

Panama - United States Department of State

PANAMA: Tier 2

The Government of Panama does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Panama remained on Tier 2. These efforts included convicting more traffickers, granting work permits for foreign trafficking victims, and identifying more potential trafficking victims. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer traffickers, did not fund the establishment of a planned trafficking-specific shelter, and did not amend the anti-trafficking law to make it consistent with international law.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute alleged traffickers, including those involved in child sex tourism. • Amend the anti-trafficking law to include force, fraud, or coercion as essential elements of the crime rather than aggravating factors. • Remove the requirement of movement from the statutory definition of trafficking in persons under the criminal code. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Allocate dedicated funding for specialized victim services, including through the special fund for trafficking victims and funding for civil society organizations. • Establish and fund the specialized trafficking shelter. • Inform foreign victims of their rights as trafficking victims, including access to the temporary residency permit and services, and process corresponding requests in a timely manner. • Develop and disseminate a procedural manual to guide prosecutors and judges in trafficking cases. • Train law enforcement and prosecutors to investigate and prosecute traffickers using the trafficking offense rather than a lesser offense. • Increase training for government officials in victim identification and referral, including proactive screening of vulnerable populations such as migrants and individuals in commercial sex. • Consistently inform victims of their right to apply for restitution from the courts and access to a lawyer to assist them. • Use existing laws and regulations to revoke the licenses of fraudulent recruiters.

PROSECUTION

The government maintained prosecution efforts. Article 456 of the penal code did not criminalize all forms of sex trafficking and labor trafficking because it required movement to constitute a trafficking offense. It prescribed penalties of 15 to 20 years' imprisonment for trafficking offenses involving an adult victim and 20 to 30 years' imprisonment for those involving a child victim or other aggravating circumstances; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as

rape. Inconsistent with international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The government charged some child sex traffickers with non-trafficking offenses, which carried lighter sentences. Article 180 criminalized “the prostitution of minors” with penalties of four to six years’ imprisonment and a fine of 5,200 balboas (\$5,200). Article 186 criminalized purchasing commercial sex acts from a child and prescribed penalties of five to eight years’ imprisonment.

Authorities initiated five trafficking investigations (four for sex trafficking and one for labor trafficking) involving 12 suspects, compared with 32 trafficking investigations (25 for sex trafficking and seven for forced labor) involving 19 suspects in 2018, 18 trafficking investigations involving 17 suspects in 2017, and seven sex trafficking investigations involving 13 suspects in 2016. Officials reported six ongoing investigations from previous reporting periods. The government prosecuted 10 suspects for trafficking (six for sex trafficking and four for labor trafficking), compared with 12 in 2018 and 24 in 2017. Panama transitioned from the inquisitorial to adversarial system in 2016, which prosecutors report resulted in a higher than average number of cases brought to prosecution in 2017 due to backlogs. Seven accused traffickers awaited trial in prosecutions initiated prior to 2019. Authorities convicted 13 traffickers, all for sex trafficking, during the reporting period, compared with eight traffickers—seven sex traffickers and one labor trafficker—in 2018 and seven traffickers in 2017. These convictions stemmed from crimes committed in 2015, 2016, and 2017. The government sentenced traffickers to four to 25 years’ imprisonment, compared with four to 17 years’ imprisonment in 2018 and 10 to 15 years’ imprisonment in 2017. In one case, the courts absolved one of two accused traffickers but subsequently convicted on appeal, sentencing him to 15 years’ imprisonment. Observers reported that a lack of procedural guidelines for judges and prosecutors occasionally hindered successful convictions. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Government officials received training to discourage and prevent complicity in trafficking.

The government reported cooperating with multiple countries’ law enforcement on trafficking issues, including investigation and prosecution. Panamanian law enforcement collaborated with U.S. officials to arrest, prosecute, and convict a U.S. citizen sex trafficker who moved an underage Cambodian victim through Panama en route to the United States; officials in Panama identified the victim after a sailor reported trafficking indicators during the trafficker’s attempts to book passage for the victim on a Panamanian vessel. Panama and Colombia implemented collaborative measures under a memorandum of understanding, which included police cooperation and judicial information sharing. The government expanded training for law enforcement, including providing specialized training in trafficking investigations to National Police officers, and worked with the attorney general’s organized crime office to investigate cases. However, it did not reopen a dedicated anti-trafficking unit closed in a previous reporting period. The government funded and provided anti-trafficking training on victim care and case referral to the national police, and it used mock trials to familiarize prosecutors, police officers, judges, and magistrates with trafficking procedures. Other trainings targeted the national border service at the northern and southern borders. International partners provided access to online training modules and a trafficking expert for specialized trainings.

PROTECTION

The government slightly increased protection efforts. The government identified 61 potential trafficking victims—33 sex trafficking, 26 labor trafficking, and two exploited in other forms of trafficking—compared with 46 potential trafficking victims in 2018 and 59 trafficking victims in 2017. Officials referred all victims to the Technical Unit for Attention and Protection of Victims and Witnesses (UPAVIT), which provided legal and other assistance to victims and physical protection to victims, witnesses, and experts. The government had guidelines for victim identification and protection, which outlined the formal procedures, internal guidelines, and training materials used by referring officials and UPAVIT. The National Anti-trafficking Commission produced an identification form to assist officials who encountered potential victims; observers noted the form's distribution was incomplete, leaving some potential victims vulnerable to misidentification. UPAVIT provided 52 of the 61 identified victims services, and a number of victims identified in previous reporting periods continued to receive services. The government trained representatives from the women's institute, the public ministry, clinics, the victim identification unit, and the private sector in early victim identification and referral. Government officials reported police officers identified several trafficking victims in the course of routine duty, including a transgender woman who approached officers after escaping her traffickers. In another instance, a National Police officer inquired about bruising on a woman's arm and noted trafficking indicators in her response.

The government maintained the Special Fund for Victims of Trafficking in Persons mandated by the anti-trafficking law and established an office to manage trafficking funds, but there was no budget allocation specific to the anti-trafficking commission or victim services. As a result, agencies drew from their general budgets to fund the anti-trafficking commission and the provision of food, shelter in hotels, transportation, and psychological and legal services for potential victims. In 2019, UPAVIT reported \$54,540 in expenditures for services to trafficking victims. The government reported drafting an operating budget for a shelter to serve trafficking victims; the government discussed establishing a shelter in 2017 but did not secure funding or begin construction. As a result, authorities continued to place victims in hotels, from which they were free to leave, and covered the cost of the hotel rooms or allowed victims to return to their country of origin. Many victims chose to return to their home countries or reside with family and friends rather than stay in hotels, potentially inhibiting victim-witness support in pending trafficking cases.

Foreign national victims were eligible for short-term humanitarian visas and temporary residency permits extendable up to six years. In May 2019, the government issued an executive decree allowing trafficking victims to apply for work permits. The anti-trafficking commission provided legal assistance to victims seeking no-cost residency or work permits. During the reporting period, 20 victims received humanitarian visas, 13 received residency permits, and nine received work permits. The government helped to repatriate victims from Colombia and Costa Rica, as well as one Panamanian exploited in trafficking abroad. The government made available specialized interview rooms to allow victims to provide testimony privately in order to minimize the risk of re-traumatization during the judicial process, but it did not report using the rooms. The government seized assets derived from human trafficking activities and allocated the proceeds to services for trafficking victims. The law allowed victims to request restitution through a complaint or civil suit; lawyers from the anti-trafficking commission were available to assist victims seeking restitution. Two victims filed for restitution in 2019.

PREVENTION

The government maintained prevention efforts. The anti-trafficking commission continued implementing its 2017-2022 national anti-trafficking action plan through a yearly operation plan. The government carried out awareness campaigns outlined in the action plan with the assistance of international organizations. The anti-trafficking commission chronicled the government's anti-trafficking efforts during the reporting period and worked with an international organization to prepare a report for publication. During the reporting period, the Ministry of Security established an anti-trafficking office to support prevention measures and coordinate anti-trafficking efforts. Panama chaired a regional coalition against human trafficking and migrant smuggling, which worked to establish regional prevention and communication strategies, among other initiatives. The government distributed flyers in two rural towns and high-traffic areas of the capital city. The government operated several hotlines, including a national police hotline to receive tips and a 311 number for the public to report possible cases or request inspections of businesses, but it did not report the number of calls received related to trafficking. National laws and regulations provided the authority to revoke the licenses of fraudulent recruiters and recruitment fees, but the government did not report enforcing them. Labor inspectors received training to identify trafficking indicators during routine inspections, and the Ministry of Labor distributed flyers to inform workers of their rights. The government did not make efforts to reduce the demand for commercial sex acts. The Panamanian Commission against Sexual Exploitation Crimes (CONAPREDES) continued its campaign against the sexual exploitation of minors—including child sex trafficking—through 49 awareness workshops on identifying and referring potential victims for students, parents, teachers, and other professionals. The Ministry of Education funneled prevention resources to at-risk areas outside the capital based on the recommendations of trained “liaisons.” CONAPREDES provided training for hotel and tourism staff and shared best practices for the tourism industry both in Panama City, as well as in more remote locations.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Panama, and to a lesser extent, traffickers exploit victims from Panama abroad. Traffickers exploit children in forced labor, particularly domestic servitude and sex trafficking in Panama. Most identified trafficking victims are foreign adults exploited in sex trafficking, especially women from South and Central America. However, traffickers also exploit Panamanians in sex trafficking in Panama, the Caribbean, and Central and South America. Traffickers exploit transgender individuals in sex trafficking due in part to increased vulnerability because of discrimination and high demand for commercial sex acts from this population. Venezuelan and Nicaraguan migrants were increasingly at risk for both sex and labor trafficking. Traffickers exploit some men and women from Central America who transit Panama en route to the Caribbean or Europe in sex trafficking or forced labor in their destination countries. Traffickers exploit indigenous females in forced labor in rural, impoverished border areas of the country. Traffickers exploit Central and South American, Chinese, and Vietnamese men in forced labor in construction, agriculture, mining, restaurants, door-to-door peddling, and other sectors using debt bondage, false promises, exploitation of migratory status, restrictions on movement, and other means. Traffickers have forced victims to consume illegal drugs as a coercive measure. Men

from the United States have been investigated as child sex tourists in Panama. Government officials have been investigated and arrested for alleged involvement in trafficking.