Panama

The Government of Panama has a strong policy framework to combat the worst forms of child labor. However, 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 in agriculture and urban informal work.

Statistics on Working Children and School Attendance

<table>
<thead>
<tr>
<th>Children</th>
<th>Age</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Working</td>
<td>5-14 yrs.</td>
<td>7.3*</td>
</tr>
<tr>
<td>Attending School</td>
<td>5-14 yrs.</td>
<td>93.2</td>
</tr>
<tr>
<td>Combining Work and School</td>
<td>7-14 yrs.</td>
<td>7.6</td>
</tr>
</tbody>
</table>

* Population of working children: 47,963

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 agriculture and urban informal sector work. Children working in agriculture are often exposed to pesticides, carry heavy loads, and work in extreme weather conditions. Children 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, and yucca. Children from indigenous communities frequently migrate with their families to work in agriculture. Farm owners often pay according to the amount harvested, leading families to bring their children to work alongside them to harvest greater amounts. Children are also engaged in work in the fishing sector, which may expose them to risks such as drowning.

In urban areas, children work on the streets selling goods, shining shoes, washing cars, and assisting bus drivers. These activities often carry the risk of illness and injury, as they require high physical exertion and exposure to densely transited areas with the risk of auto accidents.

Many children, mostly girls of indigenous descent, work as domestic servants, where they are vulnerable to abuse. Evidence also indicates that children, principally girls, are victims of forced labor in domestic service. Children are victims of commercial sexual exploitation, particularly in rural areas and in the city of Colon, and limited evidence indicates that some girls are also trafficked for the purpose of commercial sexual exploitation.

According to the Government of Panama, the rate of child labor among indigenous children is approximately three times the national rate. Children of indigenous descent face greater barriers to accessing education services, and many must travel significant distances to reach school increasing the risk that these children enter the workforce rather than attend school.

According to the Government’s 2010 child labor survey, the number of children working between the ages of 5 to 17 years in Panama decreased to 60,702 from 89,767 in 2008. The ILO has indicated that government policies may have contributed to this decline.
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 age 14 and at age 15 for children who have not completed primary school. Similarly, the Law on Education establishes that children under age 15 cannot work or participate in other activities that deprive them of their right to attend school regularly.

| C138, Minimum Age | ✓ |
| C182, Worst Forms of Child Labor | ✓ |
| CRC | ✓ |
| CRC Optional Protocol on Armed Conflict | ✓ |
| 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 below the minimum age to work under conditions established by laws. The Family and Labor Codes appear to allow for light work in agriculture that does not prejudice school attendance starting at age 12, 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. Similarly, the Family Code permits children between the ages of 12 and 14 to perform agricultural labor as long as the work does not interfere with schooling.

Neither provision sets limits on the total number of hours that children may work, nor defines the kinds of light work that children may perform in agriculture, which the CEACR has also noted with concern.

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. Both the Labor Code and Penal Code establish penalties for employing children in dangerous or illegal occupations. Panamanian law also criminalizes the use of children in certain activities involving illegal substances.

Executive Decree No. 19 of 2006 provides a comprehensive list of the hazardous work for children, banned both by the Labor and Penal Codes. 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, or carrying heavy loads to transport goods or people, and recycling trash. The decree indicates that violations related to hazardous child labor will be sanctioned in accordance with existing laws, though it is unclear whether this occurs in practice.

There are additional protections in the Panamanian Penal Code against the worst forms of child labor. The Penal Code prohibits soliciting and paying for prostitution with a minor and benefiting from the proceeds of child prostitution. Additionally, the Penal Code provides comprehensive prohibitions against child pornography, including its production, distribution, possession, or promotion. Child sex tourism is also prohibited. Trafficking of minors domestically and internationally for sexual purposes is punishable with prison and fines.
The Penal Code does not include a ban on child trafficking for forced labor, but prohibits the sale of children and provides for penalties that are increased if actions result in sexual exploitation, forced labor, or servitude of children. Panama also has no laws that explicitly prohibit the use of forced or compulsory child labor, although the Constitution of Panama, as well as the Panamanian Penal Code, afford related protections that can be used to sanction forced labor. The Family Code guarantees children protection against being kidnapped, sold, or trafficked for any purpose, but does not include penalties.

Institutional Mechanisms for Coordination and Enforcement

The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, 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 and is comprised of the Ministries of Labor (Ministerio de Trabajo y Desarrollo Laboral, MITRADEL), Education, Health, and Agriculture, as well as representatives from civil society and workers’ and employers’ organizations. In addition, the National Commission for the Prevention of Crimes of Sexual Exploitation (Comisión Nacional para la Prevención de Delitos de Explotación Sexual, CONAPREDES) coordinates Government efforts to combat the commercial sexual exploitation of children and is led by the Office of the Attorney General. Members of the CONAPREDES include the Attorney General, and the Ministries of Labor, Education, Social Development, and Health.

The MITRADEL is charged with enforcement of child labor laws. In February 2010, the MITRADEL established the National Bureau against Child Labor and for the Protection of Adolescent Workers, 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. MITRADEL employed 124 labor inspectors during the reporting period, all of whom were trained to identify child labor violations. In 2010, MITRADEL provided trainings on child labor to Government officials, including 157 MITRADEL staff. MITRADEL had a budget of approximately $440,000 to combat child labor. Approximately $185,000 was dedicated to the child labor survey conducted during the reporting period.

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 throughout the country run by MIDES. 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).

During the reporting period, MITRADEL received a total of 231 child labor complaints and referred 389 children to the CETIPPAT for services. In addition, MIDES received 19 complaints via its hotline and 128 complaints through its social service centers. All of these cases were referred to SENNIAF for services. Although information was not available on the number of inspections carried out in response to the complaints, the MITRADEL reports that a total of 1,020 inspections on child labor violations were carried out in 2010.

The Department of Judicial Investigations within the Public Ministry is responsible for investigating trafficking cases and operated a unit of 5 staff dedicated to investigating trafficking in persons for sexual exploitation, an increase of 2 staff people over the previous reporting.
period. There are 14 attorneys specializing in the prosecution of commercial sexual exploitation of children and trafficking cases nationwide. During the reporting period, police and judicial officials received training on trafficking and commercial sexual exploitation of children and participated in a regional Central America conference to foster cooperation in trafficking investigations and exchange of best practices. The MITRADEL also provided training to its labor inspectors to identify cases of commercial sexual exploitation of children during the reporting period. The Government continued to operate a special trafficking victims unit inside the National Immigration Office. This unit provides protection and legal assistance to trafficking victims and oversees prevention efforts, such as education campaigns.

During the reporting period, the Government investigated 15 cases of child pornography, 7 cases of facilitating child prostitution, 11 cases of child sex trafficking and 17 cases of payment for prostitution with a minor. However, information on the number of resulting convictions was not available.

**Government Policies on the Worst Forms of Child Labor**

Panama continued implementation of its National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007-2011). The national plan is administered through CETIPPAT, and the goals include 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. During the reporting period, CETIPPAT implemented the national plan by conducting seminars and awareness raising initiatives on both the national and regional level, reaching over 1,000 participants, including parents, teachers, children, and private sector and union leaders.

In 2010, Panama adopted 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. The Government initiated the planning for implementation of the roadmap and carried out awareness raising activities with agriculture sector representatives of the National Council of Private Enterprise, a private sector association. The Government also carried out awareness raising efforts with indigenous groups and as part of the World Day against Child Labor.

CONAPREDES undertook activities to implement a National Plan of Action against Commercial Sexual Exploitation of Children (2008-2010), which aims to strengthen assistance to victims, improve public policy, and strengthen law enforcement.

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

In recent years, the Government has implemented social programs to combat poverty among the most vulnerable and increase children’s and families’ access to basic and vocational education. A conditional cash transfer program, Network of Opportunities (Red de Oportunidades), provides cash transfers to families conditioned on their participation in health and education services. The program also offers training to beneficiaries to improve income generation opportunities. The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed.

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 them services. During 2010, 81 children were identified and subsequently assisted.

The Government also provided shelter and other
services and funded NGOs specifically to assist child victims of commercial sexual exploitation and trafficking. 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.

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 agriculture and domestic service where indigenous children are particularly vulnerable to exploitative work. In addition, Government programs assisting children in urban informal work do not reach many children working in this type of child labor.

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

### IN THE AREA OF LAWS AND REGULATIONS:
- Revise the Penal Code to explicitly prohibit forced labor, generally, and trafficking in persons for the purpose of forced labor, specifically.
- Establish clear regulations for the conditions under which children between the 12 and 14 may engage in light agricultural work, including limits on the number of hours children can work and the types of activities they may perform.

### IN THE AREA OF COORDINATION AND ENFORCEMENT:
- Make publicly available information on the number of inspections carried out and their results.

### IN THE AREA OF SOCIAL PROGRAMS:
- Assess the impact that the national conditional cash transfer program, Network of Opportunities, may have on addressing the worst forms of child labor.
- Develop social programs to address the worst forms of child labor in agriculture and domestic service.
- Expand social programs addressing child labor in urban informal work.
- 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.
The statistics in the chart at the beginning of the report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.


Código de la Familia, article 716. There is some conflict between the provisions of the laws discussed above and the Agriculture Code. That Code prohibits children less than 14 years of age from paid work in agriculture, even with parental permission. However, because the Family Code repeals or amends any laws referring to family or minors that are inconsistent with the Code, and the Agriculture Code was passed in 1962, while the Family Code was passed in 1994, the Family Code age limitations likely controls in case of discrepancy. See also Código Agrario de la República de Panamá, Ley 37, (September 21, 1962), article 403; available from http://white.oit.org.pe/ipec/documentos/trabajo_infantil_en_la_agricultura.pdf.

Código de la Familia, article 716. See also Código de la Familia, article 716.

Código de Trabajo, article 119. See also Código de la Familia, article 716.


Código de la Familia, article 716. See also Código de la Familia, article 838. See also Código de Trabajo, article 119.

ILO Committee of Experts, Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Panama (ratification: 2000) Submitted: 2006, May 24, 2011; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18523&chapt er=9&query=%28C138%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0. See also Código de la Familia, article 838. See also Código de Trabajo, article 119.
Código de Trabajo, article 118. See also Código de la Familia, article 310.

Código de Trabajo, article 125. See also Código Penal de la República de Panamá Adoptado por la Ley 14 de 2007, con las modificaciones y adiciones introducidas por la Ley 26 de 2008, la Ley 5 de 2009, la Ley 68 de 2009 y la Ley 14 de 2010, (April 26, 2010), article 203; available from http://www.oas.org/juridico/mla/sp/pan/sp_pan-int-text-cp.pdf.

Código Penal de Panamá, article 318.


Código Penal de Panamá, articles 176 and 182.

Ibid., article 180, 181, 183-186.


Código Penal de Panamá, article 207.

Ibid., artículos 21 and 40. See also Código Penal de Panamá, article 149. See also U.S. Embassy- Panama official, E-mail communication to USDOL official, April 20, 2011. See also Eduardo Mendoza, “Ejecutivo analiza proyecto sobre la trata de personas”, [online], March 3, 2011 [cited April 26, 2011]; available from http://www.prensa.com/hoy/panorama/2521853.asp.

Código de la Familia, article 489(17).


Ibid.


Ibid.


Ministerio de Desarrollo Social, “¿Que es la Red de Oportunidades?”, 2010; available from http://www.mides.gob.pa/?page_id=2927.


ILO-IPEC official, E-mail communication to USDOL official, April 15, 2011.

U.S. Embassy- Panama official, E-mail communication, July 13, 2011. See also Government of Panama - Ministry of Labor, Dirección Nacional de Inspección del Trabajo Dpto. de Atención al Menor Trabajador: Periodo 2010, 2011.


Ibid.


U.S. Embassy- Panama, reporting, March 10, 2010.


Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 27.