

Panama

Incidence and Nature of Child Labor

The Panama Census and Statistics Directorate estimated that 3.6 percent of children ages 5 to 14 years were working in Panama in 2000.³⁰⁸⁰ Most working children in Panama live in rural areas and are engaged in agricultural activities.³⁰⁸¹ Rates of work also tend to be higher among indigenous than non-indigenous children.³⁰⁸² Children are found working during the harvesting periods for sugar cane, coffee, bananas, melons, and tomatoes.³⁰⁸³ Some children, including children from indigenous communities in Panama, migrate with their families to other regions of the country and to Costa Rica to participate in crop harvests.³⁰⁸⁴

Children are also found working in urban areas in Panama, especially in the informal sector,³⁰⁸⁵ in street vending and performing, washing cars, and running errands for business or crime groups.³⁰⁸⁶ Children also work informally in urban markets and trash dumps.³⁰⁸⁷ Supermarkets reportedly allow young children to bag groceries in return for tips.³⁰⁸⁸ Children in Panama also work as domestic servants.³⁰⁸⁹ Panama is a transit and destination country for girls, primarily from Colombia and the Dominican Republic, trafficked for commercial sexual exploitation. Children are also trafficked within Panama for sexual exploitation, and are involved in child pornography.³⁰⁹⁰

³⁰⁸⁰ Another 23.0 percent of children ages 15 to 17 years were also found working. See Census and Statistics Directorate, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, ILO-IPEC, May, 2003, 50. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

³⁰⁸¹ *Ibid.*, 52, 85, 91.

³⁰⁸² *Ibid.*, 53.

³⁰⁸³ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Panama*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27907.htm>. See also U.S. Embassy - Panama, facsimile communication to USDOL official, March 22, 2004.

³⁰⁸⁴ See 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, 24, 27.

³⁰⁸⁵ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 3.

³⁰⁸⁶ U.S. Department of State, *Country Reports- 2003: Panama*, Section 6d.

³⁰⁸⁷ Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 86. See also ILO-IPEC, *Estudio para la determinación de línea de base trabajo infantil y adolescente peligroso en áreas urbanas de los distritos de Panamá y San Miguelito de la Provincia de Panamá: Informe Final*, Panamá, May 13, 2004, 4.

³⁰⁸⁸ Although not formally employed by the supermarket, these children conform to schedules, wear uniforms, comply with codes of conduct, and take orders from supermarket employees. See U.S. Department of State, *Country Reports- 2003: Panama*, Section 6d.

³⁰⁸⁹ Commission on Women's Issues, the Rights of Children, Youth, and Family, *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Cocle y Veraguas*, Panama, 2000, 16.

³⁰⁹⁰ U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm>.

In Panama, education is compulsory and free through the equivalent of ninth grade.³⁰⁹¹ In 2001, the gross primary enrollment rate was 110.0 percent, and the net primary enrollment rate was 99.0 percent.³⁰⁹² Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. According to the Panama Census and Statistics Directorate, 15.1 percent of children ages 5 to 17 did not attend school in 2000.³⁰⁹³ In that same year, 93.7 percent of children who started primary school were likely to reach grade 5.³⁰⁹⁴

Compared to national averages, school attendance is lower among older children in rural areas and children from indigenous communities.³⁰⁹⁵ Many rural areas do not have access to secondary education and the government does not cover transportation costs.³⁰⁹⁶ Children often do not attend school due to financial considerations, lack of transportation, and the need to migrate with their families during the harvesting season.³⁰⁹⁷ About one-third of children from the Ngobe-Bugle indigenous community miss the first 3 months of the academic year to work in the coffee harvest.³⁰⁹⁸

Child Labor Laws and Enforcement

The Family Code, the Labor Code, and the Constitution of Panama set the minimum age for employment at 14 years of age. Children who have not completed primary school, however, may not begin work until 15 years of age.³⁰⁹⁹ The law does permit children ages 12 to 15 to perform farm labor as long as the work is light and does not interfere with schooling.³¹⁰⁰ The law also prohibits youth ages 14 to 18 from potentially hazardous work, such as work with explosives and flammables; work underground; work with radioactive substances; work in transportation and electric energy, as well as in nightclubs, bars, or other places where alcohol is consumed. Youth may engage in work with explosives and in transportation, electricity, and mines if the minor performs the job as part of vocational training and work is conducted under the supervision of competent authorities.³¹⁰¹ Children younger than 18 may work no more than 6 hours a day

³⁰⁹¹ U.S. Department of State, *Country Reports- 2003: Panama*, Section 5. See also *Political Constitution of Panama*, (1994), Article 91; available from <http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>.

³⁰⁹² World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. 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.

³⁰⁹³ Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 64-65.

³⁰⁹⁴ World Bank, *World Development Indicators 2004*.

³⁰⁹⁵ Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 65, 68.

³⁰⁹⁶ U.S. Embassy- Panama, *unclassified telegram no. 3473*, October 2002.

³⁰⁹⁷ U.S. Department of State, *Country Reports- 2003: Panama*, Section 5, 6d.

³⁰⁹⁸ U.S. Embassy- Panama City, *Communication from American Embassy in Panama - unclassified excerpt from telegram no. 2080*, July 2003.

³⁰⁹⁹ Government of Panama, *Código de la familia*, (1994), Article 508. See also Government of Panama, *Código de Trabajo*, Article 117. See also *Constitution of Panama*, Article 66.

³¹⁰⁰ *Código de Trabajo*, 119. As noted in the 2004 Annotated Labor Code, the 1998 Annotated Family Code, and the Supreme Court Decision of November 30, 1995, the provision of the labor code permitting children to perform domestic work between the ages of 12 and 15 was declared unconstitutional. See also *Código de la familia*, Article 510. See also *Código del Trabajo (annotated)*.

³¹⁰¹ *Código de Trabajo*, Articles 118, 23. See also *Código de la familia*, Article 510.

or 36 hours per week. Children under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.³¹⁰² 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 2 to 6 years of imprisonment.³¹⁰³

The Labor Code also prohibits forced labor by children.³¹⁰⁴ The Penal Code criminalizes pimping of children and child pornography.³¹⁰⁵ Trafficking in children is prohibited under the Penal Code.³¹⁰⁶ In March 2004, the Government of Panama enacted Law 16, which strengthens provisions against a variety of forms of sexual exploitation of children, including paying minors for sex, Internet pornography, sex trafficking, and the promotion of sex tourism involving minors. Penalties for both commercial sexual exploitation of minors and trafficking of minors for sexual purposes include 8 to 10 years in prison and fines. The law expands police powers to investigate and prosecute these crimes by eliminating the need for a formal complaint before an investigation can occur and by eliminating the option of bail in sex crime cases involving minors, among other provisions.³¹⁰⁷

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.³¹⁰⁸ Children may file complaints about possible violations of their rights with the National Council for Children and Adolescents Rights, the Children's Delegate in the Ombudsperson's Office or the Ministry of Youth, Women, Children, and Family, although the UN Committee of the Rights of the Child has expressed concern that there is a lack of access to and coordination among these bodies.³¹⁰⁹

The Ministry of Labor responds to child labor complaints and has the authority to order the termination of unauthorized employment. As of August 2004, the Ministry of Labor's Child Labor Unit had seven full-time staff members, and received assistance from 10 to 15 additional inspectors for child labor raids. In the period September 2003 to February 2004, the Child Labor Unit requested penalties against five businesses for child labor violations; fines were subsequently levied against two of the businesses.³¹¹⁰ However, the ministry claims it lacks sufficient staff to enforce some child labor provisions in rural areas where most working children can be found.³¹¹¹ Although Panama has developed a legal framework to combat the worst

³¹⁰² *Código de la familia*, Article 512.

³¹⁰³ U.S. Embassy- Panama City, *unclassified telegram no. 3286*, October 2001.

³¹⁰⁴ U.S. Department of State, *Country Reports- 2003: Panama*, Section 6c.

³¹⁰⁵ *Código de la familia*, Article 501. See also *Código Penal*, Articles 231-31G.

³¹⁰⁶ U.S. Department of State, *Country Reports- 2003: Panama*, Section 6f. [This reference is outdated, because of the passage of Law 16 of 2004. You can cite 2004 Codigo Penal, Sections 231-231-G.] Child prostitution, as opposed to pimping children, has not been and currently is not criminalized].

³¹⁰⁷ Government of Panama, *Ley No. 16*, (March 31, 2004), Articles 6-10. See also U.S. Embassy- Panama City, *unclassified telegram no. 2153*.

³¹⁰⁸ U.S. Department of State, *Country Reports- 2003: Panama*, Section 5.

³¹⁰⁹ UN Committee on the Rights of the Child, *Concluding Observations: Panama*, CRC/C15/Add.233, Geneva, June 4, 2004, 3.

³¹¹⁰ In the period October 2003 to May 2004, the Child Labor Unit conducted 130 routine inspections of children working. See U.S. Embassy- Panama City, *unclassified telegram no. 2153*.

³¹¹¹ U.S. Embassy - Panama, email communication to USDOL official, June 17, 2005.

forms of child labor and has conducted several child labor inspections in the coffee, sugar, melon, and tomato sectors,³¹¹² child labor violations continue to occur, especially in rural areas during the harvest of sugar cane, coffee, bananas, and tomatoes, and in urban areas.³¹¹³

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

The Government of Panama is implementing a 12-year National Strategic Plan on Children and Adolescents (2003-2015), and has developed subplans to address child labor and sexual exploitation of children.³¹¹⁴ The government 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,³¹¹⁵ as well as regional projects aimed at combating commercial sexual exploitation and exploitive child labor in agriculture.³¹¹⁶ In 2004, the government began participating in a new USD 3 million project funded by USDOL to combat child labor through education in Panama.³¹¹⁷ Through a Canadian-funded ILO-IPEC 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 the most vulnerable children from domestic work.³¹¹⁸ The Government of Panama also receives support from the Interamerican Institute of the Child, an arm of the Organization of American States, to implement plans of action to assist street children, working children, and children involved in sexual exploitation.³¹¹⁹

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/31/2000	✓
Ratified Convention 182	10/31/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		✓

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, known as Centros de Asistencia Integral, provide health care, education opportunities, and vocational and social skills training to children and their families in an effort

³¹¹² U.S. Embassy- Panama City, *unclassified telegram no. 3286*. See also U.S. Embassy- Panama, *unclassified telegram no. 3615*, November 2001.

³¹¹³ U.S. Department of State, *Country Reports- 2003: Panama*, Section 6d.

³¹¹⁴ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, technical progress report, Geneva, March 2004, 2. The government is developing a National Child Labor Action Plan. See ILO- IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, technical progress report, Geneva, September 2004.

³¹¹⁵ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 1.

³¹¹⁶ In Panama, this project focuses primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, June 2002, 5, 27-28. See also ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, RLA/03/P50/USA, September 2003.

³¹¹⁷ U.S. Department of Labor, *United States Provides over \$110 Million in Grants to Fight Exploitive Child Labor Around the World*, press release, Washington, DC, October 1, 2004.

³¹¹⁸ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 8.

³¹¹⁹ National Director for Childhood Dr. Maribel López de Lobo, letter to U.S. Department of State official, August 26, 2004.

to prevent child labor.³¹²⁰ In addition to these centers, the ministry has an agreement with the NGO Casa Esperanza to monitor the situation of children working in sugar cane and coffee, to provide awareness raising training to Ministry of Labor officials, and to establish commissions to address the problem of child labor in the Cerro Patacón garbage dump and in supermarkets.³¹²¹ The Ministry of Youth, Women, Children and Family also works with the Office of the Attorney General and police forces to find children at risk of child labor.³¹²² In 2004, the government established a high level commission to study and make recommendations for action on the issues of sexual exploitation of children and trafficking in persons.³¹²³

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.³¹²⁴ Panama's Ministry of Education conducts a program in the provinces of Panama and Colon titled "In Search of a Better Tomorrow", which encourages children to complete primary school.³¹²⁵ The World Bank is providing a loan of USD 35 million to help the government improve the quality and efficiency of basic education in a project that runs through 2005. 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.³¹²⁶

³¹²⁰ Ministry of Youth, Women, Children, and Family, *Programas y proyectos contra el trabajo infantil*, Panama, 2000, 10-19. See also U.S. Embassy- Panama official, electronic communication to USDOL official, May 13, 2004.

³¹²¹ Dr. Maribel López de Lobo.

³¹²² *Ibid.*

³¹²³ Ministry of Government and Justice, *Decreto Ejecutivo No. 97, Gaceta Oficial*, (April 2, 2004).

³¹²⁴ 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, Section I.1; 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.

³¹²⁵ U.S. Embassy- Panama City, *unclassified telegram no. 2153*.

³¹²⁶ World Bank, *Basic Education Project (02)*, June 20, 2003 [cited May 12, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P052021>. See also IDB, *Ecuador Social Sector Reform Program: Loan Proposal*, 1466/OC-EC (EC-0216), June 25, 2003; available from <http://www.iadb.org/exr/doc98/apr/ec1466e.pdf>.