

# 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>2739</sup> With funding from USDOL, the Department of Statistics and Census of the General Audit Office of Panama is conducting a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.<sup>2740</sup> ILO-IPEC, with USDOL funding, is also supporting baseline surveys on child labor in the sugar and coffee sectors in Panama.<sup>2741</sup> Panama is also participating in a USDOL funded ILO-IPEC program aimed at institutional capacity building, strengthening of law enforcement mechanisms, awareness raising, and combating child labor in the rural and urban informal sectors,<sup>2742</sup> as well as a regional project aimed at combating commercial sexual exploitation.<sup>2743</sup> A Canadian-funded ILO-IPEC project is also underway to gather information on child domestic labor in Panama. Under this project, the National Committee for the Eradication of Child Labor and Protection for Working Minors and the Ministry of Labor are coordinating with ILO-IPEC to develop action programs aimed at raising awareness and removing children from domestic work.<sup>2744</sup>

The Committee for the Eradication of Child Labor and Protection for Working Minors was established in 1997 by the Government of Panama in order to create a National Plan for the Progressive Elimination of Child Labor.<sup>2745</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 Colón, and for those living in the rural areas including Chiriqui, Veraguas, and Cocolé. The centers provide health care, education opportunities, and vocational and social skills training to children and their families in an effort to prevent child labor.<sup>2746</sup> Members of the Ministry of Labor's Child Labor Unit have participated in courses and workshops aimed at raising awareness on domestic labor, commercial sexual exploitation, data measurement on child labor, the

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<sup>2739</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 5.

<sup>2740</sup> ILO-IPEC, *Statistical Information and Monitoring Program on Child Labor*, project document for Central America, Geneva, 1999, 5, 10.

<sup>2741</sup> ILO-IPEC, *Preparation and Design of IPEC Project Documents: Budget FY 2001*, Geneva, 2001. See also Maruquel Icaza, Legal Attaché, Embassy of Panama, letter to USDOL official, September 23, 2002.

<sup>2742</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 1. See also Icaza, letter, September 23, 2002.

<sup>2743</sup> In Panama, this project will focus primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, Geneva, April 2002, 5, 27-28.

<sup>2744</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 7. See also Icaza, letter, September 23, 2002.

<sup>2745</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 5, 10.

<sup>2746</sup> Ministry of Youth, Women, Children, and Family, *Programas y proyectos contra el trabajo infantil*, Panama, 2000, 10-19.

development of a plan of action to prevent child work on Panama City streets, and forced child labor.<sup>2747</sup>

Through its Education for All efforts and its ten-year strategy for education (1997-2006), the government seeks to provide greater opportunity, access and services to groups such as indigenous populations and the disabled.<sup>2748</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 are being used to upgrade, expand and rehabilitate run-down or inadequate school buildings in order to accommodate a growing number of students in primary and secondary schools; expand early childhood education programs; and strengthen the Ministry of Education's capacity.<sup>2749</sup> In 2002, the Ministry of Education's Basic Education Unit developed a plan and programs of study for its primary education centers and is working to improve the quality of basic education.<sup>2750</sup>

### **Incidence and Nature of Child Labor**

In 2000, the ILO estimated that 2.5 percent of children ages 10 to 14 years in Panama were working.<sup>2751</sup> Children are found working in rural areas during the harvesting periods for sugar cane, coffee, bananas, and tomatoes.<sup>2752</sup> While most working children in Panama are engaged in agricultural activities, especially among the indigenous population, such work is usually dismissed as part of the local culture.<sup>2753</sup> Children from indigenous communities in Panama also accompany their parents to work in Costa Rica during the coffee harvest.<sup>2754</sup> Children in Panama also work as

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<sup>2747</sup> U.S. Embassy- Panama, *unclassified telegram no. 3615*, November 2001.

<sup>2748</sup> UNESCO, *Education for All 2000 Assessment: Country Reports- Panama*, prepared by Dra. Luzmila C. de Sánchez, pursuant to UN General Assembly Resolution 52/84, 1999, [cited December 16, 2002]; available from [http://www2.unesco.org/wef/countryreports/panama/rapport\\_1.html](http://www2.unesco.org/wef/countryreports/panama/rapport_1.html). See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 6-7.

<sup>2749</sup> "World Bank Supports Better Education for Panama's Rural and Indigenous Children," *M2 Presswire*, September 11, 2000.

<sup>2750</sup> Ministry of Education, *Ministry of Education's Programs for the President's Report*, Panama, 2.

<sup>2751</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. According to the ILO, 7,000 children between 10-14 were economically active. ILO, *Yearbook of Labour Statistics 2001*, [online] [cited August 27, 2002]; available from <http://laborsta.ilo.org/cgi-bin/brokerv8.exe>.

<sup>2752</sup> U. S. Department of State, *Country Reports on Human Rights Practices-2001: Panama*, Washington, D.C., 2002, 2987-90, Section 6d. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 2-3. See also U.S. Embassy- Panama, *unclassified telegram no. 3473*, October 2002.

<sup>2753</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 2-3. See also U.S. Embassy- Panama, *unclassified telegram no. 1934*, May 2000. See also U.S. Embassy- Panama, *unclassified telegram no. 4656*, December 2000. See also U. S. Department of State, *Country Reports- 2001: Panama*, 2984-90.

<sup>2754</sup> "Indígenas sostienen cosechas de café," *La Nación* (San José, Costa Rica), January 20, 2002.

domestic servants.<sup>2755</sup> Child labor exists in urban areas,<sup>2756</sup> especially in the informal sector.<sup>2757</sup> A 1998 study of Panama City'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>2758</sup> The commercial sexual exploitation of children has also been reported.<sup>2759</sup> Trafficking in women and girls exists. Panama is a destination point for girls trafficked from Colombia and the Dominican Republic.<sup>2760</sup>

In Panama, education is free and compulsory through the equivalent of ninth grade.<sup>2761</sup> In 1998, the gross primary enrollment rate was 106.4 percent, and the net primary enrollment rate was 93.7 percent.<sup>2762</sup> The proportion of dropouts is higher in rural and indigenous areas combined, than in urban areas.<sup>2763</sup> Many rural areas do not have access to secondary education and the government does not cover transportation costs.<sup>2764</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>2765</sup> School attendance is a particular problem in the Darien province and in indigenous communities.<sup>2766</sup> About one-third of children from the indigenous communities miss the first three months of the academic year to work in the coffee harvest.<sup>2767</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>2768</sup> Attendance rates are not available for Panama. While enrollment

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<sup>2755</sup> Commission on Women's Issues, the Rights of Children, Youth, and Family, *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Cocle y Veraguas*, Panama, 2000, 16.

<sup>2756</sup> Child beggars, grocery baggers and street vendors are found in many urban areas of Panama. These children all work informally and without legal protection. See U. S. Department of Labor, official trip report, July 2002. See also U. S. Department of State, *Country Reports- 2001: Panama*, 2987-90, Section 6d.

<sup>2757</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 3-4. U.S. Embassy- Panama, *unclassified telegram no. 3473*.

<sup>2758</sup> U.S. Embassy- Panama, *unclassified telegram no. 1934*.

<sup>2759</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation*, project document, 12.

<sup>2760</sup> U. S. Department of State, *Country Reports- 2001: Panama*, 2987-90, Section 6f.

<sup>2761</sup> *Ibid.*, 2984-87, Section 5. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 4.

<sup>2762</sup> UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

<sup>2763</sup> Ministry of Education, *Estadísticas Educativas 2000*, National Bureau of Education Planning Department of Statistics, 2000, 40-41.

<sup>2764</sup> U.S. Embassy- Panama, *unclassified telegram no. 3473*.

<sup>2765</sup> U. S. Department of State, *Country Reports- 2001: Panama*, 2984-90, Sections 5 and 6d. See also Commission on Women's Issues, Children, Youth, and Family, *Condición del trabajo*, 27.

<sup>2766</sup> U. S. Department of State, *Country Reports- 2001: Panama*, 2984-87, Section 5.

<sup>2767</sup> U.S. Embassy- Panama City, *unclassified telegram no. 2080*, June 2002.

<sup>2768</sup> Ministry of Youth, Women, Children, and Family, *Programas y proyectos*, 8.

rates indicate a level of commitment to education, they do not always reflect children's participation in school.<sup>2769</sup>

## Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years of age. However, the Labor Code allows children less than 15 to work only if they have completed primary school.<sup>2770</sup> According to the 1995 Law on Education, no child under 15 years of age is allowed to engage in work that interferes with his or her school attendance.<sup>2771</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>2772</sup> The Labor Code also stipulates that minors under the age of 18 are prohibited from working in nightclubs, bars or other places where the consumption of alcoholic beverages is allowed; in transportation and electric energy; underground work; and the handling of explosives and flammables.<sup>2773</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>2774</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>2775</sup> Minors under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.<sup>2776</sup>

The Labor Code also prohibits forced labor by children.<sup>2777</sup> Article 501 of the Family Code<sup>2778</sup> and Article 215C of the Penal Code criminalize child prostitution and child pornography for minors.<sup>2779</sup> Trafficking in children is prohibited under the Penal Code.<sup>2780</sup> The Penal Code calls for prison sentences of two to six years for the promotion or facilitation of entry or exit of a person into or out of Panama for the purpose of prostitution. However, prosecution is rare and corruption is common.<sup>2781</sup>

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<sup>2769</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>2770</sup> Government of Panama, *Labor Code*, Article 117. See also *Constitution of Panama*, (1994), [cited December 16, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>. See also Government of Panama, *Código de la familia*, (1995), Artículo 508.

<sup>2771</sup> Government of Panama, *Texto Unico de la Ley 47 de 1946, Orgánica de Educación*, con las adiciones y modificaciones introducidas por la Ley 34 de 6 de Julio de 1995, Artículo 46.

<sup>2772</sup> *Labor Code*, Articles 119 and 23.

<sup>2773</sup> *Ibid.*, Article 118.

<sup>2774</sup> *Ibid.*

<sup>2775</sup> *Ibid.*, Article 122.

<sup>2776</sup> *Ibid.*, Article 120.

<sup>2777</sup> U. S. Department of State, *Country Reports- 2001: Panama*, 2984-87, Section 6c.

<sup>2778</sup> *Código de la familia*, Article 501.

<sup>2779</sup> U.S. Embassy- Panama, *unclassified telegram no. 3133*, August 2000.

<sup>2780</sup> U. S. Department of State, *Country Reports- 2001: Panama*, 2987-90, Section 6f.

<sup>2781</sup> *Ibid.*

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>2782</sup> The Ministry of Labor responds to child labor complaints and has the authority to order the termination of unauthorized employment; however, it lacks sufficient staff to enforce some child labor provisions in rural areas.<sup>2783</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>2784</sup> Although Panama has developed a strong legal framework to combat the worst forms of child labor and has conducted several child labor inspections in the coffee, sugar, melon, and tomato sectors,<sup>2785</sup> child labor violations continue to occur, especially on commercial coffee and sugar farms and in the informal sector.<sup>2786</sup>

The Government of Panama ratified both ILO Convention 138 and ILO Convention 182 on October 31, 2000.<sup>2787</sup>

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<sup>2782</sup> Ibid., 2984-87, Section 5.

<sup>2783</sup> Ibid., 2987-90, Section 6d.

<sup>2784</sup> U.S. Embassy- Panama City, *unclassified telegram no. 3286*, October 2001.

<sup>2785</sup> Ibid. See also U.S. Embassy- Panama, *unclassified telegram no. 3615*. See also Icaza, letter, September 23, 2002.

<sup>2786</sup> U.S. Embassy- Panama City, *unclassified telegram no. 3286*.

<sup>2787</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 16, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.