

<sup>2967</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 19, 2008.

<sup>2968</sup> Ibid.

<sup>2969</sup> Ibid.

<sup>2970</sup> Ibid.

<sup>2971</sup> Ibid.

<sup>2972</sup> Ibid.

## Panama

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2973</sup>	
Population, children, 10-14 years, 2003:	319,968
Working children, 10-14 years (%), 2003:	5.1
Working boys, 10-14 years (%), 2003:	7.7
Working girls, 10-14 years (%), 2003:	2.2
Working children by sector, 10-14 years (%) 2003:	
- Agriculture	57.6
- Manufacturing	3.1
- Services	38.1
- Other	1.2
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	112.6
Net primary enrollment rate (%), 2007:	98.3
School attendance, children 6-14 years (%), 2003:	93.8
Survival rate to grade 5 (%), 2006:	90.0
ILO Convention 138:	10/31/2000
ILO Convention 182:	10/31/2000
CRC:	12/12/1990
CRCOPAC:	8/8/2001
CRCOPSC:	2/9/2001
Palermo:	8/18/2004
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### Incidence and Nature of Child Labor

Children in rural areas of Panama work in the production of melon, tomato, onions, sugarcane, and coffee.<sup>2974</sup> The number of indigenous children working in agriculture is particularly high.<sup>2975</sup> In urban areas of Panama, children work as street vendors, collecting garbage, packing bags at

supermarkets, shining shoes, washing cars, and assisting bus drivers. Children also work in personal services, as stylists, cooks, and manicurists.<sup>2976</sup> Children from indigenous communities in Panama migrate with their families to work, interrupting their schooling. These children sometimes cross into Costa Rica to work in agriculture.<sup>2977</sup> Many children, mostly girls of indigenous or Afro-Panamanian descent, work as domestic servants in third party homes where they are vulnerable to physical, psychological, or sexual abuse. According to the most recent child labor census in 2000, approximately 3,000 children and adolescents work in domestic service in Panama.<sup>2978</sup>

Children, principally girls, in Panama are trafficked internally for the purpose of commercial sexual exploitation. The commercial sexual exploitation of adolescent girls takes place in the remote Darien province and in Panama City.<sup>2979</sup> In addition, some children from rural areas may be trafficked to urban areas for labor exploitation, including for domestic servitude.<sup>2980</sup> Children work in domestic service, sometimes under conditions that amount to forced labor.<sup>2981</sup>

### Child Labor Laws and Enforcement

The Constitution of Panama, the Family Code, and the Labor Code set the general minimum age for employment at 14 years.<sup>2982</sup> According to Panama's Labor Code, however, children who have not completed primary school may not begin work until they reach 15 years.<sup>2983</sup> Similarly, the Law on Education notes that children under 15 years cannot work or participate in other activities that deprive them of their right to attend school regularly.<sup>2984</sup> The

Constitution specifically prohibits children from engaging in domestic service before they reach 14 years.<sup>2985</sup>

The law permits some exceptions to the minimum age described here.<sup>2986</sup> The law allows children to begin light work in agriculture at 12 years, but provisions regarding hours of work are not well defined. The Labor Code states that minors 12 to 15 years of age may be employed in agriculture if the work is outside regular schooling hours.<sup>2987</sup> The Family Code permits children ages 12 to 14 years to perform agricultural labor as long as the work does not take place during school hours.<sup>2988</sup> The CEACR has noted that Panamanian law does not provide clear regulations for the conditions under which those 12 to 14 years may engage in light labor.<sup>2989</sup>

Various laws and an executive decree govern hazardous work by children, and establish differing standards regarding the minimum age for such work and conditions for working minors. The Family Code and the Labor Code prohibit for children under 18 years almost identical activities and types of hazardous work. Such activities are those considered, by their nature or condition, dangerous to the life, health, or morals of the minor, or impede the minor's school attendance.<sup>2990</sup> Such hazardous forms of work include work with electric power; with explosive or flammable substances; with radioactive substances; in underground mines, quarries, tunnels or sewers; on railroads, airplanes, or boats; and in nightclubs, bars, or casinos. Some of these types of work, including work underground, with electric power, explosives, in mines, or on some types of transport, are allowed if the work is performed as part of a vocational school program authorized by the competent authority.<sup>2991</sup> An Executive Decree giving effect to Panama's list of hazardous work for children, as required by ILO Convention 182, came into effect on June 12, 2006 and provides additional types of work that are considered hazardous for children. For children under 18 years, the Decree prohibits 17 classes of work that are considered hazardous by their nature, and 12 considered hazardous by their conditions.<sup>2992</sup> The Executive Decree complements relevant laws on child labor in

Panama but does not have legal precedence over them.<sup>2993</sup>

Youth under 16 years may work no more than 6 hours per day or 36 hours per week, while those 16 and 17 years may work no more than 7 hours per day or 42 hours per week. Children may not work between 6 p.m. and 8 a.m.<sup>2994</sup> Children who work under contract must have parental or guardian approval and present documentation of their physical health. Those who employ minors must maintain a registry containing the minor's name, residence, and work description.<sup>2995</sup> Whoever employs a minor in a prohibited form of work faces fines and imprisonment of up to 6 years.<sup>2996</sup>

No law explicitly prohibits the general use of forced or compulsory labor, but the Constitution of Panama states that no one may be deprived of his or her liberty without a written mandate from a competent authority, and prohibits imprisonment, detention, or arrest for debt or purely civil obligations.<sup>2997</sup> The Constitution also guarantees that all people are free to perform any profession or office, within the regulations established by law.<sup>2998</sup> Additionally, the Penal Code prohibits depriving a person of his or her freedom, and punishes the offense by 1 to 3 years' imprisonment.<sup>2999</sup>

Panama does not have armed forces, and therefore has no laws regulating age of conscription.<sup>3000</sup>

New legislation that increased penalties for commercial sexual exploitation of children went into effect in May 2008.<sup>3001</sup> Penalties include 5 to 8 years' imprisonment and fines for soliciting and paying for prostitution with a minor 14 to 18 years of age; the penalty increases to 6 to 10 years when the crime involves minors under 14 years.<sup>3002</sup> The production, distribution, or promotion of child pornography is punishable by 5 to 10 years in prison. The penalty increases to 10 to 15 years in prison if the crime involves children under 14 years.<sup>3003</sup> Involvement in sex tourism in which children are victims may result in 8 to 10 years in prison. The penalty increases to 12 to 15 years for using children under 14 years

for purposes of sex tourism.<sup>3004</sup> Trafficking of minors for sexual purposes is punishable with 8 to 10 years in prison and fines.<sup>3005</sup> The law provides for indemnification of costs for treatment, housing, legal fees, and emotional suffering of trafficking victims.<sup>3006</sup>

There are 13 inspectors trained in child labor inspections, 11 of whom are dedicated exclusively to child labor issues.<sup>3007</sup> Children may file complaints about possible violations of their rights with the National Council for Children and Adolescent Rights; the Children's Delegate in the Ombudsperson's Office; or the Ministry of Youth, Women, Children, and Family Affairs.<sup>3008</sup>

The Panamanian National Police Sex Crimes Unit is responsible for investigating trafficking cases. In 2008, the Unit investigated 34 cases of child prostitution and 24 cases of child pornography.<sup>3009</sup> The Government of Panama lacks sufficient coordination across police, prosecution, and immigration officials. However, in 2008 the Government abolished its *alternadora* VISA program, the purpose of which was to allow foreigners to enter Panama to work in entertainment establishments, but was reported to be used to facilitate trafficking.<sup>3010</sup> In addition, the Government works with international partners on trafficking investigations. The Government implemented an agreement with Costa Rica to coordinate repatriation and services to victims of trafficking persons.<sup>3011</sup>

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

Panama's Committee for the Eradication of Child Labor and Protection of the Adolescent Worker (CETIPPAT) coordinates the Government's efforts to combat child labor. CETIPPAT is implementing a National Plan against Child Labor (2007-2011), which is comprised of seven strategic components. These components aim to raise awareness, harmonize national legislation with international conventions, improve the quality of life of the parents of working children, reintegrate former child workers into the educational system, assure equitable access to health services for children, generate recreation opportunities for children, and produce systems

to monitor working children.<sup>3012</sup> The National Plan also targets indigenous children, aiming to improve access to health and educational services, expand economic opportunities, and conduct child labor awareness-raising campaigns.<sup>3013</sup>

In 2008, CETIPPAT, in conjunction with the Institute for Human Resources, Capacity Building, and Vocational Training, initiated a direct action program to combat child labor in the Panama and Colón provinces, which provided services and scholarships to 2,500 children in 58 schools. In addition, the Institute of Vocational Training for Human Development provided training to parents of child workers to reduce families' reliance on child labor.<sup>3014</sup> The Ministry of Labor and the Ministry of Social Development conducted awareness-raising campaigns about child labor.<sup>3015</sup>

The Government continues to participate in the second phase of a three-year USDOL-funded USD 1.6 million program implemented by ILO-IPEC that aims to combat child labor. The project aims to withdraw 750 children and prevent an additional 750 from becoming engaged in exploitive labor from rural agricultural and urban informal work.<sup>3016</sup> The Government participated in regional projects funded by USDOL, including a 7-year USD 8.8 million regional project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>3017</sup> The Government of Panama collaborated in a four-year USD 3 million project funded by USDOL and implemented by Creative Associates International. The project ended in August 2008, and withdrew 1,021 children from exploitive work in agriculture and prevented 823 children from becoming engaged in such activities.<sup>3018</sup> The Government of Panama also participated in a four-year ILO-IPEC Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>3019</sup>

The National Commission for the Prevention of Sexual Crimes, a consortium of governmental organizations, approved the first National Plan to Prevent and Eradicate Commercial Sexual Exploitation of Children and Adolescents, which runs from 2008 to 2010.<sup>3020</sup>

In 2008, the Government established a special trafficking victims unit inside the National Immigration Office. The unit provides protection and legal assistance to trafficking victims, and also oversees prevention efforts, such as education campaigns.<sup>3021</sup> The Government also funded NGOs to provide services to trafficking victims and other victims of sexual exploitation. In addition, the Government sponsored training for journalists on covering trafficking issues.<sup>3022</sup>

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<sup>2973</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Panama, *Constitución Política de la República de Panamá con reformas hasta 2004*, (1972), article 70; available from <http://pdba.georgetown.edu/Constitutions/Panama/constitucion2004.pdf>. See also U.S. Department of State, "Panama," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119168.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Country Reports- 2008: Panama," section 5. See also Government of Panama, *Constitución Política*, article 95.

<sup>2974</sup> Casa Esperanza and Creative Association International, *Situación del Trabajo Infantil en Zonas Agrícolas Productoras de Melón de Exportación, Tomate Industrial y Cebolla*, June 2006, 37 and 40. See also ILO-IPEC, *Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II*, Project Document, Geneva, September 15, 2006, 9. See also Creative Association International, *El DESTINO hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades*, Project Document, August 16, 2004, 19.

<sup>2975</sup> U.S. Department of State, "Country Reports- 2008: Panama," section 6d.

<sup>2976</sup> ILO-IPEC, *Trabajo Infantil Urbano Peligroso en Panamá: Un Estudio de Línea de Base*, May 2005, 62-65; available from [http://www.oit.org.pe/ipecc/documentos/oit\\_linea\\_web.pdf](http://www.oit.org.pe/ipecc/documentos/oit_linea_web.pdf).

<sup>2977</sup> U.S. Department of State, "Panama (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*,

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Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Costa Rica," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119154.htm>.

<sup>2978</sup> ILO-IPEC, *El trabajo infantil doméstico en Panamá*, September 2002, 23, 43, 67; available from [http://white.oit.org.pe/ipecc/documentos/ras\\_cdl\\_panam.pdf](http://white.oit.org.pe/ipecc/documentos/ras_cdl_panam.pdf). See also ILO-IPEC, Contraloría General de la República, and Ministerio de Trabajo y Desarrollo Laboral, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, May 2003, 153; available from [http://white.oit.org.pe/ipecc/documentos/pa\\_situ\\_2003.pdf](http://white.oit.org.pe/ipecc/documentos/pa_situ_2003.pdf). See also UN Committee on the Rights of the Child, *Concluding Observations: Panama*, CRC/C15/Add.233, Geneva, June 30, 2004, para 56; available from <http://www1.umn.edu/humanrts/crc/panama2004.html>.

<sup>2979</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama." See also U.S. Embassy-Panama, *reporting*, February 23, 2009.

<sup>2980</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama." See also U.S. Embassy-Panama, *reporting*, February 23, 2009. See also Confederación Sindical Internacional, *Normas Fundamentales del Trabajo Reconocidas Internacionalmente en Panamá*, Geneva, September 2007; available from [www.ituc-csi.org/IMG/pdf/Examen\\_OMC\\_sept2007\\_-\\_Panama\\_final.pdf](http://www.ituc-csi.org/IMG/pdf/Examen_OMC_sept2007_-_Panama_final.pdf)

<sup>2981</sup> ILO-IPEC, *Trabajo infantil doméstico en Panamá*, 69 and 78.

<sup>2982</sup> Government of Panama, *Código de la Familia*, (1994), article 508; available from [http://www.legalinfo-panama.com/legislacion/familia/codfam\\_index.htm](http://www.legalinfo-panama.com/legislacion/familia/codfam_index.htm). See also Government of Panama, *Constitución Política*, article 70. See also Government of Panama, *Código de Trabajo*, (August 12, 1995), article 117(1); available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/42679/67564/S95PAN01.htm>.

<sup>2983</sup> Government of Panama, *Código de Trabajo*, article 117(2).

<sup>2984</sup> Government of Panama, *Ley Orgánica de Educación*, 10,113, (September 24, 1946), article 46; available from <http://www.asamblea.gob.pa/busca/index-legispan.asp>.

<sup>2985</sup> Government of Panama, *Constitución Política*, article 70. See also Government of Panama, *Código de la familia*, (1994), article 716.

<sup>2986</sup> Government of Panama, *Constitución Política*, article 70.

<sup>2987</sup> Government of Panama, *Código de Trabajo*, article 119.

<sup>2988</sup> *Ibid.*, articles 117 and 119. See also Government of Panama, *Código de la Familia*, article 716.

<sup>2989</sup> ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Panama (ratification: 2000)*, [online] 2007 [cited February 2, 2009], article 7; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=0460&hdr off=1&lang=EN>.

<sup>2990</sup> Government of Panama, *Código de Trabajo*, article 118. See also Government of Panama, *Código de la Familia*, article 510.

<sup>2991</sup> Government of Panama, *Código de Trabajo*, articles 118 and 123. See also Government of Panama, *Código de la Familia*, articles 510-511.

<sup>2992</sup> Government of Panama, *Decreto Ejecutivo Número 19: Que aprueba la lista del trabajo infantil peligroso, en el marco de las peores formas del trabajo infantil*, 25,569, (June 12, 2006); available from [http://www.mides.gob.pa/index.php?option=com\\_content&task=view&id=268&Itemid=48](http://www.mides.gob.pa/index.php?option=com_content&task=view&id=268&Itemid=48).

<sup>2993</sup> Panamanian law expert, E-mail communication to USDOL official, July 31, 2008.

<sup>2994</sup> Government of Panama, *Código de Trabajo*, articles 120 and 122.

<sup>2995</sup> *Ibid.*, article 121. See also Government of Panama, *Código de la Familia*, article 713.

<sup>2996</sup> Government of Panama, *Código de Trabajo*, article 125. See also Government of Panama, *Código Penal de Panamá*, (May 18, 2007), article 198; available from <http://www.gacetaoficial.gob.pa/pdfTemp/25796/4580.pdf>.

<sup>2997</sup> Government of Panama, *Constitución Política*, article 21.

<sup>2998</sup> *Ibid.*, article 40.

<sup>2999</sup> Government of Panama, *Código Penal de Panamá*, article 147.

<sup>3000</sup> Government of Panama, *Constitución Política*, article 310. See also Coalition to Stop the Use of Child Soldiers, "Panama," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3001</sup> Government of Panama, *Código Penal de Panamá*, Chapter II, article 176.

<sup>3002</sup> *Ibid.*, article 182.

<sup>3003</sup> *Ibid.*, article 180.

<sup>3004</sup> *Ibid.*, article 186.

<sup>3005</sup> *Ibid.*, article 179.

<sup>3006</sup> U.S. Department of State, "Country Reports- 2008: Panama," section 5.

<sup>3007</sup> MITRADEL official, Letter to U.S. Embassy-Panama City official, July 30, 2008. See also MRE official, Letter to U.S. Embassy- Panama City official, April 23, 2009.

<sup>3008</sup> UN Committee on the Rights of the Child, *Concluding Observations: Panama*, para 3.

<sup>3009</sup> U.S. Embassy- Panama, *reporting*, January 29, 2009.

<sup>3010</sup> *Ibid.* See also U.S. Department of State, "Trafficking in Persons Report- 2008: Panama."

<sup>3011</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama." See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Technical Progress Report, Geneva, September 1, 2008, 17.

<sup>3012</sup> Committee for the Eradication of Child Labor and the Protection of the Adolescent Worker, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, June 2006, 3, 63-82; available from [http://www.oit.org.pe/ipecc/documentos/plan\\_nacional\\_cetippat\\_completo.pdf](http://www.oit.org.pe/ipecc/documentos/plan_nacional_cetippat_completo.pdf).

<sup>3013</sup> ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 2006, 49-50; available from <http://www.oit.org.pe/ipecc/documentos/panama.pdf>.

<sup>3014</sup> U.S. Embassy- Panama, *reporting*, January 29, 2009. See also CETIPPAT, *Acerca del Programa*, [online] [cited February 2, 2009]; available from <http://www.presidencia.gob.pa/cetippat/acerca.html>.

<sup>3015</sup> U.S. Embassy- Panama, *reporting*, January 29, 2009.

<sup>3016</sup> ILO-IPEC, *IPEC Country Program PHASE II, Project Document*, 25. See also ILO-IPEC, *Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II, Project Revision*, Geneva, August 6, 2007.

<sup>3017</sup> 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, June 2002, 17. See also 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, September 2005, 22.

<sup>3018</sup> Creative Associates International, *Destino: Combating Exploitive Child Labor through Education in Panama (El Destino hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades)*, Technical Progress Report, Washington, DC, November 2008.

<sup>3019</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>3020</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children, Technical Progress Report*, 14.

<sup>3021</sup> U.S. Embassy- Panama, *reporting*, February 23, 2009, para 4.

<sup>3022</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama."