

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

The Government of Panama has been a member of ILO-IPEC since 1996.³³⁴³ With funding from USDOL, the Department of Statistics and Census of the General Audit Office of Panama conducted a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.³³⁴⁴ ILO-IPEC, with USDOL funding, supported a baseline survey on child labor in the coffee sector in Panama that was completed in 2002.³³⁴⁵ 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,³³⁴⁶ as well as a regional project aimed at combating commercial sexual exploitation.³³⁴⁷ A Canadian-funded ILO-IPEC project gathered information on child domestic labor in Panama.³³⁴⁸ 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.³³⁴⁹

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.³³⁵⁰ The Ministry of Youth, Women, Children, 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 rural areas including Chiriquí, Veraguas, and Coclé. 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.³³⁵¹ Members of the Ministry of Labor's Child Labor Unit, NGOs, and other government agencies have participated in courses and workshops aimed at raising awareness on domestic labor, commercial sexual exploitation, data measurement on child labor, the development of a plan of action to prevent child work on Panama City streets, and forced child labor.³³⁵² In July 2003, the Panamanian Declaration Against the Commercial Sexual Exploitation and Non-Commercial Exploitation of Children and Adolescents was signed by government agencies, NGOs, international organizations, and other public and private institutions.³³⁵³

³³⁴³ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 5. See also ILO-IPEC, *All About IPEC: Programme Countries*, August 13, 2001 [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³³⁴⁴ ILO-IPEC, *Statistical Information and Monitoring Program on Child Labor*, project document for Central America, Geneva, 1999, 5, 10. See also ILO-IPEC, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, May, 2003.

³³⁴⁵ ILO-IPEC, *Informe Final sobre el Estudio Diagnóstico de la Dimensión, Naturaleza, y Entorno Socioeconómico del Trabajo Infantil y de la Adolescencia Trabajadora en el sector del café en la Provincia de Chiriquí*, September 2002. See also Maruquel Icaza, letter to USDOL official, September 23, 2002.

³³⁴⁶ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 1. See also Icaza, letter, September 23, 2002.

³³⁴⁷ In Panama, this project will focus primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See 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. See also ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, June 2002, 11.

³³⁴⁸ ILO-IPEC, *Trabajo infantil doméstico en Panamá*, September 2002.

³³⁴⁹ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 7-8. See also Icaza, letter, September 23, 2002.

³³⁵⁰ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 5, 10.

³³⁵¹ Ministry of Youth, Women, Children, and Family, *Programas y proyectos contra el trabajo infantil*, Panama, 2000, 10-19.

³³⁵² U.S. Embassy- Panama, *unclassified telegram no. 3615*, November 2001. See also U.S. Embassy- Panama City, *unclassified telegram no. 2286*, September 2003.

³³⁵³ *Declaración de Panama Contra la Explotación Sexual Comercial y No Comercial de la Niñez y la Adolescencia*, (July 23-24).

Through its Education for All efforts and its 10-year strategy for education (1997–2006), the government seeks to provide greater opportunity, access and services to groups such as marginalized rural and urban populations, indigenous populations and the disabled.³³⁵⁴ In 2000, the World Bank approved a loan of USD 35 million to help the government improve the quality and efficiency 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; provide textbooks and instructional materials and poverty-based scholarships at public schools, including scholarships targeted toward indigenous children; enhance teacher training in rural and marginal urban communities; expand early childhood and pre-school education programs; and strengthen the Ministry of Education's capacity and decentralization efforts.³³⁵⁵ 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.³³⁵⁶ The Ministry of Youth, Women, Children, and Family began a small program of roving classrooms in an effort to educate rural children during the harvest.³³⁵⁷

Incidence and Nature of Child Labor

In 2000, the National Child Labor Survey results estimated that 57,524 children ages 5 to 17 years in Panama were working (7.6 percent of this age group).³³⁵⁸ Children are found working in rural areas during the harvesting periods for sugar cane, coffee, bananas, melons, and tomatoes.³³⁵⁹ 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.³³⁶⁰ Children from indigenous communities in Panama also accompany their parents to work in Costa Rica during the coffee harvest.³³⁶¹ Children in Panama also work as domestic servants.³³⁶² Child labor exists in urban areas,³³⁶³ especially in the informal sector.³³⁶⁴ 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.³³⁶⁵ Urban supermarkets reportedly allow children as young as 9

³³⁵⁴ 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 June 26, 2003]; available from 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*, 7.

³³⁵⁵ World Bank, *Basic Education Project (02)*, June 20, 2003 [cited June 26, 2003.]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P052021>. See also "World Bank Supports Better Education for Panama's Rural and Indigenous Children," *M2 Presswire*, September 11, 2000.

³³⁵⁶ Ministry of Education, *Ministry of Education's Programs for the President's Report*, Panama, 2.

³³⁵⁷ U.S. Embassy- Panama City, *unclassified telegram no. 2286*.

³³⁵⁸ ILO-IPEC, *Informe Nacional del Trabajo Infantil*, 9. See also World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to the ILO, in 2000, 2.5 percent (7,000) of children between 10–14 were economically active. See ILO, *Yearbook of Labour Statistics 2001*, [online] [cited June 24, 2003]; available from <http://laborsta.ilo.org/cgi-bin/brokerv8.exe>.

³³⁵⁹ U. S. Department of State, *Country Reports on Human Rights Practices-2002: Panama*, Washington, D.C., 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18340.htm>. See also U.S. Embassy- Panama, *unclassified telegram no. 3473*, October 2002. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 5.

³³⁶⁰ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 2–3, 5. See also U.S. Embassy- Panama, *unclassified telegram no. 1934*, May 2000. See also U.S. Embassy- Panama, *unclassified telegram no. 4656*, December 2000.

³³⁶¹ ILO-IPEC, *Diagnóstico del Trabajo Infantil Trabajadora en el sector del café en la Provincia de Chiriquí*, 37–43. See also "Indígenas sostienen cosechas de café," *La Nación* (San José, Costa Rica), January 20, 2002.

³³⁶² Commission on Women's Issues, the Rights of Children, Youth, and Family, *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Coclé y Veraguas*, Panama, 2000, 16.

³³⁶³ U. S. Department of Labor, official trip report, July 2002. See also U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁶⁴ These children all work informally and without legal protection. See ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 3. See also U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁶⁵ U.S. Embassy- Panama, *unclassified telegram no. 1934*.

years old to bag groceries in return for tips. Although not formally employed by a firm, these children conform to schedules, wear uniforms, comply with codes of conduct, and take orders from supermarket employees.³³⁶⁶ The commercial sexual exploitation of children has been reported, and child trafficking within Panama is a problem.³³⁶⁷

In Panama, education is free and compulsory through the equivalent of ninth grade.³³⁶⁸ In 2000, the gross primary enrollment rate was 111.6 percent, and the net primary enrollment rate was 100.2 percent.³³⁶⁹ Attendance rates are not available for Panama. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³³⁷⁰ In 1999, 92 percent of children enrolled in primary school persisted to grade 5.³³⁷¹

The proportion of primary school dropouts is higher in rural and indigenous areas combined, than in urban areas.³³⁷² Many rural areas do not have access to secondary education and the government does not cover transportation costs.³³⁷³ 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.³³⁷⁴ School attendance is a particular problem in the Darien province and in indigenous communities.³³⁷⁵ About one-third of children from the indigenous communities miss the first 3 months of the academic year to work in the coffee harvest.³³⁷⁶ 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.³³⁷⁷

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.³³⁷⁸ According to the

³³⁶⁶ U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁶⁷ ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, 101. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation*, project document, 12. See also U.S. Embassy- Panama, electronic communication to USDOL official, February 25, 2004. See also U. S. Department of State, *Country Reports- 2002: Panama*, Section 6f.

³³⁶⁸ U. S. Department of State, *Country Reports- 2002: Panama*, Section 5. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 4.

³³⁶⁹ The available net enrollment statistic is higher than 100 percent, although this is not theoretically possible. The World Bank attributes this abnormality to discrepancies between estimates of the school-age population and repeated enrollment data. See World Bank, *World Development Indicators 2003*. See also USAID, *Global Education Online Database*, Washington, D.C., 2003; available from <http://quesdb.cdie.org/ged/index.html>. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³³⁷⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³³⁷¹ World Bank, *World Development Indicators 2003*.

³³⁷² Ministry of Education, *Estadísticas Educativas 2000*, National Bureau of Education Planning Department of Statistics, 2000, 40-41.

³³⁷³ U.S. Embassy- Panama, *unclassified telegram no. 3473*.

³³⁷⁴ U. S. Department of State, *Country Reports- 2002: Panama*, Sections 5 and 6d. See also Commission on Women's Issues, Children, Youth, and Family, *Condición del trabajo*, 27. See also ILO-IPEC, *Diagnóstico del Trabajo Infantil Trabajadora en el sector del café en la Provincia de Chiriquí*, 26-27.

³³⁷⁵ U. S. Department of State, *Country Reports- 2002: Panama*, Section 5. See also ILO-IPEC, *Diagnóstico del Trabajo Infantil Trabajadora en el sector del café en la Provincia de Chiriquí*, 55.

³³⁷⁶ U.S. Embassy- Panama City, *Communication from American Embassy in Panama - unclassified excerpt from telegram no. 2080*, July 2003.

³³⁷⁷ Ministry of Youth, Women, Children, and Family, *Programas y proyectos*, 8.

³³⁷⁸ Government of Panama, *Código de Trabajo*. See also *Constitution of Panama*, (1994), Article 66 [cited June 26, 2003]; available from <http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>. See also Government of Panama, *Código de la familia*, (1995), Artículo 508.

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.³³⁷⁹ Further, Article 119 of the Labor Code permits minors aged 12 to 15 to perform farm or domestic labor as long as the work is light and does not interfere with schooling.³³⁸⁰ 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.³³⁸¹ 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.³³⁸² 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.³³⁸³ Children under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.³³⁸⁴

The Labor Code also prohibits forced labor by children.³³⁸⁵ Article 501 of the Family Code³³⁸⁶ and Article 215C of the Penal Code criminalize child prostitution and child pornography for minors.³³⁸⁷ Trafficking in children is prohibited under the Penal Code.³³⁸⁸ The Penal Code calls for prison sentences of two to six years for the promotion or facilitation of entry or exit of a person to or from Panama for the purpose of prostitution.³³⁸⁹

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.³³⁹⁰ The Ministry of Labor has 12 staff members, including seven newly hired child labor inspectors.³³⁹¹ 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.³³⁹² 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.³³⁹³ Although Panama has developed a strong legal framework to combat the worst forms of child labor and

³³⁷⁹ 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.

³³⁸⁰ *Código de Trabajo*, Articles 119 and 23.

³³⁸¹ *Código de Trabajo*, Article 118.

³³⁸² *Ibid.*

³³⁸³ *Ibid.*, Article 122.

³³⁸⁴ *Ibid.*, Article 120.

³³⁸⁵ U. S. Department of State, *Country Reports- 2002: Panama*, Section 6c.

³³⁸⁶ *Código de la familia*, Article 501.

³³⁸⁷ U.S. Embassy- Panama, *unclassified telegram no. 3133*, August 2000. See also ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, 77-78.

³³⁸⁸ U. S. Department of State, *Country Reports- 2002: Panama*, Section 6f.

³³⁸⁹ *Ibid.*

³³⁹⁰ *Ibid.*, Section 5.

³³⁹¹ U.S. Embassy- Panama City, *unclassified telegram no. 2286*.

³³⁹² U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁹³ U.S. Embassy- Panama City, *unclassified telegram no. 3286*, October 2001.

has conducted several child labor inspections in the coffee, sugar, melon, and tomato sectors,³³⁹⁴ child labor violations continue to occur, especially on commercial coffee and sugar farms and in the informal sector.³³⁹⁵

The Government of Panama ratified ILO Convention 138 and ILO Convention 182 on October 31, 2000.³³⁹⁶

³³⁹⁴ Ibid. See also U.S. Embassy- Panama, *unclassified telegram no. 3615*. See also Icaza, letter, September 23, 2002.

³³⁹⁵ U.S. Embassy- Panama City, *unclassified telegram no. 3286*. See also U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.