

Panama

MODERATE ADVANCEMENT

In 2013, Panama made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government of Panama increased the number of labor inspectors, extended the Roadmap towards the Elimination of Child Labor to cover the period 2013–2014, and released the results of a 2012 survey covering child labor. However, children continue to engage in child labor, including in agriculture. The law does not adequately define light work nor does it clearly sanction violations related to the hazardous work in which children are prohibited to engage. The law also allows minors under 16 to engage in hazardous work in training establishments.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Panama are engaged in child labor, including in agriculture. (1-3) Table 1 provides key indicators on children's work and education in Panama.

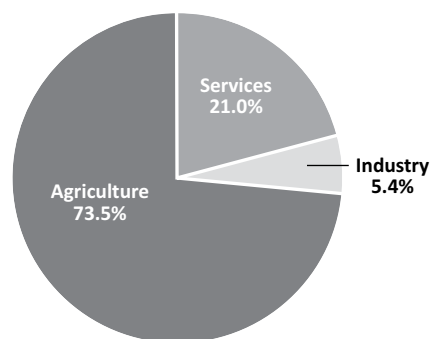
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	4.5 (30,016)
Attending School (%)	5-14 yrs.	94.3
Combining Work and School (%)	7-14 yrs.	4.5
Primary Completion Rate (%)		97.7

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(4)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta de Trabajo Infantil, 2010.(5)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Production of coffee,† tomatoes,*† melons,† sugarcane,† beans,*† rice,*† bananas,*† corn,*† yucca,*† and onions*† (6-19)
	Fishing,*† activities unknown (9, 20-22)
	Scavenging the ocean for metal and other items*† (9, 20, 23, 24)
Services	Domestic service in third-party homes*† (2, 10, 11, 17, 20, 22, 25-30)
	Construction, activities unknown*† (30, 31)
	Assisting bus drivers by collecting fares*† (9, 20, 31)
Categorical Worst Forms of Child Labor‡	Street work including selling goods on the street,† washing cars,† shoe shining,† and collecting recyclables*† (3, 9, 10, 17, 19, 20, 22, 30, 32-35)
	Forced domestic service† (29)
	Commercial sexual exploitation as a result of trafficking† (2, 19, 29)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3 (d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.




According to the results of Panama's 2012 Survey on Child Labor, boys are more likely to work than girls. Furthermore, the highest prevalence of child labor is in autonomous indigenous areas, followed by the provinces of Coclé and Darien. (1, 31, 36, 37)

Children of indigenous descent face greater barriers to accessing education services, including having to travel significant distances to reach school.(28, 35) Additionally, children from indigenous communities frequently migrate with their families to work in agriculture.(8, 9, 38, 39) Farm owners often pay wages according to the amount of crops harvested, leading families to bring their children to work alongside them to harvest more crops.(9)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Panama has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Constitution; Family Code; Labor Code (40-42)
Minimum Age for Hazardous Work	Yes	18	Family Code; Penal Code; Labor Code (20, 41-43)
List of Hazardous Occupations Prohibited for Children	Yes		Labor Code; Penal Code; Executive Decree No. 19, of 2006 (24)
Prohibition of Forced Labor	Yes		Penal Code; Constitution (9, 40, 43)
Prohibition of Child Trafficking	Yes		Constitution; Penal Code; Article 3 of Law 79 on Trafficking in Persons and Related Activities, Family Code (9, 40, 41, 43-45)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Penal Code; Law No. 79 on Trafficking in Persons and Related Activities (23, 43, 45)
Prohibition of Using Children in Illicit Activities	Yes		Penal Code; Article 4 of Law 79 on Trafficking in Persons and Related Activities; Family Code (41, 43, 45)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	N/A*		
Compulsory Education Age	Yes	15	Law on Education (46)
Free Public Education	Yes		Law on Education (20)

*No conscription or no standing military.

The Constitution allows children under the minimum age to work under conditions established by the law.(40, 47) The Labor Code allows for light work in agriculture starting at age 12, as long as it does not impede school attendance.(9, 41, 42) It also states that minors ages 12 to 15 may perform light work in agriculture if the work is outside regular school hours; it also limits the work hours of minors under age 16 to 6 hours per day and 36 hours per week.(42) Similarly, the Agricultural Code permits children between ages 12 and 14 to perform agricultural labor, as long as the work does not interfere with their schooling.(48) None of these provisions defines the kind of light work that children may perform in agriculture.(9, 41, 42)

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Additionally, Article 118 of the Labor Code allows minors to perform hazardous work in training establishments when the work is approved by the competent government authority and carried out under its supervision, but the Labor Code does not establish a minimum age for this work.(42, 49) Although Executive Decree No. 19 of 2006 indicates that violations related to hazardous child labor will be sanctioned in accordance with existing laws, it is unclear whether penalties provided for in Article 202 and 203 of the Penal Code or Article 125 of the Labor Code are applicable.(24)

In 2013, the Government of Panama began to review and update the List of Hazardous Occupations Prohibited for Children.(2, 50)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MITRADEL)	Enforce child labor laws. Contains two directorates with direct authority over child labor matters: the Directorate Against Child Labor and for the Protection of Adolescent Workers (DIRETIPPAT) and the Labor Inspection Directorate.(2, 51) Inspections carried out jointly. 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).(2, 6)
Labor Inspection Directorate	Carry out labor inspections in establishments and sites where it is suspected that children are working.(2)
Directorate Against Child Labor and for the Protection of Adolescent Workers (DIRETIPPAT)	Oversee child labor inspections, mainly in informal workplaces within the MITRADEL. Plan and execute public policies; carry out education programs on child labor for employers, parents, and children. Coordinate the implementation of the National Plan for the Eradication of Child Labor and the Protection of Young Workers.(2, 6, 52, 53)
Attorney General's Office	Investigate and prosecute crimes of sexual exploitation. Investigations begun by the Judicial Investigative Directorate; cases passed to the prosecutors.(54)
Public Ministry's Organized Crime Unit	Investigate trafficking cases and operate a unit dedicated to investigating trafficking in persons for sexual exploitation.(6, 55)
National Commission for the Prevention of Crimes of Sexual Exploitation (CONAPREDES)	Coordinate actions and study trends, prevalence, and policies related to sexual exploitation. Promote public policies for the prevention and eradication of sexual exploitation through specific actions, projects, and programs.(56) Members include the Attorney General as well as the ministries of Labor, Education, Social Development, and Health.(56) Refer cases of sexual exploitation to the Attorney General's Office.(20)
National Secretariat for Childhood, Adolescence, and Family (SENNIAF)	Support the ability of the Government and NGOs to eradicate child labor through a program thus creating a network of services that addresses the needs of this population better. Promotes education as a means to contribute to the eradication of poverty.(2)

Law enforcement agencies in Panama took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2013, the Ministry of Labor (MITRADEL) employed 239 labor inspectors, an increase from 138 in 2012. Seven labor inspectors are specifically assigned to child labor issues in Panama City.(2, 20) However, all labor inspectors are trained to look for evidence of child labor.(57, 58)

Complaints related to child labor may be filed through the “311” citizen complaint telephone hotline run by the MITRADEL. Callers can register complaints and allegations of child labor through the hotline, in person either at one of the MITRADEL offices or at social service centers run throughout the country.(6, 55) The complaints are assigned a case number and are processed by the appropriate government agency.(2) The Government reports that only two complaints were received during 2013: one regarding child labor in construction and the other regarding a child working in an informal business.(2, 59)

In 2013, the MITRADEL designated \$811,093 for its Directorate Against Child Labor and for the Protection of Adolescent Workers (DIRETIPPAT) to conduct inspections and programs, among other activities. The Labor Inspectorate received \$1.2 million, and the budget allocated for child labor inspection was \$121,832, a decrease of \$66,637 from 2012.(2, 60)

In 2013, The MITRADEL had sufficient resources, including vehicles and computers, to carry out its activities.(2, 61) During the reporting period, the MITRADEL carried out 5,664 labor inspections, an increase from 3,340 in 2012.(2) Additionally, the MITRADEL conducted 21 inspections to investigate child labor specifically in such activities as washing cars, working in and around taxi and bus stops, bagging groceries in supermarkets, and fishing. (2) DIRETIPPAT removed 1,546 working children from the street and from hazardous labor through preventative actions.(2, 54) The MITRADEL also investigated 42 complaints of child labor offenses, found 22 to be substantiated, and issued fines.(2)

Criminal Law Enforcement

In 2013, the Attorney General's Office conducted 28 investigations of child pornography cases and of 11 cases related to commercial sexual exploitation of children.(54)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (CETIPPAT)	Coordinate various efforts to combat child labor. Led by the First Lady of Panama and comprise the MITRADEL; the ministries of Education, Health, and Agriculture; as well as representatives from civil society and organizations of workers and employers.(56)
CONAPREDES	Coordinate government efforts to combat the commercial sexual exploitation of children. Led by the Office of the Attorney General and includes members from the ministries of Labor, Education, Social Development, and Health.(62) Conducts investigations in the area of sexual exploitation.(23)
SENNIAF	Support the ability of the Government and NGOs to combat child labor through a program, thus creating a network of services that addresses the needs of this population better. Promotes education as a means to contribute to the eradication of poverty.(2)

In 2013, the Government of Panama passed Executive Decree 107, which adjusted the composition of the Committee for the Eradication of Child Labor and the Protection of Adolescent Workers by reducing the number of institutions from 27 to 23, with the goal of improving its effectiveness.(2, 50)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Panama has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007–2011)	Aims to combat child labor through various strategies, including raising awareness, strengthening national legislation, improving the quality of life of at-risk families, reintegrating child workers into the educational system, and developing systems to monitor working children.(56) This plan is currently administered by CETIPPAT.
Roadmap towards the Elimination of Child Labor	Aims to achieve the goals of the National Plan to Eliminate the Worst Forms of Child Labor by 2015 and all child labor in Panama by 2020 by strengthening anti-poverty, health, and educational programs and policies.(20, 63, 64) Provides a work plan of responsible agencies and provides a framework for the incoming Government to continue the strategies of child labor eradication.(64, 65) In 2013, the Government extended the Roadmap towards the Elimination of Child Labor to cover 2013–2014.(2)

Table 7. Policies Related to Child Labor (cont)

Policy	Description
National Action Plan for the Prevention and Elimination of Sexual Commercial Exploitation of Children and Adolescents 2008–2010	Aims to prevent and eliminate the sexual commercial exploitation of children and adolescents through various strategies, including the provision of services to victims, strengthening CONAPREDES, and raising awareness. With support from the Public Ministry, CONAPREDES also continued to execute the National Plan to Prevent and Eliminate the Sexual Exploitation of Children and Adolescents (2008–2010).(2, 20, 56, 66)

In 2013, the Government extended the Roadmap towards the Elimination of Child Labor to cover 2013–2014.(2) In addition, during 2013, the National Commission for the Prevention of Crimes of Sexual Exploitation (CONAPREDES) held conversations with various sectors to raise awareness about commercial sexual exploitation and to develop prevention actions for this crime. However, turnover in personnel has resulted in a lack of permanently trained staff at CONAPREDES.(23)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Panama funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Direct Action Program‡	MITRADEL program implemented through the Institute for Training and Utilization of Human Resource (INUHR) that provides scholarships for schooling to approximately 4,900 child workers.(7, 67–69) Offers training to beneficiaries to improve income-generating opportunities.(9, 70, 71) The Government of Panama offered 1,443 new scholarships to child laborers in 2013.(2)
Network of Opportunities*‡	Ministry of Social Development program that provides cash transfers to families conditioned on their participation in health and education services.(20, 70)
Prevention and Eradication of Child Labor‡	SENNIAF program that identifies children engaged in the worst forms of child labor, removes them from exploitative situations, and provides the necessary services to them.(9, 20, 54)
Prevention and Attention of Child Victims of Sexual Violence ‡	SENNIAF program that identifies children engaged in commercial sexual exploitation, removes them from exploitative situations, and provides the necessary services to them.(9, 20, 54)
National Council of Private Businesses (CoNEP) Corporate Social Responsibility Program*	Joint effort created by MITRADEL and CoNEP. Involves a partnership with businesses across Panama to sign the Voluntary Agreement of Corporate Social Responsibility to prevent and eradicate child labor.(36, 72) During the reporting period, the number of participating businesses increased to 250, from 105 in 2012.(54)
Public Policy and Strategies to Prevent and Eradicate Child Labor Certificate Program*	Certificate program created in partnership with the Government of Panama, Telefonica Movistar, and the University of the Americas to train government employees in the MITRADEL, the Judicial Secretariat, the Labor Inspectorate, and CETIPPAT on the child labor issue.(54, 73, 74) During 2013, the program developed a protocol to organize services within MITRADEL and CETIPPAT in regards to child labor.(54)
Building Effective Policies Against Child Labor in Ecuador and Panama	USDOL-funded, \$3.5 million, 4-year project implemented by ILO-IPEC to strengthen policy and enforcement of child labor laws and occupational safety in Panama.(75, 76)
EducaFuturo	USDOL-funded, \$6.5 million, 4-year project implemented by Partners of the Americas to combat the worst forms of child labor among the most vulnerable populations, including Afro-descendants and migrant and indigenous children, by providing them with educational and livelihood services in Panama. The project targets approximately 1,800 children, 500 youth, and 600 households.(75, 76)
Global Action Program on Child Labor Issues Project	USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016, established by the Hague Global Child Labor Conference in 2010. Aims to strengthen legal protections and social service delivery for child domestic workers in Panama.(77)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Panama.

In 2013, the Government of Panama published the results of the 2012 Survey on Child Labor.(1, 2) The Government continues to implement social programs to combat poverty among the most vulnerable and to increase the access of children and families to basic and vocational education.(2)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Panama (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Establish regulations that identify the types of agricultural activities that children between the ages of 12 to 15 can undertake as light work to ensure they are not exposed to hazardous labor.	2009 – 2013
	Ensure that only minors age 16 and older who have received adequate, specific instruction or vocational training are permitted to perform hazardous work.	2013
	Clarify which penalties apply under the Penal or Labor Code for violations of hazardous child labor provisions under Executive Decree No. 19.	2011 – 2013
Enforcement	Revise Ministry of Public Security assignment policies to address turnover in personnel so that CONAPREDES has permanently trained staff.	2011 – 2013
Social Programs	Assess whether the conditional cash transfer program, Network of Opportunities, has an impact on child labor.	2012 – 2013

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