

# 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.<sup>3613</sup> Many working children in Panama live in rural areas and are engaged in agricultural activities.<sup>3614</sup> Rates of work also tend to be higher among indigenous than non-indigenous children.<sup>3615</sup> Children work in subsistence agriculture as well as on commercial farms that produce sugar cane, coffee, watermelons and other melons, tomatoes, and onions.<sup>3616</sup> There are conflicting reports as to whether children work in the banana sector.<sup>3617</sup> 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.<sup>3618</sup> Child labor is one of many problems associated with poverty. In 2000, 7.2 percent of the population in Panama were living on less than USD 1 a day.<sup>3619</sup>

Children are also found working in urban areas in Panama, especially in the informal sector.<sup>3620</sup> Children work in supermarkets bagging groceries in return for tips.<sup>3621</sup> They engage in street vending, work in urban markets and trash dumps, and work as assistants for bus drivers.<sup>3622</sup> Children in Panama also work as domestic servants in third-party homes.<sup>3623</sup>

Children are engaged in prostitution in Panama.<sup>3624</sup> Panama is a source and destination country for children trafficked for commercial sexual exploitation. Children are trafficked within Panama and from

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<sup>3613</sup> Census and Statistics Directorate, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, ILO-IPEC, May, 2003, 50; available from [http://www.ilo.org/public/spanish/standards/ipecc/simoc/panama/report/pa\\_situ\\_2003.pdf](http://www.ilo.org/public/spanish/standards/ipecc/simoc/panama/report/pa_situ_2003.pdf). 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

<sup>3614</sup> *Ibid.*, 52, 85, 91.

<sup>3615</sup> *Ibid.*, 53.

<sup>3616</sup> Creative Associates International, *Destino: Combating Exploitive Child Labor through Education in Panama*, project document, Washington, DC, August 16, 2004, 2, 4. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Panama*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41769.htm>. See also Creative Associates International, *Destino: Combating Exploitive Child Labor through Education in Panama*, technical progress report, Panama City, March 14, 2005, 3. See also Ambassador of Panama Frederico Humbert, *written communication*, first response submitted per U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, August 22, 2005.

<sup>3617</sup> U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d. See also Creative Associates International, *Destino: Project Document*, 4.

<sup>3618</sup> 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.

<sup>3619</sup> World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

<sup>3620</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 3.

<sup>3621</sup> See U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.

<sup>3622</sup> 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*, Panama City, May 13, 2004, 4. See also U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.

<sup>3623</sup> ILO-IPEC, *Trabajo infantil doméstico en Panamá*, September 2002, 17.

<sup>3624</sup> U.S. Department of State, *Country Reports- 2004: Panama*, Section 5. See also ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá* (2002), 128.

Colombia for sexual exploitation. In addition, some child domestic servants may be trafficking victims. There are also reports that insurgent and paramilitary groups from Colombia have forcibly conscripted children from Panama's border region with Colombia.<sup>3625</sup>

In Panama, education is compulsory through the equivalent of ninth grade and free through high school, although fees may be charged after ninth grade.<sup>3626</sup> The government does not cover transportation costs, however, which is a barrier for children from some rural communities to access secondary education.<sup>3627</sup> In 2002, the gross primary enrollment rate was 112 percent and the net primary enrollment rate was 100 percent.<sup>3628</sup> 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.<sup>3629</sup> As of 2001, 90 percent of children who started primary school were likely to reach grade five.<sup>3630</sup> Compared to national averages, school attendance is lower among older children in rural areas and children from indigenous communities.<sup>3631</sup> Many indigenous families migrate from their impoverished communities to work in crop harvests, interrupting their children's schooling.<sup>3632</sup>

## Child Labor Laws and Enforcement

The Constitution of Panama, the Family Code, and the Labor Code set the minimum age for employment at 14 years of age. The Constitution specifically prohibits children from engaging in domestic service before the age of 14. In addition, children who have not completed primary school may not begin work until 15 years of age.<sup>3633</sup> The law permits children ages 12 to 14, however, to perform farm labor as long as the work is light and does not interfere with schooling.<sup>3634</sup> The ILO's Committee of Experts on the Application of Conventions and Recommendations has noted that Panamanian law does not provide clear regulations for the kind of farm labor in which 12 to 14 year olds may engage.<sup>3635</sup>

The law prohibits youth ages 14 to 18 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 electric 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

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<sup>3625</sup> U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>.

<sup>3626</sup> *Political Constitution of Panama*, (1994), Article 91; available from <http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>. See also U.S. Department of State, *Country Reports- 2004: Panama*, Section 5.

<sup>3627</sup> U.S. Embassy- Panama, *reporting*, October 29, 2002.

<sup>3628</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

<sup>3629</sup> Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 64-65.

<sup>3630</sup> UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

<sup>3631</sup> Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 65, 68.

<sup>3632</sup> U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.

<sup>3633</sup> *Constitution of Panama*, Article 66. See also Government of Panama, *Código de la familia*, (1994), Article 508, 509. See also Government of Panama, *Código del Trabajo (annotated)*, Article 117. See also Government of Panama, *Supreme Court Decision*, (November 30, 1995).

<sup>3634</sup> *Código de la familia*, Article 716.

<sup>3635</sup> ILO-CEACR, *Direct Request, Minimum Age Convention, 1973 (No. 138) Panama*, [online] 2003 [cited July 1, 2005]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

these types of work are allowed if the work is performed as part of a training program.<sup>3636</sup> Youth younger than 16 may work no more than 6 hours a day or 36 hours per week, while those 16 and 17 years of age may work no more than 7 hours per day or 42 hours per week. Children under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.<sup>3637</sup> 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.<sup>3638</sup>

There are different statutes under which the worst forms of child labor can be prosecuted in Panama. The Labor Code prohibits forced labor by children.<sup>3639</sup> Panama does not have armed forces, and therefore has no laws regulating age of conscription.<sup>3640</sup>

The Penal Code provides for a range of penalties for engaging in the prostitution of minors, varying from 4 to 12 years of imprisonment and fines depending on the crime and the age of the victim.<sup>3641</sup> Production or distribution of child pornography is punishable by 4 to 6 years in prison and fines.<sup>3642</sup> The Penal Code also includes penalties for involvement in sex tourism in which children are victims. Those found guilty of such crimes are subject to 5 to 8 years in prison and fines.<sup>3643</sup> The Penal Code likewise contains prohibitions against trafficking of minors for sexual purposes, which include 8 to 10 years in prison and fines.<sup>3644</sup> Since 1999, the Government of Panama has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.<sup>3645</sup>

The Ministry of Labor, through its Child Labor Unit, is responsible for enforcing child labor laws.<sup>3646</sup> As of August 2004, the Child Labor Unit had seven full-time staff members, and received assistance from 10 to 15 additional inspectors for child labor raids.<sup>3647</sup> However, the government acknowledges that lack of staff has prevented it from inspecting and enforcing some child labor provisions in rural areas.<sup>3648</sup>

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 Social Development (formerly the Ministry of Youth, Women, Children, and Family). The UN Committee of the Rights of the Child, however, has expressed concern that there is a lack of access to and coordination among these bodies.<sup>3649</sup> The Ministry of Justice, Ministry of Government, and the Attorney General's office are involved in combating trafficking, and the Technical Judicial Police has a special section for crimes involving commercial sexual exploitation of children.<sup>3650</sup> In March, the Attorney General's office ordered the detention of officers in the National Police for offenses related to sex trafficking of children.<sup>3651</sup>

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<sup>3636</sup> *Código del Trabajo (annotated)*, Article 118. See also *Código de la familia*, Article 510. and art. 511.

<sup>3637</sup> *Código del Trabajo (annotated)*, 120, 122.

<sup>3638</sup> U.S. Embassy- Panama City, *reporting*, October 5, 2001.

<sup>3639</sup> U.S. Department of State, *Country Reports- 2004: Panama*, Section 6c.

<sup>3640</sup> *Constitution of Panama*, Article 305. 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](http://www.child-soldiers.org/document_get.php?id=834).

<sup>3641</sup> Government of Panama, *Código Penal, as amended by Ley No. 16*, (March 31, 2004), Articles 228-230.

<sup>3642</sup> *Ibid.*, Article 231D.

<sup>3643</sup> *Ibid.*, Article 231G.

<sup>3644</sup> *Ibid.*, Article 231A.

<sup>3645</sup> ILO - IPEC official, email communication to USDOL official, November 14, 2005.

<sup>3646</sup> U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.

<sup>3647</sup> U.S. Embassy- Panama City, *reporting*, August 24, 2004.

<sup>3648</sup> U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.

<sup>3649</sup> UN Committee on the Rights of the Child, *Concluding Observations: Panama*, CRC/C15/Add.233, Geneva, June 30, 2004, 3.

<sup>3650</sup> U.S. Department of State, *Country Reports- 2004: Panama*, Section 5.

<sup>3651</sup> U.S. Department of State, *Trafficking in Persons Report*.

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

During 2005, the Government of Panama reorganized the country's existing Committee for the Eradication of Child Labor and Protection for Working Minors to encourage greater public and private sector participation.<sup>3652</sup> The committee continued to work to develop a National Child Labor Action Plan, but at year's end, the plan had not been completed.<sup>3653</sup>

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		

During the year, the government implemented a 12-year National Strategic Plan on Children and Adolescents (2003-2015), which includes strategies to address child labor and the sexual exploitation of children.<sup>3654</sup> The eradication of child labor is also being considered in an anti-poverty system being developed by a government ministers' working group.<sup>3655</sup> In February 2005, a new anti-trafficking commission was established. The commission has the authority to collect a tax to pay for services for victims of commercial sexual exploitation and trafficking, but at year's end, the tax had not been implemented.<sup>3656</sup>

The government is participating in a USD 1 million ILO-IPEC program funded by USDOL that aims to combat child labor in the rural and urban informal sectors.<sup>3657</sup> Panama is also part of a USDOL-funded USD 8.4 million regional ILO-IPEC project to combat commercial sexual exploitation of children and another USDOL-funded USD 3 million regional ILO-IPEC project to combat exploitative child labor in agriculture.<sup>3658</sup> The government is also collaborating in a USD 3 million project funded by USDOL and implemented by Creative Associates International to combat child labor through education in Panama.<sup>3659</sup> Through a Canadian-funded ILO-IPEC project that ended in 2005, the National Committee for the Eradication of Child Labor and Protection for Working Minors and the Ministry of Labor coordinated with ILO-IPEC to remove the most vulnerable children from domestic work.<sup>3660</sup>

The Ministry of Social Development operates centers that provide assistance to children engaged in exploitative child labor. It also operates a foster family program and provides support to shelters that are

<sup>3652</sup> Government of Panama, *Document on Child Labor in Panama*, second response submitted per U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", November 9, 2005, 5.

<sup>3653</sup> ILO-IPEC., *Country Program for Combating the Worst Forms of Child Labor in Panama, technical progress report*, Geneva, March 2005, 7.

<sup>3654</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, technical progress report*, Geneva, March 2004, 2.

<sup>3655</sup> ILO-IPEC., *Country Program, technical progress report*, 2.

<sup>3656</sup> U.S. Department of State, *Trafficking in Persons Report*.

<sup>3657</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*.

<sup>3658</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Geneva, September 2005. See also ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, September 2003.

<sup>3659</sup> Creative Associates International, *Destino: Project Document*.

<sup>3660</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 8. See also ILO-IPEC official, email communication to USDOL official, November 8 2005.

operated by the NGO Casa Esperanza.<sup>3661</sup> The ministry also works to locate and assist children engaged in child labor in garbage dumps and other sectors, and provide them with services. The ministry worked with approximately 50 children per month during 2005 under the Safe Steps Program, which provides educational reinforcement, meals, and psychological services, among other benefits.<sup>3662</sup>

During 2005, the government continued to implement its 10-year strategy for education (1997-2006), which, although not specifically focused on child labor, is intended to address issues that may serve as barriers to working children's access to basic education, such as low quality and relevance of education.<sup>3663</sup> The Ministry of Social Development carried out the Educational Promotion Program, which provides financial support so that poor families can send children to school.<sup>3664</sup> Panama's Ministry of Education works with Casa Esperanza to implement a program in the provinces of Panama City and Colón titled "In Search of a Better Tomorrow," which encourages children to complete primary school.<sup>3665</sup> UNICEF is implementing a "community schools" program in the province of Chiriquí to discourage parents from sending children to work on coffee plantations.<sup>3666</sup> The World Bank is providing a loan of USD 35 million for a project that runs through 2007 to help the government improve the quality and accessibility of basic education and build capacity in the Ministry of Education.<sup>3667</sup>

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<sup>3661</sup> National Director for Childhood Dr. Maribel López de Lobo, letter to U.S. Department of State official, August 26, 2004. See also Casa Esperanza, *Propuesta para la Implementación del Programa de Acción Directa Urbana para Contribuir a la Erradicación del Trabajo Infantil en los Distritos de Panamá y San Miguelito*, n.p., August 2004, 34. See also U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Panama*, Section 5.

<sup>3662</sup> Ambassador of Panama Frederico Humbert, *written communication*.

<sup>3663</sup> ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 7.

<sup>3664</sup> Ambassador of Panama Frederico Humbert, *written communication*.

<sup>3665</sup> U.S. Embassy- Panama City, *reporting*, August 24, 2004.

<sup>3666</sup> UNICEF, *At a glance: Panama*, [online] [cited June 29, 2005]; available from [http://www.unicef.org/infobycountry/panama\\_25197.html](http://www.unicef.org/infobycountry/panama_25197.html).

<sup>3667</sup> World Bank, *Basic Education Project (02)*, June 20, 2003 [cited June 29, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&ProjectId=P052021>.