

# Panama

## Government Programs and Policies to Eliminate the Worst Forms of Child Labor

The Government of Panama has been a member of ILO-IPEC since 1996.<sup>1913</sup> With funding from USDOL, the Panama Department of Statistics and Census of the General Audit Office is conducting a national child labor survey with technical assistance from ILO-IPEC's SIMPOC,<sup>1914</sup> and with additional USDOL funding, is supporting baseline surveys on child labor in the sugar and coffee sectors in Panama.<sup>1915</sup>

In 1997, the government established the Committee for the Eradication of Child Labor and Protection for Working Minors in order to establish a National Plan for the Progressive Elimination of Child Labor.<sup>1916</sup> The Ministry of Youth, Women, Childhood and Family has created Training and Assistance Centers for children living in urban areas such as Panama City and Colon, and for those living in the rural areas including Chiriqui, Veraguas, and Cocolé. The centers provide health care, education opportunities, vocational training and social skills to children and their families in an effort to prevent child labor.<sup>1917</sup>

In the area of education, the government is striving, through its Education for All efforts, to provide greater opportunity, access and services to groups such as indigenous populations and disabled.<sup>1918</sup> In 2000, the World Bank approved a loan of USD 35 million to help the government improve the quality of basic education in a project that is expected to benefit about 60 percent of Panama's children attending primary and secondary school. The funds will be used to upgrade, expand and rehabilitate run-down or inadequate school buildings to accommodate a growing number of students in primary and secondary schools.<sup>1919</sup>

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<sup>1913</sup> "Programa de eliminación progresiva del trabajo infantil en la Zona Cafetalera de Chiriqui-Boquete," project document (Geneva: ILO, 1999) [hereinafter "Programa de eliminación progresiva del trabajo infantil"] [document on file].

<sup>1914</sup> Statistical Information and Monitoring Program on Child Labor, project document for Central America (Geneva: ILO, 1999) [document on file].

<sup>1915</sup> USDOL, *Preparation and Design of IPEC Project Documents: Budget FY 2001* (Geneva: ILO, 2001) [document on file].

<sup>1916</sup> "Programa de eliminación progresiva del trabajo infantil," 9.

<sup>1917</sup> "Programas y proyectos contra el trabajo infantil" at 10-19.

<sup>1918</sup> UNESCO, *Education for All (EFA) 2000 Assessment, Country Reports-Panama* [hereinafter *EFA 2000 Assessment*], at [http://www2.unesco.org/wef/countryreports/panama/rapport\\_2.html](http://www2.unesco.org/wef/countryreports/panama/rapport_2.html).

<sup>1919</sup> M2 Presswire, "World Bank Supports Better Education for Panama's Rural and Indigenous Children," September 11, 2000 [document on file].

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 2.7 percent of children between the ages of 10 and 14 in Panama were working.<sup>1920</sup> Child labor is particularly common in rural areas during the harvesting periods for sugar cane, coffee, bananas and tomatoes.<sup>1921</sup> While agricultural work by children, especially among the indigenous population, is significant, it may be dismissed as part of the local culture.<sup>1922</sup> Children in Panama also work as domestic servants.<sup>1923</sup> A 1998 study of Panama's juvenile detention center found that the vast majority of detainees had been working as street vendors, car washers, and supermarket packers when they were arrested for delinquency.<sup>1924</sup> Sexual violence against children and child prostitution has also been reported.<sup>1925</sup>

In Panama, education is free and compulsory through grade six.<sup>1926</sup> In 1994, the gross primary enrollment rate was 103.7 percent and the net primary enrollment rate was 91 percent.<sup>1927</sup> Children from poor families often do not attend school due to lack of transportation and the need to migrate with their families during the harvesting season.<sup>1928</sup> School attendance is a particular problem in the Darien province and in indigenous communities.<sup>1929</sup> According to the Ministry of Youth, Women, Children and Family, 82 percent of the children in rural areas are absent from school during the harvest season.<sup>1930</sup>

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<sup>1920</sup> *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

<sup>1921</sup> *Country Reports on Human Rights Practices for 2000—Panama* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=818>.

<sup>1922</sup> U.S. Embassy-Panama City, unclassified telegram no. 1934, May 2000 [hereinafter unclassified telegram 1934], and unclassified telegram no. 4656, December 2000. See also *Country Reports 2000*.

<sup>1923</sup> *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Cocle y Veraguas* (Panama City: Comisión de los Asuntos de la Mujer, Derechos del Niño, la Juventud y la Familia, 2000) [hereinafter *Condición del trabajo infantil y juvenil en las cañaverales*], 16.

<sup>1924</sup> Unclassified telegram 1934.

<sup>1925</sup> “Programas y proyectos contra el trabajo infantil” (Panama City: Ministerio de la Juventud, la Mujer, la Niñez y la Familia, 2000) [hereinafter “Programas y proyectos contra el trabajo infantil”], 2 [document on file].

<sup>1926</sup> *El Barometer: Latin America* at <http://www.ei-ie.org/pub/english/BarometreLatinAmerica.html> on 11/6/01.

<sup>1927</sup> *EFA 2000 Assessment*.

<sup>1928</sup> *Country Reports 2000* at Section 5, 6d. See also *Condición del trabajo infantil y juvenil en las cañaverales* at 27.

<sup>1929</sup> *Country Reports 2000* at Section 5.

<sup>1930</sup> “Programas y proyectos contra el trabajo infantil” at 8.

## Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years of age. Exceptions in the Labor Code allow children less than 15 to work only if they have completed primary school.<sup>1931</sup> Further, Article 119 of the Labor Code permits minors between the ages of 12 and 15 to perform farm or domestic labor as long as the work is light and does not interfere with schooling.<sup>1932</sup> Also, according to the Labor Code, minors under the age of 18 are prohibited from working in nightclubs, bars, or other places where the consumption of alcoholic beverages is allowed, as well as in other sectors such as transportation and electric energy, underground work, and the handling of explosives and flammables.<sup>1933</sup> With the exception of work in nightclubs, these provisions may be waived if a minor performs the job as part of vocational training and work is conducted under the supervision of competent authorities.<sup>1934</sup> Children younger than 16 may work no more than six hours a day or 36 hours per week, and children under 18 may work no more than seven hours a day or 42 hours per week.<sup>1935</sup> Minors under the age of 18 may not work between the hours of 6 p.m. to 8 a.m.<sup>1936</sup>

The Labor Code also prohibits forced labor by children.<sup>1937</sup> Article 501 of the Family Code and Article 215C of the Penal Code criminalize child prostitution and child pornography for minors.<sup>1938</sup> Trafficking in children is prohibited under the Penal Code.<sup>1939</sup>

The Superior Tribunal for Minors and the Superior Tribunal for Families are the judicial bodies responsible for overseeing the protection and care of children. The Ministry of Youth, Women, Children and Family proposes and reviews laws and monitors government performance with regard to children's issues.<sup>1940</sup> The Ministry of Labor responds to child labor complaints and

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<sup>1931</sup> Government of Panama Labor Code, Article 117, Panama Ministry of Labor website [hereinafter Labor Code], at <http://www.mitrabs.gob.pa/codtrabajo2.htm>. See also Constitution of Panama, Chapter 3, Article 66, 1994, at [www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html](http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html).

<sup>1932</sup> Labor Code, Articles 119 and 123.

<sup>1933</sup> Ibid. at Article 118.

<sup>1934</sup> Ibid.

<sup>1935</sup> Ibid. at Article 122.

<sup>1936</sup> Ibid. at Article 120.

<sup>1937</sup> *Country Reports 2000* at Section 6c.

<sup>1938</sup> U.S. Embassy-Panama, unclassified telegram no. 3133, August 2000.

<sup>1939</sup> *Country Reports 2000* at Section 6f.

<sup>1940</sup> Ibid. at Section 5.

has the authority to order the termination of unauthorized employment.<sup>1941</sup> Businesses that employ an underage child are subject to civil fines, while employers who endanger the physical or mental health of a child can face imprisonment.<sup>1942</sup> Although Panama has developed a strong legal framework to combat the worst forms of child labor, and the government conducted several child labor inspections in the coffee, sugar, melon and tomato sectors in 2001, child labor violations continue to occur, especially on commercial coffee and sugar farms and in the informal sector.<sup>1943</sup>

Panama ratified ILO Convention 138 and ILO Convention 182 on October 31, 2000.<sup>1944</sup>

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<sup>1941</sup> *Country Reports 2000*.

<sup>1942</sup> U.S. Embassy-Panama City, unclassified telegram no. 3286, October 2001.

<sup>1943</sup> *Ibid.* and unclassified telegram no. 3615, November 2001.

<sup>1944</sup> ILO, ILOLEX database, "Ratifications of ILO Conventions," at [www.ilolex.ilo.ch:1567/english/](http://www.ilolex.ilo.ch:1567/english/).

*NOTE: Hard copies of all Web citations are on file.*