crimes against property and minor offences or misdemeanours.

327. Generally speaking, minors who have been in contact with the justice system come from poor backgrounds, and a high percentage of them come from single parent families. Most do not avail themselves of the right to education.<sup>25</sup>

328. This law has not yet been implemented in full owing to budgetary constraints.

## **2. Children deprived of liberty, including all forms of arrest, detention and imprisonment in a custodial establishment**

329. Deprivation of liberty is a measure of last resort and Act No. 40 of 26 August 1999 (*Officiel Gazette* No. 23874) specifies three options, namely house arrest, semi-custodial treatment and imprisonment in an appropriate facility. Imprisonment is for a maximum term of four months to five years, depending on the individual case. If the term of imprisonment is

three years or more, the Juvenile High Court must be consulted. Article 143 of the statute lists the cases in which a suspended sentence is appropriate. Article 144 prescribes the principles governing the enforcement of sanctions (see above).

330. Adolescents are entitled to prompt access to legal assistance (art. 46) and also have the right to social services, health care and education provided by professionals in a manner appropriate to their age and status (art. 144). They are also entitled to challenge the legality of their deprivation of liberty.

### **3. The sentencing of juveniles, especially the prohibition of capital punishment and life imprisonment**

331. Neither capital punishment nor life imprisonment exists in Panama.

### **4. Physical, psychological and social reintegration of children**

332. Articles 148 and 157 of Act No. 40 of August 1999 (*Official Gazette* No. 23876) stipulate that the Ministry for Youth, Women, Children and the Family, acting through the Institute for Interdisciplinary Studies, is the competent authority in matters relating to reintegration into society, to which end it must establish and organize procedures to ensure the smooth functioning of facilities and programmes offering educational and social reintegration options to juvenile offenders.

333. The Institute for Interdisciplinary Studies reports that there are 12 facilities in Panama with the capacity to look after adolescents deprived of their liberty. They conduct a variety of programmes to promote the meaningful reintegration of adolescents into society. In 2000 some 1,320 adolescents (997 boys and 323 girls) were assisted in this way. Programmes centre around drop-in centres, and include the adolescent training programme, the centre for guidance and monitoring of social and educational measures, and the company sponsorship programme for children and adolescents in especially difficult circumstances, which aims to promote their all-round development.

334. The Ministry of Education's programmes for adolescents at social reintegration facilities provide a chance to obtain from scratch or finish off their basic and secondary education.

## **C. Children in situations of exploitation, including physical and psychological recovery and social reintegration**

### **1. Economic exploitation of children, including child labour**

335. According to the household survey, the numbers involved in child and youth labour declined from 36,633 to 34,530 between 1994 and 1999, and the percentage of children in the labour market fell from 11 per cent to 10 per cent in five years. This is slow progress considering the rate required to eliminate child labour.<sup>26</sup>

336. Child labour figures in rural areas fell from 24,600 to 20,500 between 1994 and 1999; this relative success in the reduction of child labour was offset, however, by a rise in the urban child labour figures, which went up from 12,000 to 14,000 over the same period. This development may be linked to rural-urban migration flows and a certain deterioration in social conditions in urban areas, which indicates an urbanization of the problem.

337. When rates are disaggregated by sex, the figures for boy and girl workers show differences that reflect the trends in the figures for adults. There is a relatively higher percentage of girls in the education system, but because so many more of them work in domestic service they tend to have far longer working days than boys, which makes it difficult for them to combine their work and their studies. The percentage of boys in work declined from 16.4 per cent to 14.7 per cent between 1994 and 1999; the figure for girls, on the other hand, remained steady at around 5.5 per cent.

338. Rural child labour, particularly where boys are concerned, tends to be concentrated chiefly in the agricultural sector, and the number of boys working in agriculture declined by 5,000 during the same period. In the case of girls, employment in the personal service sector expanded somewhat, bringing the numbers employed up to around 7,000; while the number of boys in the same sector increased from 36,000 to 46,000, indicating a trend towards tertiarization. Thus the occupations presenting most risk, by reason of the volume and type of work, are those in agriculture and domestic service.

339. On 13 June 1996, the Government of Panama and the International Labour Organization (ILO) signed a memorandum of understanding to launch the International Programme for the Eradication of Child Labour (IPEC) in Panama. The aim was to support efforts to combat child labour, prioritize the eradication of the worst forms of exploitative and hazardous child labour, and adopt preventive measures.

340. Panama promoted the ILO/IPEC project through the Office of the First Lady of the Republic, at the Seventh Conference of First Ladies, Spouses and Representatives of Heads of State and Government of the Americas, held in Panama City in 1997. The First Ladies approved and adopted a commitment to take action in their own countries to eradicate child labour.

341. Executive Decree No. 25 of 15 April 1997 (*Official Gazette* No. 23271) established the Committee for the Eradication of Child Labour and Protection of Child Workers within the Ministry of Labour and Welfare. Under Executive Decree No. 9 of 21 April 1998 (*Official Gazette* No. 23529), the Committee was transferred to the Ministry of Youth, Women, Children and the Family. Later, under Executive Decree No. 18 of 19 July 1999 (*Official Gazette* No. 23850), it was transferred back to the Ministry of Labour. The Committee resumed its work on 18 April 2000, under the presidency of the First Lady of the Republic.

342. The Committee is working on a draft plan of action that, while not yet implemented, has given rise to initiatives such as: the development of a programme of community child guidance centres and an intensive training programme, with the aim of promoting the full development of children aged 0 to 4, thereby reinforcing the stability of the relationship between children, their families and the community; links are to be established with the administrations of coffee plantations and local schools in order to ensure that children of school age can complete their studies, and coordination with the health sector will ensure the provision of medical care.

343. Action has been taken to raise awareness at the national and local levels, involving municipal authorities, parents, primary school teachers, children and young people.

344. A campaign entitled “Break the chain: eliminate child labour and exploitation” was conducted with the participation of government institutions and trade unions, and with the support of international bodies. Panama has also joined the Central American campaign against the ill-treatment of children, cooperating with the University of Panama-UNESCO Chair in Culture of Peace and other government and non-governmental organizations.

345. Support has been provided to the Mobile Library in its efforts to encourage and promote reading in street children who work, and there has been active participation in the working group on preparation of a special act on children and young people, which provided an ideal context for the signing of ILO Convention No. 138.

346. An inter-union agreement on the eradication of child labour was signed, highlighting the part workers’ organizations can play in this area.

347. As part of the Labour Inspectorate (Ministry of Labour), the Unit for the Care and Counselling of Child Workers and Pregnant Workers is expected to ensure compliance with the provisions of labour law and to implement social policies devised to that end, as well as applying international labour conventions and the provisions of the Constitution. Its work includes: reviewing the various types of work permit currently in force, conducting missions to coordinate with regional labour offices, overseeing the application of maternity benefits, dealing with complaints and requests for inspections, follow-up, payments to pregnant workers or workers on maternity leave, and requesting audits for companies that fail to comply with the regulations.

348. In 1996, the Ministry of Education launched an education programme for street children (PAEMCA). In 1998, an education centre for street children and youth was established; called “In search of a future”, it aims to offer all-round education and vocational training to children and young people aged 10 and over who have dropped out of school. The centre offers a flexible alternative curriculum combining elements of formal and informal education and geared specifically to this group. The children on the programme are referred by local family courts, local children’s courts, regional health authorities, municipalities, educational psychology units and NGOs.

349. The Department of Children, within the Ministry of Youth, Women, Children and the Family, also runs programmes of preventive and remedial action: a child protection programme, a child guidance programme, and a research and information programme. It has also entered into an agreement with the Ministry of Labour, to organize the company sponsorship programme for young people, covering prevention, social integration and preparation for employment.

350. Casa Esperanza, an NGO devoted to helping street children with their problems, runs street care programmes, care centres and a farm project, and also disseminates information on children’s rights.



351. The Ministry of Youth, Women, Children and the Family has signed an agreement with Casa Esperanza to establish comprehensive care centres in agricultural areas of Chiriquí, Coclé and Veraguas provinces, and also in Colón and Panama, which provide day care to children and young people and their families, offering services such as meals, literacy classes, extra tuition in basic academic subjects, a health workshop, primary health care, vaccination, leisure activities and sports.

352. In 2000, a nationwide survey was carried out into child labour and a database constructed, which made it possible to analyse the extent, distribution, characteristics, causes and consequences of child labour, through the ILO's Statistical Information and Monitoring Programme on Child Labour (SIMPOC).

353. By Act No. 17 of 15 June 2000 (*Official Gazette* No. 24077), Panama ratified the ILO Convention concerning Minimum Age for Admission to Employment (Convention No. 138), and, by Act No. 18 of 15 June 2000 (*Official Gazette* No. 24077), the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182).

354. A study is currently being carried out to identify the worst forms of child labour, in accordance with Panama's obligations following ratification of ILO Convention No. 182. The work should be completed by 2000.

## 2. Drug abuse

355. The National Commission for the Study and Prevention of Drugs-related Crime (CONAPRED) is the body responsible for coordinating the national drugs strategy 1996-2001. The national plan of action addresses prevention of drug abuse, treatment, rehabilitation, reintegration, the control of supply and illicit drug trafficking.

356. A number of preventive programmes have been put in place under the plan of action; they target children and families in various situations, and include the Panama Coalition for a Drug-Free Community, which was launched by the Office of the First Lady of the Republic and the Pact for Children. The Ministry of Education's comprehensive preventive education programme provides social education and values promotion for individuals, families and the community, with the aim of developing healthy and involved children and young people. Other programmes are also under way: educator training; an information, communication and dissemination programme; a programme to organize, mobilize and train young people against drug abuse; a curriculum innovation programme; and a smoking prevention programme.

357. The Ministry of Health has launched a nationwide anti-drug abuse programme and conducted a survey of available health-sector programmes and resources. It carries out joint research and epidemiological studies in various sectors. Standards of care have been prepared for State and private centres and programmes for the treatment and rehabilitation of drug-abusing or drug-dependent patients. Other religious institutions and NGOs, including the Panamanian White Cross, Teen Challenge, Hogares Crea and PRIDE Panama, also run preventive, care and rehabilitation programmes for children and young people.

358. Municipalities are considering other measures - to be implemented through municipal decrees - such as curfews for minors and restrictions on opening times for alcohol outlets. Agreements have been made with private enterprise to restrict the sale of alcohol and cigarettes to those aged under 18. Sometimes, in parallel with such measures, educational guidance is also offered to parents, children and young people.

359. The first national campaign against the use and abuse of drugs - "Enjoying life without drugs and alcohol" - is now under way and will continue for a year.

360. The current strategy is now being evaluated, with a view to developing another for the period from 2002 onwards.

361. A survey and analysis of risk factors for the use of tobacco, alcohol and other drugs by Panamanian junior high school students was carried out in 1997 and highlighted the existence of the problem in secondary schools.

### **3. Sexual exploitation and abuse**

362. The Criminal Code stipulates that anyone who promotes or facilitates the prostitution of another person, for financial gain or to satisfy the desires of others, is liable to punishment (arts. 228-229), with an aggravated penalty if the victim is a girl under the age of 12 or a boy under the age of 14. Title VI, chapters I and III, refer to corruption, procuring and pimping (arts. 226-229). These provisions need to be updated, however, and more severe penalties imposed for such cases.

363. As previously mentioned, Panama ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by Act No. 47 of 13 December 2000 (*Official Gazette* No. 24201).

364. The new bill on the prevention of domestic violence, which is currently before the Legislative Assembly for approval, makes a fresh attempt to tackle the problem of sexual abuse.

365. Panama has facilities to care for sexually exploited and abused children.

366. Data on the problem are available from a variety of sources (the criminal investigation police, the Children's Hospital and the courts). The extent of the problem is, however, impossible to determine.

### **4. Sale, traffic and abduction**

367. Chapter VIII of the Criminal Code defines traffic in persons as promoting or facilitating the entry or exit of persons practising prostitution; traffic in minors is an aggravating factor.

368. Abduction is covered in broad terms by the Criminal Code and no change was made by Act No. 27 of 16 June 1995. Abduction occurs when a person is taken away or detained through violence, intimidation or deceit, for indecent purposes. The law provides for aggravated penalties if the victim is under 12 or legally incompetent. The penalty is lighter if the person is

over 12 and under 15 and has given her consent; clearly the law fails to protect in this case, since it is girls and young women who bear the burden of responsibility for their abduction. Moreover, the perpetrator has the option of marrying the victim in order to avoid punishment.

369. The ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography will make it possible to bring national legislation up to standard.

370. No nationwide study has yet been carried out into traffic in children and young people that would provide the information required to develop programmes.

#### **D. Children belonging to minorities or indigenous groups**

371. There are seven indigenous peoples settled in Panama: the Ngobe, the Bugle, the Naso, the Bri Bri, the Kuna, the Emberá and the Wounaan. The indigenous population is 232,400 and accounts for 8.3 per cent of the country's total population.

372. New legislation was enacted between 1996 and 2000, with a view to establishing three indigenous regions: Act No. 10 of 3 March 1997 (*Official Gazette* No. 23242), for the Ngobe-Bugle region; Act No. 24 of 12 January 1996 (*Official Gazette* No. 22951), for the Kuna region of Madungandi; and Act No. 34 of 25 July 2000 (*Official Gazette* No. 24106), for the Kuna region of Wargandi. While these Acts do not refer specifically to children, they nevertheless have a bearing on children's culture, family and traditional structures, and provide a geographical, cultural and religious frame of reference. As yet, however, neither the proposed indigenous legislation nor the national legislation makes specific provision for indigenous children.

373. Executive Decree No. 1 of 11 January 2000 (*Official Gazette* No. 23980) established a consultative body known as the National Council for Indigenous Development (CNDI), which brings together indigenous peoples, non-governmental and government organizations.

374. There is mass poverty among the indigenous peoples: 95 per cent of indigenous people are poor and 86 per cent live in extreme poverty. They also suffer exclusion as a result of factors such as geography (indigenous communities are remote and not easily accessible), poor land, lack of resources to exploit the land, lack of economic infrastructure and access to basic social services, and linguistic differences (one quarter of the Ngobe-Bugle and Kuna people speak only their own language; the percentage is even higher for the women).

375. The Government has taken a series of measures, particularly in the areas of health and education; and a Unit for the Promotion of Indigenous Peoples was established in the Ministry of Youth, Women, Children and the Family by resolution No. 1 of 21 January 1998. The Rural Health Project (Ministry of Health/World Bank) has also been active in the areas of environmental health, vaccination, supplementary food programmes, provision of megadoses of vitamin A, market gardening and poultry farming, community organization and education, health worker and NGO staff training, provision of medicines, equipment and inputs for health facilities, training of traditional birth attendants and inter-agency coordination. Other initiatives are the European Union programme, which targets primary health care; the local investment

programme (PROINLO), a social development programme to improve and build up the infrastructure; and the food production programme, which aims to provide iron supplements to schoolchildren, nutrition training and dental care.

376. Traditional education takes no account of indigenous groups' cultural and linguistic characteristics. Bilingual intercultural education is the greatest hope of the indigenous population, since it might help promote the use and status of their mother tongue as a vehicle for written communication and information. Although some progress has been made, as mentioned above, this goal has not been achieved.

377. Other initiatives have focused on organization and training for self-administration and local capacity-building. Despite these efforts, human development initiatives among the indigenous populations are still not enough. Moreover, there are no specific plans to target indigenous children, owing to a lack of investment from both the public and the private sectors.

378. The Department of Indigenous Policy and the indigenous communities have jointly prepared a social development plan aimed at improving health care and access to basic sanitation services and implementing the programmes of bilingual education, teacher training and access to books and textbooks. The intention is also to make good the deficiencies in the areas of infant and maternal mortality, reproductive health, nutrition, vaccination and the major problems of health care.

#### Notes

<sup>1</sup> *Estudio sobre Pobreza* (Poverty study), Panama, 2000.

<sup>2</sup> *Human Development Report 2000*. United Nations Development Programme (UNDP).

<sup>3</sup> *Encuesta de Hogares* (Household survey).

<sup>4</sup> *Encuesta de Niveles de Vida* (Standard of Living survey), 1997.

<sup>5</sup> *Políticas públicas para el desarrollo integral: desarrollo social con eficiencia económica* (Public policies for comprehensive development: social development with economic efficiency).

<sup>6</sup> *Plan de Desarrollo Económico, Social y Financiero con Inversión en Capital Humano* (Plan for economic, social and financial development with investment in human resources).

<sup>7</sup> *Panamá, la niñez y la mujer en la encrucijada del año 2000* (Panama, children and women on the threshold of the year 2000), United Nations Children's Fund (UNICEF), Panama, 2000.

<sup>8</sup> *Documento de la Política Social* (Social policy document), 1994-1997.

<sup>9</sup> *Política y Estrategia de Desarrollo Social 2000-2004* (Social development policy and strategy 2000-2004).

- <sup>10</sup> *Informe sobre el Cumplimiento de las Metas de la Cumbre de la Infancia y el Acuerdo de Santiago* (Report on the implementation of the goals of the World Summit for Children and the Santiago Agreement).
- <sup>11</sup> Panama-UNICEF Master Plan of Operations 1997-2001, Mid-Term Review, 1999.
- <sup>12</sup> *Propuesta Redes de Defensa de los Derechos del Niño* (Proposal on networks for the defence of children's rights).
- <sup>13</sup> *Panamá, la niñez y la mujer en la encrucijada del año 2000* (Panama, children and women on the threshold of the year 2000).
- <sup>14</sup> *Política y Estrategia de Desarrollo Social 2000-2004* (Social development policy and strategy 2000-2004).
- <sup>15</sup> *Development Cooperation Report*. UNDP, 1999.
- <sup>16</sup> *Reportes de comunicación* (Communication reports) 1997, 1998 and 1999. UNICEF-Panama.
- <sup>17</sup> *Panamá, la niñez y la mujer en la encrucijada del año 2000* (Panama, children and women on the threshold of the year 2000).
- <sup>18</sup> *Informe de Salud* (Health report), 2000.
- <sup>19</sup> Ibid.
- <sup>20</sup> *Encuesta Nacional de Vitamina A y Anemia por Deficiencia de Hierro* (National vitamin A survey, iron deficiency anaemia) Ministry of Health, 1999.
- <sup>21</sup> *Indicadores Sociales* (Social indicators), Ministry of Finance.
- <sup>22</sup> *Panamá, la niñez y la mujer en la encrucijada del año 2000* (Panama, children and women on the threshold of the year 2000).
- <sup>23</sup> *Indicadores Sociales* (Social indicators), Ministry of Finance.
- <sup>24</sup> *Informe Educación* (Education report) 2000.
- <sup>25</sup> *Cifras y hechos: Niñez y adolescencia en conflicto con la ley penal* (Facts and figures: Children and adolescents in conflict with the criminal law), United Nations Children's Fund (UNICEF), 1999.
- <sup>26</sup> *El trabajo infantil juvenil en Panamá: Avances, políticas y seguimiento* (Child and youth labour in Panama: progress, policies and follow-up).

## Annex I

**MEASURES TAKEN IN RESPONSE TO THE SUGGESTIONS  
AND RECOMMENDATIONS OF THE COMMITTEE ON THE  
RIGHTS OF THE CHILD**

Paragraph	Committee's suggestions and recommendations	Measures taken by the State party
22	<p>Within the context of the legal reform undertaken by Panama, the Committee recommends that children's issues be accorded a higher priority in the State party. The Committee also recommends that the State party adopt all the necessary measures to ensure the full compliance of its national legislation with the Convention. In this regard, the Committee encourages the State party to pursue its efforts aimed at the adoption of a code on children. Furthermore, the Committee recommends that any required changes to legislation be undertaken in the light of article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life, development and survival) and article 12 (respect for the views of the child).</p> <p>In this spirit, the Committee recommends that the State party define in its legislation a minimum age below which children may not be deprived of their liberty. Similarly, measures must be undertaken to ensure the conformity of national legislation with the provisions of article 37 (a) of the Convention. Further, the Committee recommends that the State party review its legislation on the age of marriage for girls with a view to raising it. The Committee encourages the State party to take all appropriate measures to protect children against sexual exploitation.</p>	<p>Executive Decree No. 26 of 15 April 1997 (<i>Official Gazette</i> No. 23271) establishing the Commission to Study and Draft the Special Act on Childhood and Adolescence. This body is now in existence.</p> <p>See paragraph 20.</p> <p>Act No. 40 of 26 August 1999 (<i>Official Gazette</i> No. 23874) concerning the special rules on the criminal responsibility of adolescents.</p> <p>Act No. 27 of 16 June 1995. Current revision of Act No. 27.</p>

Paragraph	Committee's suggestions and recommendations	Measures taken by the State party
23	The Committee encourages the State party urgently to develop a comprehensive national strategy on children and to pursue its efforts to strengthen the institutional framework to promote and protect human rights in general and the rights of the child in particular. In this regard, the Committee recommends that a permanent and multidisciplinary mechanism be developed to coordinate and monitor the implementation of the Convention at both the national and local levels and in urban and rural areas.	Executive Decree No. 240 of 30 September 1997 ( <i>Official Gazette</i> No. 23344) incorporating the Pact for Youth into the policies of concerned public-sector bodies.  Executive Decree No. 29 of 26 September 1998 ( <i>Official Gazette</i> No. 23647 of 8 October 1998) establishing the National Committee for overseeing compliance with the Convention on the Rights of the Child.
24	The Committee recommends that the establishment of an independent body, such as an ombudsperson, be given further consideration by the Government. The Committee also encourages the promotion of closer cooperation between the State party and non-governmental organizations.	Network for the protection of the rights of the child.  The establishment of offices for the protection of children and adolescents is envisaged.
25	The Committee further recommends that the State party give priority attention to the development of a system of data collection by age, gender, rural/urban 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, to evaluate progress achieved and difficulties hampering the realization of children's rights. This is especially important in the case of Panama where historical disparities have endured, in particular with respect to female, rural and indigenous children. It is further suggested that the State party envisage requesting international cooperation in this regard, notably from UNICEF.	Only the indicators used to assess the attainment of the goals of the World Summit for Children are monitored.

Paragraph	Committee's suggestions and recommendations	Measures taken by the State party
26	<p>In the spirit of the United Nations Decade for Human Rights Education, the Committee recommends that the State party take measures aimed at developing a culture of human rights and at changing attitudes towards children in general, and in particular children belonging to indigenous groups. It therefore recommends that information and education about children's rights be disseminated to children and adults alike.</p> <p>Such information should be translated into the different languages spoken by indigenous people. Moreover, the existence of a high level of illiteracy in the country requires the use of the media in a manner adapted to the various levels of the audiences in the country.</p>	See paragraphs 79 and 149-151.
27	<p>The Committee recommends that training and education on the principles and provisions of the Convention be undertaken and addressed to all professionals working with or for children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in childcare institutions for children, police officers and officials of the central and local administrations.</p> <p>In addition, the Committee recommends that children's rights be included in the school curricula as a measure of enhancing respect for indigenous culture, promoting multiculturalism and combating the paternalistic attitudes prevailing in society. In this regard, the Committee encourages the State party to envisage seeking technical cooperation from appropriate international intergovernmental and non-governmental organizations, including the High Commissioner/Centre for Human Rights and UNICEF.</p>	See paragraphs 206-228 and 276-304.



Paragraph	Committee's suggestions and recommendations	Measures taken by the State party
28	<p>With respect to articles 2, 3 and 4 of the Convention, it is the opinion of the Committee that appropriate budgetary provisions should be made to the maximum extent possible. In this regard, particular attention should be given to children belonging to vulnerable and marginalized groups, with a view to providing adequate services, including in the areas of education and health, and to overcoming persisting disparities. The Committee emphasizes that the interrelated and integrated nature of the rights provided for in the Convention requires that the Convention be recognized as the general framework for reaching decisions on the allocation of resources for children. Moreover, in the light of article 4 of the Convention, international assistance provided to Panama should aim at the promotion of children's rights.</p>	<p>See paragraphs 70-75.</p>
29	<p>Further efforts are required to ensure the active participation of children and their involvement in all decisions affecting them in the family, at school and in social life, in the light of articles 12, 13 and 15 of the Convention.</p>	<p>Pact for Children. Pact for Youth. Act No. 40 of 26 August 1999 (<i>Official Gazette</i> No. 23874) concerning the special rules on the criminal responsibility of adolescents. See chapters IV and V.</p>
30	<p>The Committee recommends that effective public awareness campaigns be developed and that measures be adopted by the State party to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, including parental guidance and counselling, with a view, inter alia, to preventing domestic violence and to prohibiting the use of corporal punishment as well as to preventing early pregnancies. It also recommends that the State party reinforce existing measures to protect children from harmful information.</p>	<p>See chapter VI and paragraphs 276-304 and 335-370.</p>

Paragraph	Committee's suggestions and recommendations	Measures taken by the State party
31	<p>The Committee recommends that the State party take all necessary measures to regulate and monitor national and international adoptions in order to prevent any violations of the principles and provisions of the Convention, especially its article 21. It is also recommended that adequate training be provided to concerned professionals. The Committee also suggests that Panama consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.</p>	See paragraphs 193-198.
32	<p>In the area of education, it is the view of the Committee that a range of measures should be undertaken by the State party to ensure the implementation of articles 28 and 29 of the Convention. Taking into account the strategy being developed, the Committee recommends that the State party focus greater efforts on eradicating illiteracy and on increasing access to school education by indigenous children and children living in rural areas. The Committee recognizes that this requires greater efforts in training teachers. The Committee also recommends that the State party take all necessary measures to fight school dropouts and ensure retention.</p>	See chapter VIII.
33	<p>As a means of tackling the integrated issues of education and child labour, the Committee recommends that all sectors of society and the economy become involved in implementing the Committee's recommendations that the Government undertake effective public campaigns to prevent and eliminate child labour, especially in rural areas, while systematically and forcefully encouraging the enrolment, in attendance at and return of children to school. The Committee suggests that Panama consider becoming a party to ILO Convention No. 138 concerning Minimum Age for Admission to Employment and review all relevant standards. Regulations to prevent child</p>	See paragraphs 335-354.

Paragraph	Committee's suggestions and recommendations	Measures taken by the State party
	labour should be clarified and enforced, complaints should be investigated and severe penalties imposed for violations. The Committee also suggests that the State party consider seeking cooperation with ILO in this area.	
34	The Committee recommends that the Government of Panama ensure adequate protection of refugee children, including in the field of education. Procedures should be developed in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) to facilitate family reunification as well as to appoint legal representatives for unaccompanied children and to apply, when relevant, child-friendly interview techniques.	See paragraphs 308-310.
35	The Committee encourages the State party to take all appropriate measures to prevent and combat sexual abuse and sexual exploitation of children and to ensure their physical and psychological recovery and social reintegration in the light of article 39 of the Convention.	See paragraphs 335-370.
36	The Committee further recommends that the juvenile justice system be revised to ensure its compatibility with the principles and provisions of the Convention, including those of its articles 37, 39 and 40, as well as of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In addition, it is recommended that the State party consider requesting technical assistance in this field from the High Commissioner/ Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.	See paragraphs 317-334.

Paragraph	Committee's suggestions and recommendations	Measures taken by the State party
37	Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by Panama be made widely available to the public at large, and that consideration be given to publication of the report, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.	See paragraph 79.

## Annex II

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### **Annex III**

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11. Coverage and pattern of antenatal consultations in the Republic of Panama, 1999.
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