

Panama

Selected Statistics and Indicators on Child Labor²⁶⁹¹

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 (%), 2005:	111
Net primary enrollment rate (%), 2005:	98
School attendance, children 6-14 years (%), 2003:	93.8
Survival rate to grade 5 (%), 2004:	85
ILO-IPEC participating country:	Yes
* Must pay for miscellaneous school expenses.	

Incidence and Nature of Child Labor

In urban areas of Panama, children work as street vendors, garbage collectors, packing bags at supermarkets, shining shoes, washing cars, and assisting bus drivers. Some girls work in personal services, such as stylists, cooks, and manicurists.²⁶⁹² Some children in rural areas, principally boys, work in agriculture.²⁶⁹³ Many girls, most of whom are of indigenous or Afro-Panamanian groups, also work as domestic servants in third-party homes.²⁶⁹⁴ Rates of work tend to be higher among indigenous than non-indigenous children in Panama.²⁶⁹⁵ Some children, including children from indigenous communities in Panama, migrate with their families to other regions of the country in search of paid work, which interrupts their schooling.²⁶⁹⁶

The commercial sexual exploitation of children is a problem in Panama, and indigenous children are particularly vulnerable due in part to rising tourism activity.²⁶⁹⁷ Panama is a source and

destination country for children trafficked for commercial sexual exploitation. Children are also trafficked from Colombia for sexual exploitation. In addition, some children from rural areas may be trafficked to urban areas for labor exploitation.²⁶⁹⁸

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.²⁶⁹⁹ Children who have not completed primary school may not begin work until 15 years. The law permits children 12 to 14 years to perform light agricultural labor as long as the work does not interfere with schooling.²⁷⁰⁰ However, the Constitution specifically prohibits children from engaging in domestic service before the age of 14.²⁷⁰¹ The ILO 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.²⁷⁰²

The law prohibits youth under 18 years from engaging in potentially hazardous work or work that would impede their school attendance. The law identifies a number of such hazardous forms of work, including work with electrical energy, explosives, flammables, and toxic or radioactive substances; work underground; work on railroads, airplanes, or boats; and work in nightclubs, bars, and casinos. Some of these types of work are allowed if the work is performed as part of a training program.²⁷⁰³ Youth under 16 years may work no more than 6 hours a 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 under 18 years may not work between 6 p.m. and 8 a.m. Children under 18 years who work under contract must have parental or guardian approval and present documentation of their physical health. Those who employ minors must register them with the appropriate authorities.²⁷⁰⁴ Whoever employs a minor in a prohibited form of work or work that endangers the minor's physical or mental health can face 1 to 6 years of imprisonment.²⁷⁰⁵

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.²⁷⁰⁶ The Constitution also guarantees that all people are free to perform any profession or office, within the regulations established by law.²⁷⁰⁷ Additionally, the Penal Code prohibits depriving a person of his or her freedom, and punishes the offense by 6 months to six years imprisonment.²⁷⁰⁸

Panama does not have armed forces, and therefore has no laws regulating age of conscription.²⁷⁰⁹

The law provides for a range of penalties for engaging in the prostitution of minors under 18 years.²⁷¹⁰ These include 4 to 8 years imprisonment and fines for soliciting and paying for prostitution with a minor; this increases to 6 to 10 years for those who maintain sexual relations with minors. The penalty for engaging in prostitution with a minor increases to 8 to 12 years and fines when the child is under 14 years. The penalty for being supported by an underage prostitute is 6 to 10 years of imprisonment and fines.²⁷¹¹ The production, distribution, or promotion of child pornography is punishable by 4 to 6 years in prison and fines. Involvement in sex tourism in which children are victims may result in 5 to 8 years in prison and fines. Trafficking of minors for sexual purposes is punishable with 8 to 10 years in prison and fines.²⁷¹² The law provides for indemnification of costs for treatment, housing, legal fees, and emotional suffering of trafficking victims.²⁷¹³

The Government of Panama has a list of the worst forms of child labor, as stipulated in ILO Convention No. 182 on the Worst Forms of Child Labor. The law lists 17 classes of work that are considered hazardous by their nature and 12 considered hazardous by their conditions.²⁷¹⁴

In 2007, the Ministry of Labor hired and trained 54 new inspectors, 11 of whom are specialized in child labor issues.²⁷¹⁵ Also during the year, the Ministry of Labor, through its Child Labor Unit, conducted 627 inspections of businesses and levied sanctions against 6 firms for child labor law-related violations.²⁷¹⁶ 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.²⁷¹⁷

The Judicial Technical Police's Sex Crimes Unit is responsible for investigating trafficking cases.²⁷¹⁸ The Government of Panama has made some progress in the prosecution of sexual exploitation of children. The Attorney General's office has three prosecutors designated to handle trafficking in persons cases. The Government also works with Interpol and other governments, and extradited four alleged pedophiles to the United States.²⁷¹⁹

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

Panama has 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.²⁷²⁰ The National Plan also targets indigenous children, aiming to improve access to health and educational services, and expand economic opportunities; and conducting child labor awareness campaigns directed towards indigenous communities.²⁷²¹

The Government continues to participate in the second phase of a USDOL-funded USD 1.6 million program implemented by ILO-IPEC that aims to combat child labor in rural and urban areas. The project aims to withdraw 750 children and prevent an additional 750 from becoming engaged in exploitive labor.²⁷²² The Government also continues to participate in a USD 8.8 million regional project implemented by ILO-IPEC which seeks to combat commercial sexual exploitation through a variety of activities including capacity building and legal reform. In addition, the project aims to withdraw 713 children and prevent 657 children from commercial sexual exploitation in the region.²⁷²³ The Government of Panama is also collaborating in a USD 3 million project funded by USDOL and implemented by Creative Associates International. The project aims to withdraw 2,420 children from

exploitive work in agriculture and prevent 675 children from becoming engaged in such activities.²⁷²⁴ The Government of Panama also participated in an ILO-IPEC Phase II USD 2.6 million regional project, and a Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.²⁷²⁵

The Ministry of Social Development (MIDES) supports and implements a number of programs that provide services to vulnerable children.²⁷²⁶ MIDES has also provided 3,000 scholarships to working children to enable them to continue their studies and remove them from work.²⁷²⁷

The Institute for Human Resources, Capacity Building, and Vocational Training (IFARHU), an independent government agency with its own budget, overseen by the Executive Branch, implements a scholarship program for children who have been withdrawn or prevented from exploitive labor. Between January and October 2007, IFARHU provided 3,192 scholarships to former child workers.²⁷²⁸

The National Commission for the Prevention of Sexual Crimes (CONAPREDES), a consortium of governmental organizations, created the National Strategic Plan against the Commercial Sexual Exploitation of Children and Adolescents. The goals of the National Strategic Plan include the creation of a system to investigate and track crime, awareness raising campaigns, and the development of programs to assist victims of sexual exploitation.²⁷²⁹ In 2007, CONAPREDES implemented an anti-trafficking media campaign, in conjunction with ILO-IPEC, and distributed brochures on trafficking. Also in 2007, the Government incorporated an anti-trafficking message into all lottery tickets nationwide.²⁷³⁰

<http://pdba.georgetown.edu/Constitutions/Panama/constitucion2004.pdf>. See also ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Panama (ratification: 2000)* [online] 2007 [cited December 18, 2007]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=0460&hdroff=1&lang=EN>. See also UNESCO, *Education for All 2006 Assessment: Country Reports- Panama*, 2005; available from <http://unesdoc.unesco.org/images/0015/001547/154743e.pdf>.

²⁶⁹² 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, 86; available from http://white.oit.org.pe/ipecc/documentos/pa_situ_2003.pdf. See also ILO-IPEC, *Trabajo Infantil Urbano Peligroso en Panamá: Un Estudio de Línea de Base*, 2005; available from http://www.oit.org.pe/ipecc/documentos/oit_linea_web.pdf.

²⁶⁹³ ILO-IPEC, Contraloría General de la República, and Ministerio de Trabajo y Desarrollo Laboral, *Informe Nacional de los Resultados*, 86.

²⁶⁹⁴ ILO-IPEC, *El trabajo infantil doméstico en Panamá*, September 2002, 43; available from http://white.oit.org.pe/ipecc/documentos/ras_cdl_panama.pdf. See also ILO-IPEC, Contraloría General de la República, and Ministerio de Trabajo y Desarrollo Laboral, *Informe Nacional de los Resultados*, 86.

²⁶⁹⁵ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas*, 2006, 37; available from <http://www.oit.org.pe/ipecc/documentos/panama.pdf>.

²⁶⁹⁶ U.S. Department of State, "Panama," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/index.htm>.

²⁶⁹⁷ U.S. Department of State, "Panama (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas*, 17.

²⁶⁹⁸ U.S. Department of State, "Panama (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 13, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>.

²⁶⁹⁹ Government of Panama, *Código de la Familia*, (1994), article 508; available from http://www.legalinfo-panama.com/legislacion/familia/codfam_II.pdf. See also Government of Panama, *Constitución*, article 70.

²⁷⁰⁰ Government of Panama, *Código del Trabajo (annotated)*, (August 12, 1995), articles 117, 119; available from

²⁶⁹¹ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Panama, *Constitución Política con reformas hasta 1994*, (1972), article 91; available from

<http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/pan/v/in dex.htm>.

²⁷⁰¹ Government of Panama, *Constitución*, article 70. See also Government of Panama, *Código de la familia*, (1994), article 716.

²⁷⁰² ILO Committee of Experts, *Direct Request*.

²⁷⁰³ Government of Panama, *Código del Trabajo (annotated)*, article 118. See also Government of Panama, *Código de la familia*, articles 510-511.

²⁷⁰⁴ Government of Panama, *Código del Trabajo (annotated)*, articles 120-122,124. See also Government of Panama, *Código de la Familia*, article 713.

²⁷⁰⁵ Government of Panama, *Código Penal de Panamá*, (March 31, 2004), article 215-C; available from <http://www.acnur.org/biblioteca/pdf/01036.pdf>.

²⁷⁰⁶ Government of Panama, *Constitución*, article 21.

²⁷⁰⁷ *Ibid.*, article 40.

²⁷⁰⁸ Government of Panama, *Código Penal de Panamá*, articles 151-152.

²⁷⁰⁹ Government of Panama, *Constitución*, article 310. See also Coalition to Stop the Use of Child Soldiers, "Panama," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=834.

²⁷¹⁰ Government of Panama, *Código Penal de Panamá*, chapter III.

²⁷¹¹ Government of Panama, *Código Penal de Panamá*, (March 31, 2004), articles 229, 229-A, 230; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaPanama.pdf>.

²⁷¹² *Ibid.*, articles 231-D, 231-G, 231-A.

²⁷¹³ U.S. Department of State, "Country Reports- 2007: Panama," section 5.

²⁷¹⁴ 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.

²⁷¹⁵ U.S. Embassy- Panama, *reporting*, December 10, 2007. See also MITRADEL, written communication to U.S. Embassy - Panama, July 30, 2008.

²⁷¹⁶ U.S. Department of State, "Country Reports- 2007: Panama," section 6d. See also MITRADEL, written communication.

²⁷¹⁷ UN Committee on the Rights of the Child, *Concluding Observations: Panama*, CRC/C15/Add.233, Geneva, June 30, 2004, 3; available from <http://www1.umn.edu/humanrts/crc/panama2004.html>.

²⁷¹⁸ U.S. Department of State, "Country Reports- 2007: Panama," section 5.

²⁷¹⁹ U.S. Department of State, "Trafficking in Persons Report- 2007: Panama."

²⁷²⁰ 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; available from http://www.oit.org.pe/ipecc/documentos/plan_nacional_cetippat_completo.pdf.

²⁷²¹ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas*, 49-50.

²⁷²² ILO-IPEC, *Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II*, Project Document, Geneva, September 15, 2006.

²⁷²³ 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.

²⁷²⁴ 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)*, Project Document, Washington, DC, August 16, 2004.

²⁷²⁵ ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

²⁷²⁶ U.S. Department of State, "Country Reports- 2007: Panama," section 5. See also Ministry of Social Development, *El Gobierno no sólo habla, está haciendo por la niñez*, [online] July 13, 2007 [cited December 6, 2007]; available from http://www.mides.gob.pa/index.php?option=com_content&task=view&id=437&Itemid=121. See also ILO-IPEC, *IPEC Country Program PHASE II, Project Document*, 6.

²⁷²⁷ Ministry of Social Development, *El Gobierno no sólo habla, está haciendo por la niñez*.

²⁷²⁸ IFARHU, *Asistencia Económica*, [online] [cited March 1, 2008]; available from <http://www.ifarhu.gob.pa/verpag.php?sec=becas&pag=asistencia>. See also IFARHU, *Becas Concedidas por Subprograma*, [online] [cited March 1, 2008]; available from http://www.ifarhu.gob.pa/estadisticas/docs/becas_subprograma.pdf.

²⁷²⁹ CONPREDES, *La Prevención de los Delitos de Explotación Sexual Comercial*, 2004; available from <http://www.oit.org.pe/ipecc/documentos/conapredes.pdf>.

²⁷³⁰ U.S. Department of State, "Trafficking in Persons Report- 2007: Panama."