



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **PANAMA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 9<sup>th</sup> session, 2010**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Panama despite the recommendations of the Committee on the Rights of the Child and the assertion by the Government that it has been prohibited. We hope the Review will highlight the importance of prohibiting *all* corporal punishment of children, including "light" punishment and that which is believed to be non-injurious, together with the repeal of common law defences for "reasonable and moderate" correction, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.**

## **1 Legality of corporal punishment in Panama**

1.1 Corporal punishment is lawful in the **home**. the Family Code (1994, article 319) and the Civil Code (article 188) confirm the right of parents and guardians to “correct” their children “reasonably and moderately”. Children are protected from corporal punishment which is understood to cause physical injury by articles 501 of the Family Code and 215D of the Penal Code, but there is no prohibition of *all* corporal punishment.

1.2 Corporal punishment is lawful in **schools**. Article 443 of the Family Code authorises tutors to “moderately correct” their pupils. The Penal Code would protect children from corporal punishment seen to cause injury (see above).

1.3 In the **penal system**, corporal punishment is prohibited under Law No. 40 on the Special regime of criminal responsibility regarding adolescents (1999, amended 2003, article 144).

1.4 Corporal punishment which results in physical injury is prohibited in **alternative care settings** under the Penal Code and the Family Code (articles 215D and 501 respectively, see above), but there is no prohibition of *all* corporal punishment, and article 188 of the Civil Code authorises “reasonable and moderate correction” by guardians.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 The **Committee on the Rights of the Child** recommended that the Government of Panama prohibit corporal punishment of children in 1997, in its concluding observations on the state party’s initial report (CRC/C/15/Add.68, para. 30). In the second report and during examination of the delegation to the Committee in 2004, the Government stated that corporal punishment had been prohibited in all settings. The Committee accepted this view and recommended implementation of the prohibition (CRC/C/15/Add.233, para. 34). In fact, legal reforms prohibited only corporal punishment which is understood to cause injury. “Light” corporal punishment remains lawful and the duty on parents and others to “reasonably and moderately” correct their children remains on the statute book.