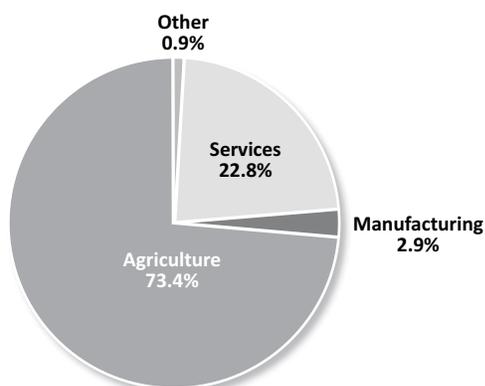


In 2011, Panama made a minimal advancement in efforts to eliminate the worst forms of child labor. Although the laws against trafficking in persons were strengthened by clearly banning trafficking for forced labor, the Government reduced its funding for labor inspections by one-third and did not finalize a new National Action Plan for the Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents. Gaps remain in legal prohibitions on some worst forms of child labor. In addition, children continue to engage in the worst forms of child labor, including in dangerous activities in agriculture and urban informal work.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	7.3 (47,963)
Attending School	5-14 yrs.	93.2
Combining Work and School	7-14 yrs.	7.6
Primary Completion Rate		96.9

Working Children by Sector, ages 5-14



Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from ETI Survey, 2008.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Panama, primarily in hazardous activities in agriculture and the urban informal sector.(3-5) These include children who cultivate coffee and melons and, to a lesser extent, sugarcane. Although limited, there is some evidence that the worst forms of child labor are also used in the production of corn, onions,



tomatoes, yucca, beans, rice, potatoes and bananas.(6-10) Children from indigenous communities frequently migrate with their families to work in agriculture.(10-12) Farm owners often pay wages according to the amount harvested, leading families to bring their children to work alongside them to harvest greater amounts.(11) Children working in these types of agriculture are often exposed to pesticides, carry heavy loads, and work in extreme weather conditions.(5, 6) Children are also engaged in work in the fishing sector, which may expose them to risks such as drowning.(8, 13)

In urban areas, children work on the streets selling goods, shining shoes, washing cars and assisting bus drivers by collecting fares. These activities often carry the risk of illness and injury, as they require carrying heavy loads, working long hours and being exposed to extreme weather and moving traffic.(8, 14-20) Limited evidence suggests that children are also scavenging the ocean for metal and items from boats that can be sold, an activity that may also expose them to drowning and injuries.(13, 19)

Many children, mostly girls of indigenous descent, work as domestic servants, and there are reports of abuse.(3, 15, 21-23) Some children are victims of commercial sexual exploitation, particularly in rural areas and in the city of Colon; limited evidence indicates that some girls are also trafficked for the purpose of commercial sexual exploitation.(24)

According to the Government of Panama, the rate of child labor among indigenous children between the ages of 5 to 17 is 25.5 percent.(15, 25) Children of indigenous descent face greater barriers to access education services; many must travel significant distances to reach school, increasing the risk that these children will enter the workforce rather than attend school.(21)

During the reporting period the Government of Panama, through the General Comptroller of the Republic and the National Institute of Statistics, published the results of the 2010 Survey on Child Labor.(3) According to the Survey, in Panama in 2010, there were 60,702 children and adolescents

Panama

economically active or working, 7.1 percent of the population between ages 5 to 17.(3, 8, 25) The results also indicate that boys (10.3 percent) are more likely to work than girls (3.7 percent). The ILO has indicated that government policies may have contributed to a decline in the rate of child labor between 2008 and 2010.(26, 27)

Laws and Regulations on the Worst Forms of Child Labor

Panama's Constitution, Family Code, and Labor Code set the minimum age for employment at 14, and at 15 for children who have not completed primary school.(28-30) Similarly, the Law on Education establishes that children under age 15, the age to which education is compulsory, cannot work or participate in other activities that deprive them of their right to attend school regularly.(31)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Constitution allows children under the minimum age to work under conditions established by the laws.(28, 32) The Family Code and the Labor Code appear to allow for light work in agriculture starting at age 12, as long as it does not impede school attendance.(29, 30) The Labor Code states that minors ages 12 to 15 may be employed in agriculture if the work is outside regular schooling hours and limits work of minors under 16 to six hours per day and 36 hours per week.(30, 33) Similarly, the Family Code permits children between ages 12 and 14 to perform agricultural labor, as long as the work does not interfere with their schooling.(29, 30, 34) Neither provision defines the kind of light work that

children may perform in agriculture, as noted by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2006.(29, 30, 35)

Various laws and an executive decree govern dangerous work performed by children. The Family Code and the Labor Code prohibit children under age 18 from certain activities and types of hazardous work, including work in venues where alcohol is sold, in public transport, with electricity, with toxic substances and underground.(29, 30) Both the Labor Code and the Penal Code establish penalties for employing children in dangerous or illegal occupations.(30, 36) Panamanian law also criminalizes the use of children in certain activities involving illegal substances.(36) Executive Decree No. 19, of 2006, provides a list of the hazardous work for children, banned both by the Labor Code and by the Penal Code. The Decree clarifies the types of work considered unsafe for children under age 18, including work under water or on ships and work that involves exposure to pesticides or extreme weather conditions, using heavy equipment or dangerous tools, carrying heavy loads to transport goods or people, or recycling trash.(37) The Decree indicates that violations related to hazardous child labor will be sanctioned in accordance with existing laws, although it is unclear what penalties are applicable.(37, 38)

Panama has no laws that explicitly prohibit the use of forced or compulsory child labor, although Panama's Constitution, the Penal Code and Law 79 on Trafficking in Persons and Related Activities, afford related protections that can be used to sanction forced labor.(28, 36, 39-41) For example the Penal Code prohibits the sale of children and provides increased penalties if actions result in sexual exploitation, forced labor, or servitude of children; moreover, the Constitution states that no one can be deprived of their liberty.(28, 36) The Family Code guarantees children protection against being kidnapped, sold or trafficked for any purpose, but it does not include penalties.(29) It is not clear if these laws constitute comprehensive protection against forced child labor.

There are additional protections in the Panamanian Penal Code against the worst forms of child labor. The Penal Code prohibits soliciting and paying a minor for prostitution and benefiting from the proceeds of child prostitution.(36) Additionally, the Penal Code provides comprehensive prohibitions against child pornography, including its production, distribution, possession or promotion. Child sex tourism is also prohibited.(36) Trafficking of minors domestically and internationally for sexual purposes is punishable with prison and fines.(36, 42)

During the reporting period, the Government of Panama passed Law No. 79 on Trafficking in Persons and Related Activities, which includes, trafficking of adults and minors, forced prostitution, forced labor, prostitution, slavery and related activities. Articles 50, 51 and 53 correspond to the treatment and services minors are entitled to receive.(19, 41) Article 63 establishes a 15-to-20-year prison term for offenders, and a 20-to-30-year prison term if the victim is a minor.(19, 41) Additionally, Law 79 adds offenses involving trafficking in persons activities to the Penal Code.(19, 41) Panama does not have armed forces; therefore, there is no military conscription.

Institutional Mechanisms for Coordination and Enforcement

The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (CETIPPAT) coordinates various efforts to combat child labor, including the implementation of the country's National Plan for the Eradication of Child Labor and the Protection of Young Workers. CETIPPAT is led by the First Lady of Panama and comprises the Ministries of Labor (MITRADEL), Education, Health, and Agriculture, as well as representatives from civil society and workers' and employers' organizations.(43) In addition, the National Commission for the Prevention of Crimes of Sexual Exploitation (CONAPREDES) coordinates government efforts to combat the commercial sexual exploitation of children; it is led by the Office of the Attorney General. Members of the CONAPREDES include the Attorney General as well as the Ministries of Labor, Education, Social Development, and Health.(44)

The MITRADEL is charged with enforcing child labor laws. It established the National Bureau against Child Labor and for the Protection of Adolescent Workers (DIRETIPPAT), which is charged with overseeing child labor inspections; carrying out education programs for employers, parents and children on child labor; and implementing the National Plan for the Eradication of Child Labor and the Protection of Young Workers.(8, 45, 46) The MITRADEL employs 121 labor inspectors, 14 of whom are assigned to child labor issues. In Panama City, there are dedicated child labor inspectors; however, all labor inspectors are trained to look for evidence of child labor.(47, 48) In 2011, the MITRADEL decreased the amount of funding for child labor inspections from \$253,000 to \$170,000. During the reporting period, the MITRADEL carried out 2,710 labor inspections, during which 34 child labor violations were found.(47) Although DIRETIPPAT detected cases of irregularities during the reporting period, it issued only four penalties to employers who were found

employing minors.(47, 49) The reasons for the small number of penalties are not known.

Complaints related to child labor may be filed through hotlines run by the MITRADEL or the Ministry of Social Development (MIDES), in person at one of the MITRADEL offices or at social service centers run by MIDES throughout the country.(8, 14) The MITRADEL refers cases of children found in exploitative work in the informal sector to the Child and Adolescent Courts and the National Secretariat for Childhood, Adolescence, and Family (SENNIAF).(8)

The Department of Judicial Investigations within the Public Ministry is responsible for investigating trafficking cases and operated a unit dedicated to investigating trafficking in persons for sexual exploitation.(8, 14) CONAPREDES has three units within the section of Sexual Exploitation and conducts investigations. These units continued to receive training during the reporting period to carry out covert organized crime operations, but the turnover in personnel of these units results in a lack of permanently trained staff at CONAPREDES.(19)

During the reporting period, representatives from the Police of Childhood and Adolescence, SENNIAF, the Public Prosecutor's Office, the Institute of Legal Medicine, the Ministry of Health, and the Ministry of Education, joined the Panamanian Hotel Association (APATEL), the National Institute of Vocational Training and Training for Development, and the Tourism Authority, to organize nationwide trainings on commercial sexual exploitation and sex trafficking.(19) During the reporting period, there were 2 investigations for pimping and 20 investigations for child pornography. These investigations were pending as of the end of the reporting period.(47)

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Government of Panama continued to implement the National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007-2011).(50) The National Plan was administered through CETIPPAT; it includes raising awareness, strengthening national legislation, improving the quality of life of at-risk families, reintegrating child workers into the educational system and producing systems to monitor working children.(43) During the reporting period, CETIPPAT representatives consulted with various stakeholders such as institutions, private business, employers and civil organizations, to draft the new National Plan for the Eradication of Child Labor.(50) Currently the National Action Plan for the Prevention and Elimination of Sexual Commercial Exploitation of Children and Adolescents 2008-2010, continues to be

Panama

implemented and is being analyzed by a consultant hired by UNICEF-Panama.(47) However, a new National Action Plan for the Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents was not finalized.

Panama continued to implement the Roadmap towards the Elimination of Child Labor, which aims to achieve the goals of the National Plan to Eliminate the Worst Forms of Child Labor by 2015, and all child labor by 2020, by strengthening anti-poverty, health, and educational programs and policies.(51) During the reporting period, CONAPREDES reviewed the progress, difficulties, constraints and projections for programs under the Roadmap that are dedicated to eradicating child labor, in partnership with the Office of the First Lady.(19) The Government of Panama also carried out awareness-raising efforts and targeted the awareness-raising campaign towards indigenous groups as part of the World Day against Child Labor.(8)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government of Panama has implemented social programs to combat poverty among the most vulnerable and to increase the access of children and families to basic and vocational education. A conditional cash transfer program, Network of Opportunities, provides cash transfers to families, conditioned on their participation in health and education services.(52) The 2010 Survey of Child Labor indicates that in the indigenous areas, there was a decrease in the percentage of children involved in hazardous work, and an increase in educational opportunities, which the Government of Panama attributes to the fact that a majority of households participate in the program.(25) The cash transfer program also offers training to beneficiaries to improve income-generation opportunities.(52)

The SENNIAF implemented programs to identify children engaged in the worst forms of child labor and commercial sexual exploitation, to remove them from exploitative situations and provide services to them. During 2011, the MITRADEL offered trainings on the topic of child labor and lessons learned to various stakeholders.(53) SENNIAF, along with the office of the First Lady, supported the signing of the tourism sector's first code on commercial sexual exploitation and trafficking.

The Government of Panama also provided shelter and other services; it funded NGOs specifically to assist child victims of commercial sexual exploitation and trafficking.(24) In addition, the Government continued to participate in a \$3 million Regional Project to Eradicate Child Labor in Latin America, funded by the Government of Spain.(54, 55)

During the reporting period, an initiative was launched to address child labor in the coffee sector by creating an alliance with 10 coffee plantations.(10, 56, 57) As part of the Ministry of Labor's program to prevent and eradicate child labor, the Ministry continued to grant scholarships to child laborers throughout the country to guarantee their access to education through the Institute for Training and Utilization of Human Resources.(9, 58) This scholarship has been offered to 1,200 children since its inception, and 259 were granted in 2011.(19, 59) The Government of Panama also signed an agreement with Telefónica Movistar to develop programs to address child and adolescent workers.(60)

Although the Government of Panama has implemented programs to address the commercial sexual exploitation of children, research found no evidence that it has carried out programs to assist children involved in domestic service, a sector in which indigenous children are more likely to be involved. In addition, government programs assisting children in urban informal work do not reach many of these children.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Panama:

Areas	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Establish clear regulations for the conditions under which children between ages 12 and 14 may engage in light agricultural work, to ensure they are not exposed to hazardous labor.	2009, 2010, 2011
	Clarify what penalties apply for violations of Executive Decree No. 19.	2011
	Establish clear regulations that offer comprehensive protection against forced child labor	2011

Areas	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Make publicly available information on the number of inspections carried out and their results.	2010, 2011
	Take steps to address turnover in personnel so that CONAPREDES has permanently trained staff.	2011
Policies	Finalize the National Action Plan for the Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents.	2011
Social Programs	Expand social programs addressing child labor in urban informal work.	2010, 2011
	Take special measures, through social and educational programming, to protect children of indigenous descent from labor abuses and labor law violations, with a particular focus on agriculture and domestic service.	2010, 2011

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