



Panama

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Panama, a constitutional democracy with an elected executive composed of a president and two vice presidents, has a population of approximately three million. In 2004 national elections, which were considered by international and domestic observers to be generally free and fair, voters elected as president Martin Torrijos of the Democratic Revolutionary Party. The civilian authorities generally maintained effective control of the security forces.

Although the government generally respected the human rights of its citizens, there continued to be serious problems in several areas. The most significant human rights problems included harsh prison conditions, with reports of abuse by prison guards; prolonged pretrial detention; corruption, ineffectiveness, and political manipulation of the judicial system; political pressure on the media; citizenship determination; discrimination and violence against women; trafficking in persons; discrimination against indigenous communities; and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

At year's end the courts were reviewing cases regarding certain crimes committed during the 1968-89 military dictatorship; the government reported that it was committed to addressing each case on an individual basis. At year's end the Inter-American Commission on Human Rights (IACHR) had not formally admitted these cases to its docket. The Office of Truth Commission Continuation continued its request to the Public Ministry to open or reopen 16 other cases and to pursue 17 other cases of killings during the 1968-89 military dictatorship.

b. Disappearance

There were no reports of politically motivated disappearances. In September the Supreme Court of Justice ruled that the statute of limitations barred further prosecution of four of the 33 cases of persons who disappeared during the 1968-89 military dictatorship. There were no further developments regarding a number of cases for which the Office of the Truth Commission Continuation's had requested an investigation by the Office of the Attorney General. At year's end the attorney general awaited a decision from the Supreme Court of Justice to send the cases to trial or dismiss them based on the statute of limitations.

There were no new developments, and none were expected, regarding the identification of between 16 and 20 human bodies found in 2004 buried in the former penal island of Coiba. The Office of the Truth Commission Continuation and the Public Ministry continued to lack funds to conduct DNA tests to identify the remains, and the area continued to be unguarded by authorities. Due to bureaucratic delays, the Public Ministry had not disbursed assigned funds to support excavations and investigations regarding the 1971 disappearance of Colombian-born Catholic priest Hector Gallego.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits treatment or punishment that harms the physical, mental, or moral integrity of persons.

Prison guards sometimes physically abused inmates. Through October the Panamanian National Police (PNP) Office of Professional Responsibility (DRPO) had investigated 23 cases of prison guard abuse against inmates. The ombudsman received 17 complaints of abuse against PNP guards.

Prison and Detention Center Conditions

Prison conditions remained harsh and, in some cases, life-threatening. Many problems within the prisons stemmed from overcrowding and lack of separation of inmates according to the type or severity of the crime committed. As of October the prison system, which had an official capacity of 7,126 persons, held 11,445 prisoners. Most prisons remained dilapidated and overcrowded. Despite the ombudsman's 2004 recommendation that the government begin closing La Chorrera Prison due to overcrowding and very unsanitary conditions, it remained open with 471 inmates. Abuse by prison guards, mainly from PNP custodians, was a problem. DRPO investigations resulted in administrative sanctions against 3,043 agents, including 701 for failing to follow orders, and 193 for unauthorized absences. As of August the Public Ministry had opened cases against 26 officers for corruption, abuse of authority, violence, and other offences.

Prison authorities provided inadequate medical care. HIV/AIDS, tuberculosis, hepatitis B, and other communicable diseases were common among the prison population. Through August approximately 13 inmates had died at the La Joya and Joyita complex due to various causes including AIDS, heart attacks, strokes, pneumonia, and kidney diseases. During the year only 12 physicians served the prison system; they provided medical attention during limited morning hours. In a June survey, the nongovernmental organization (NGO) Justicia y Paz, a Catholic Church human rights monitoring group, reported that prisoners in Tinajitas and El Renacer prisons complained that authorities did not provide mental health services.

Prisoners in the La Joya and La Joyita prison complex had access to potable water only between 6 a.m and 6 p.m. daily. The national water authority IDAAN reported that this problem was due to the lack of maintenance of the water plant at the prison complex.

On January 6, six individuals wearing hoods entered the Basilio Lakas youth detention facility in Colon and fatally shot 17-year-old inmate Omar Frutos and wounded 15-year-old inmate Elicer Cuevas. The authorities reported that ineffective prison security permitted the perpetrators to enter the facility. On January 9, the authorities captured Oscar Sugotes and Franklin Francis, along with four other persons allegedly involved in the prison break in. At year's end all six persons were in custody awaiting trial.

There was no information available regarding the number of civilian correction officers whom the General Penitentiary Inspection Directorate (DGSP) discharged for corruption.

The DGSP depended on 918 PNP officers to supply both internal and perimeter security at all prisons. There were 673 custodians for the entire prison system. As in previous years the DGSP continued to use regular PNP officers, who sometimes lacked training for prison duty, to fill staffing gaps. In prisons controlled by the PNP, prisoners complained of human rights violations, such as limited time outside of cells and limited access to family visits. Civilian custodians are responsible for inmates within Nueva Esperanza, Tinajitas, El Renacer, and the central women's prisons in Panama and Chiriqui provinces. The women's prisons used only female guards. The DGSP does not have authority to discipline prison guards with criminal or civil sanctions but submitted complaints against PNP custodians to the PNP. Only the PNP disciplinary board has authority to sanction a PNP agent or a custodian.

Small jails attached to local police stations around the country sometimes held prisoners for the entire length of their sentences, but police officers who guarded them lacked the necessary custodial training to prevent abuses.

Even though conditions at women's prisons and at juvenile detention centers were noticeably better than at adult male prisons, female prisoners, especially in primary detention areas, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene. There were no reports of sexual or other violence in women's prisons. These prisons were administered by female directors, custodians, and secretaries.

With the exception of one modern facility near Panama City, juvenile pretrial and custodial detention centers throughout the country suffered from inadequate resources to provide for education or supervision. By June 7, approximately 104 inmates who had not been convicted remained in prison. Pretrial detainees often shared cells with convicted prisoners due to lack of space.

In April an independent human rights group reported that although prison authorities had issued it entrance permission, prison officials denied the group access to the Centro Femenino Cecilia Orillac de Chiari female prison. The corrections directorate with the Ministry of Government and Justice allowed the group access to other prisons. The ombudsman's office had an established prison visit program, and the government generally allowed ombudsman staff to speak with prisoners without monitoring. Prisoners expressed fear of retaliation if they complained. Justicia y Paz brought prison abuses to the attention of the authorities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The law

permits exceptions when an officer apprehends a person during the commission of a crime, or when an individual interferes with an officer's actions. The law provides that suspects be brought promptly before a judge; however, lack of prompt arraignment continued to be a problem. The law requires arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. There is a functioning bail system, and detainees were allowed prompt access to family members. During the year the police arrested and detained 2,728 children for minor infractions during neighborhood sweeps.

Role of the Police and Security Apparatus

The PNP and the Judicial Technical Police (PTJ) are the only police agencies in the country. Although its primary mission is law enforcement, the PNP was also detailed for prison and border security. The country has no army. The PNP is under the civilian authority of the Ministry of Government and Justice. There were approximately 15,000 police officers. The PTJ, a semiautonomous body with leadership appointed by the Supreme Court of Justice, is a separate branch of law enforcement and performs criminal investigations in support of public prosecutors. The law includes specific guidelines for the use of force, including deadly force; requires that police officers respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhuman or degrading behavior.

Corruption among police officers remained a problem. In July media reported that inmates paid prison authorities to remodel their cells and to bring into the prison televisions, fax machines, microwave ovens, and other electronic devices. The Ministry of Government and Justice dismissed corrections officers and prison directors allegedly involved in these incidents. Although PNP and PTJ directors sometimes enforced disciplinary measures against officers with proven involvement in illicit activities, in general both organizations took corrective actions only in reaction to cases of egregious abuses.

The PTJ and the PNP had offices of professional responsibility to hold officers accountable for their actions; both offices had staffs of independent investigators, administrative authority to open internal investigations, and a defined legal process. During the year the PNP appointed three additional investigators to its internal affairs staff.

The PNP's deputy director and its secretary general addressed human rights problems that arose in the police force. Through October the human rights ombudsman received 30 complaints against police officials for abuse of authority. The PTJ also recorded a number of complaints regarding police abuse of authority. In December the Ministry of Government and Justice conducted a two-day national seminar on human rights to address human rights topics with approximately 30 leaders from various governmental security institutions, including the National Police and penitentiary system.

As of August the DRPO had received 776 complaints against police, including 95 cases of abuse of office or unprofessional behavior, 117 cases of corruption, and 93 cases of physical mistreatment. Through August the DRPO dismissed 109 officers.

The PTJ received complaints from the public, and officers could make anonymous complaints of corruption and other problems. By year's end the PTJ Office of Professional Responsibility had opened 250 new cases concerning corruption and other violations. It dismissed 61 agents for various violations, including corruption and abandonment of duties.

Arrest and Detention

The law provides for judicial review of the legality of detention, mandates the immediate release of any person detained or arrested illegally, and prohibits police from detaining suspects for more than 24 hours without bringing them before a judge. In May the government implemented a new law that extended detention from 24 to 72 hours for minors. The preliminary investigation phase may last from eight days to two months and the follow-up investigation phase another two to four months, depending on the number of suspects. The courts and the Public Ministry frequently granted extensions of time limits, leaving an accused in detention for long periods without formal charges. Court officials and other observers criticized judges and prosecutors for excessive use of this measure. While the law provides for bail, in practice judges often declined to grant it. Detainees were allowed prompt access to legal counsel and family members, and the government provided indigent defendants with a lawyer.

Extended pretrial detention continued to be a serious problem, due in part to the use of a written inquisitorial system. According to government statistics, approximately 60 percent of prisoners were pretrial detainees. There was often prolonged pretrial detention, which at times exceeded the maximum sentence for the alleged crime.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial system was susceptible to corruption and outside influence, including manipulation by other branches of government. The president appoints nine Supreme Court of Justice magistrates to 10-year terms, subject to National Assembly ratification. The Supreme Court of Justice magistrates in turn appoint appellate (Superior Tribunal) judges, who appoint circuit and municipal court judges in their respective

jurisdictions. Although these judicial appointments were supposed to be made under a merit-based system, certain civil society groups maintained that political influence and undue interference by higher-level judges undermined the system.

At the local level, mayors appoint corregidores (administrative judges), who exercise jurisdiction over minor civil cases and hold wide powers to arrest and impose fines or jail sentences of up to one year. Outside of Panama City, this system had serious shortcomings. Defendants lacked adequate procedural safeguards. Corregidores usually were not attorneys, had not completed secondary education, and in some cases were corrupt. In practice appeal procedures were generally nonexistent. Affluent defendants often paid fines while poorer defendants went to jail, contributing to prison overcrowding.

Trial Procedures

The law provides that all citizens charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of the proceeding.

Trials are open to the public. The law provides for trial by jury at the defendant's election but only in cases where at least one of the charges is murder. Judges may order the presence of pretrial detainees for rendering or amplification of statements or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Although defendants have the right to be present and to consult with an attorney in a timely manner, the law permits trials without the accused being present under some circumstances. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have a right of appeal.

The law obliges the government to provide public defenders for the indigent. Many public defenders, however, were appointed late in an investigation, after the prosecutor already had evaluated the bulk of the evidence and decided to recommend trial. Public defenders' caseloads remained extremely high, averaging 370 cases per attorney per year. By year's end the public defender had hired five additional attorneys.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and the judicial code establish an independent judiciary in civil matters. Political manipulation, such as influence peddling, of the judicial system remained a problem, and bureaucratic delays hindered access to judicial and administrative remedies for human rights violations. There were problems in enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions and the government generally respected these prohibitions; however, there were complaints that in some cases law enforcement authorities failed to follow legal requirements and conducted unauthorized searches.

In an effort to prevent unauthorized searches, the Public Ministry maintained one representative to approve searches in each PTJ division. The representative approved several searches during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press. In practice individuals generally enjoyed freedom of expression, although there were some attempts to impede it.

The independent media were active and expressed a variety of views without restriction. The government owned one educational television station and one radio station. The law prohibits newspapers from holding radio and television concessions and vice versa. International media operated freely in the country.

Journalists and press freedom advocacy organizations reported that the government engaged in substantial manipulation of the free flow of information. Journalists alleged that the government purchased advertising space to reward news organizations for publishing favorable stories and withdrew advertising funding from news organizations engaged in unfavorable coverage. Legal actions were pending against many journalists. The IACHR, the Inter-American Press

Association, Reporters Without Borders, and other groups criticized these measures as efforts to censor the press.

In May the National Assembly passed penal code amendments that establish fines or arrest for journalists whom a court determines have violated the privacy of public office holders; recognize criminal libel against journalists; and permit the government to prosecute journalists for publishing classified information with the penalty of imprisonment. NGOs asserted that these amendments threatened freedom of speech and press.

During the year the ombudsman filled the delegate position responsible for freedom of expression and access to information. Journalists characterized the staffing of this position as an important advance for press freedom. At year's end no progress had been made in 15 libel cases pending against journalists since 2005. There were no new developments, and none were expected, regarding Supreme Court Justice Winston Spadafora's civil damage lawsuit against *El Panama America* journalists for defamation of character in relation to their reporting of his use of public funds to construct a road near his home.

Internet Freedom

There were no government restrictions on access to the Internet and no reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for the right of freedom of assembly and association and the government generally respected it in practice.

On August 16, hundreds of SUNTRACS unionists and members of the civil society group National Federation of Economic and Social Rights marched in Panama City to protest the August 14 fatal shooting by three Odebrecht construction company workers of a SUNTRACS member in Chilibre along the Panama-Colon highway, and the August 15 fatal shooting of another SUNTRACS member allegedly by a PNP officer at a protest on Isla San Miguel. The killings arose out of August 14 violent demonstrations by SUNTRACS against Odebrecht workers who joined the rival SITICOOP union. At year's end the three Odebrecht workers and the PNP officer were in custody awaiting trial.

c. Freedom of Religion

The law provides for freedom of religion provided that "Christian morality and public order" are respected, and the government generally respected this right in practice.

The law prohibits clerics from holding public office, except as related to social assistance, education, or scientific research. Roman Catholicism enjoyed certain state-sanctioned advantages over other faiths, including the teaching of Catholic theology in public schools. Parents had the right to exempt their children from religious instruction.

In contrast with previous years, the government permitted Rastafarians to wear dreadlocks and hats in public educational facilities and workplaces. In cases where public schools or workplaces sought to prohibit Rastafarians from wearing these articles, the Rastafarian person could obtain a letter from the Ministry of Social Development (MIDES) and support from the ombudsman to rectify the problem.

Societal Abuses and Discrimination

There were no reports of societal abuses, discrimination, or anti-Semitic acts. There was a Jewish population of approximately 10,000 persons.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to

internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. A 9:00 p.m. curfew directed at unaccompanied minors in Panama City and San Miguelito remained in effect. The government restricted the freedom of movement of Colombian nationals living in the country under temporary protected status.

The law prohibits forced exile, and there were no reports of its use.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided limited protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, but there was no accurate data available on the number of refoulement cases. At the Colombian and Costa Rican borders, the government's National Office for the Attention of Refugees (ONPAR) had a limited presence, and border officials at times did not have a clear understanding of their responsibilities when dealing with persons seeking asylum or refugee status. There were no firm statistics on the number of persons who approached the government during the year to seek refugee status. At year's end the government had granted refugee status to 45 persons. It was reported that 977 persons were living in the country as refugees, including the 45 persons who had been granted refugee status during the year. The 47 persons from the indigenous Wounaan community in Colombia, who obtained refugee status in 2006, remained in the country. The UNHCR noted that there was no legal framework in place to grant residency to refugees. Although approximately half of the refugees had arrived in the country more than 15 years ago, the government still had not granted them residency status. Refugees faced difficulties working in the formal sector due to lengthy bureaucratic processes to obtain work permits.

A 1998 decree grants protection to all persons entering the country due to "state persecution based on race, gender, religion, nationality, social group, or political opinion." The decree grants two months' temporary humanitarian protection to "displaced persons" in the case of a large influx. In practice the government did not enforce the two-month time limit. The 1998 decree provides for a meeting by the government's refugee commission every three months to determine the status of persons seeking refugee status. The commission met three times during the year and accepted 22 cases.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. This included the continued temporary humanitarian protection of approximately 542 displaced Afro-Colombians along with their approximately 359 dependents, some of whom were Panamanian citizens. Among these dependents were children born in Panama as a result of marriages between the displaced Colombians and Panamanian citizens. ONPAR reported that during the year, all of these children had access to basic educational and health benefits accorded to citizens. Due to geographic isolation, lack of awareness of the need to register births, and restrictive administrative practices by some government officials, however, parents often had difficulties in obtaining birth certificates for these children, which restricted the children's freedom of movement and access to higher education. The government did not permit displaced Colombians to move or work outside of their assigned villages.

Although it was reluctant to classify displaced Colombians as refugees, the government took some steps with the government of Colombia and UNHCR to regularize their status under other immigration categories. Some of these persons had lived in the country for years without formal refugee status. Many of them informed the government and UNHCR that they did not want to return to Colombia due to family and cultural ties with the local communities in Panama.

The UNHCR classified as "persons of concern" an estimated 12,000 persons living in the country who were believed to need international protection. These included persons for whom the government had denied refugee status and persons in the country who did not apply for refugee status due to lack of knowledge or fear of deportation. Among these persons were 88 Embera indigenous community members who left Colombia in 2005, but for whom the Panamanian government had not provided documentation or accorded legal status. The government restricted their movement, and they remained at risk of refoulement.

UNHCR had a permanent office for the country and was generally granted access to refugees and UNHCR project sites.

Stateless Persons

Citizenship is derived by birth within the country's territory, and the law provides that birth registration is universal. There were credible reports that approximately 108 children born in the country to the 542 displaced Colombians granted temporary protected status did not have birth certificates and therefore were de facto stateless. There were no other available figures on the number of stateless persons during the year. In remote areas some parents for economic or other reasons did not register their children at birth with the Office of Civil Registry of the Electoral Tribunal, the government agency responsible for birth registrations. There were reports that some persons who had not been registered at birth experienced difficulties with government authorities when later seeking to obtain a birth certificate. Persons without a birth registration certificate often had problems voting or accessing government services beyond basic education and healthcare.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. The law provides for direct popular election every five years by secret ballot of the president, the vice president, legislators, and local representatives. Naturalized citizens may not hold certain categories of elective office.

Elections and Political Participation

Democratic Revolutionary Party candidate Martin Torrijos won the presidency in 2004 national elections characterized by domestic and international observers as generally free and fair.

The law requires new political parties to meet strict membership and organizational standards to gain official recognition and participate in national campaigns. The law also requires political parties to be structured democratically, permits independents to campaign for the National Assembly, provides for the autonomy of the Electoral Tribunal, and limits the immunity of representatives in the National Assembly by permitting the Supreme Court of Justice to prosecute criminal cases against representatives.

Women held 11 of 78 seats in the legislature. There were three women in the 13-member cabinet, and one female judge on the Supreme Court of Justice. The attorney general was a woman.

There were five seats in the 78-seat legislature designated to represent the country's recognized indigenous regions. In general deputies in the legislature, cabinet members, or members of the Supreme Court of Justice did not identify themselves as members of ethnic or racial minorities.

Government Corruption and Transparency

The World Bank's worldwide governance indicators reflected that corruption was a problem. Weak administration and accountability among the branches of government and in rural areas, and lack of transparency in the banking sector facilitated corruption.

During the year the attorney general and the comptroller general implemented broad institutional reforms to improve their capacity to prosecute corruption through a multidisciplinary anticorruption task force. There was no information available regarding whether public officials were subject to financial disclosure laws.

The transparency law provides public access to information from and about public entities, with the exception of cabinet meeting minutes. When requests were denied, the reasons for the denial were given. Requesters can appeal access decisions to the Supreme Court of Justice.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The Office of the Human Rights Ombudsman had moral but no legal authority. In June the National Assembly elected Ricardo Vargas as the new ombudsman. Between January and September the office received 1,302 complaints, 164 of which were employment-related. The ombudsman enjoyed the government's cooperation and operated without government or party interference. The office had adequate resources and was considered to be effective. It issued reports with recommendations on environmental contamination and prison conditions on which the government took action. It enjoyed a fairly high level of public confidence.

Section 5 Discrimination, Societal Abuse, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, but there were allegations that these prohibitions were not always effectively enforced.

Women

The law criminalizes rape and spousal rape with prison terms of one to five years. The law provides that in cases in which the perpetrator marries a victim who is at least age 14, the rape charge can be reduced to the charges of violence and

intimidation. The majority of sexual crimes investigated by the PTJ were cases of rape; however statistics on prosecutions and convictions were not available. The PTJ reported that it investigated every case relating to rape and domestic violence it received during the year.

The law criminalizes domestic abuse and family violence and provides prison terms of one to five years. Domestic violence against women continued to be a serious problem. There were few convictions for domestic violence, except that abusers were commonly convicted of unintentional killing in cases of abuse leading to spousal death. Between January and August the PTJ registered 2,383 cases of domestic violence. During the year the PTJ registered 843 cases of rape, and 17 cases of sexual harassment. Media reported a high incidence of spousal killings, including suicides by one spouse after killing their marital partner.

A civil society coalition--the Alliance of Women Movement of Panama, the Foundation for the Promotion of Women, and the Center of Colon Women--along with other women's advocacy groups and government agencies, operated programs to assist victims of abuse and to educate women on their legal rights. The Alliance of Women Movement of Panama disseminated publicly reports on domestic violence. The Ministry of Social Development National Directorate of Women, the government agency responsible for promoting the rights of women, campaigned throughout the country to highlight the media's role in reporting domestic violence.

The government operated one shelter in Panama Province for victims of domestic abuse and their children. At times this facility also sheltered trafficking victims. The shelter offered social, psychological, and legal services. Between January and August it provided accommodation and social services to approximately 44 women.

The National Directorate of Women reported that in relation to previous years, there appeared to be an increase in killings of women for gender-based motives. In September the Alliance of Women Movement of Panama held a press conference during which it criticized the PNP and the Public Ministry for not taking effective action to address such killings.

Although prostitution is legal and regulated, with prostitutes required to register and carry identification cards, the majority of prostitutes were not registered. There was no accurate information available regarding the number of persons practicing prostitution in the country. Trafficking in women was a problem.

The law prohibits sexual harassment in cases of established employer/employee relations in the private sector and in teacher/student relations; violators can receive one- to three-year prison sentences. The extent of the problem was difficult to determine because convictions for sexual harassment were rare, and pre-employment sexual harassment was not actionable. Due to the small number of cases brought before the courts, effectiveness of law enforcement could not be determined.

The law prohibits discrimination on the basis of gender, and officially women enjoy the same rights as men, including rights under family law, property law, and the judicial penal system. Although the law recognizes joint or common property in marriages, the government did not allocate sufficient resources to enforce the law effectively. In its 2007 report, the International Labor Organization (ILO) Committee of Experts requested that the government consider measures to ensure that women on temporary contracts were not placed in work situations where they were vulnerable to pregnancy discrimination.

The law mandates equal pay for men and women in equivalent jobs, but in practice women on the average received wages that were 30 to 40 percent lower than those received by men. Women constituted the majority of workers in many service sector jobs, but a March household survey conducted by the Office of the Controller General found that they held only 41 percent of private-sector executive or management positions. There were some reports of irregular hiring practices based upon age and appearance, including that most employers required job seekers to submit photos of themselves in applications.

The Ministry of Social Development, through the National Directorate of Women, promoted equality of women in the workplace and equal pay for equal work, attempted to reduce sexual harassment, and advocated legal reforms. On May 5, the directorate held a meeting with the Ministry of Labor and Labor Development (MITRADEL), during which the ministry established a commission on gender and work.

Children

The government was committed to children's rights and welfare.

Although the law provides that citizenship is derived by birth within the country's territory, there were reports that some officials in border areas were reluctant to provide birth registration certificates to children (see section 2.d.).

Education is compulsory through the ninth grade, and the law establishes free public education through high school. Children did not always attend school due to traditional attitudes, financial and economic constraints, lack of transportation,

and scarcity of secondary schools. The problem was most extreme in Darien Province and among indigenous communities.

According to the 2000 census, the most recent available, 65 percent of persons between the ages of 15 and 19 had some schooling beyond the sixth grade. In the comarcas (indigenous administrative territories) of the Embera and Ngobe-Bugle, however, only approximately 18 percent of persons ages 15 to 19 had schooling beyond the sixth grade.

Schools did not differentiate in their treatment between boys and girls. School attendance figures were identical for boys and girls through elementary school. Beginning at the junior high level, more girls attended schools than boys (130,067 versus 126,157).

The government furnished basic health care for boys and girls on an equal basis through local clinics run by the Ministry of Health, but clinics were difficult to reach from rural areas and often lacked medicine. Malnutrition and inadequate medical care were generalized problems and were most severe among rural indigenous communities. A central children's hospital in Panama City and a children's hospital in Chiriqui Province operated with government funds and some private donations.

Through August the PTJ registered 718 cases of child abuse and neglect. Sexual abuse, including incest, accounted for 155 of these cases. Lack of reporting remained a problem, often because of parental involvement or complicity. Sexual abuse of children was reported in both urban and rural areas, as well as within indigenous communities.

The Ministry of Social Development (MIDES) received complaints regarding physical abuse of children. The ministry maintained a free phone line attended by psychologists, a lawyer, and social workers for children and adults to report abuses and continued implementing a television and newspaper campaign encouraging people to use it. Between January and September the phone line received 76,679 calls. A total of 22,153 calls requested information. There were 18 requests for assistance and 42 complaints. Victims were directed to police authorities, hospitals, and protection centers.

MIDES provided funding to 37 children's shelters operated by NGOs in seven provinces. Between January and August these shelters housed 1,816 children. MIDES also implemented a program that used pamphlets for schools to sensitize teachers, children, and parents about maltreatment and sexual abuse of children.

Due to inadequate government training, family courts continued to render controversial decisions, including the return of children to abusive situations. The incidence of youth gang violence continued to rise especially in poorer neighborhoods of Colon, David, and the Panama City metropolitan area. Young adult gang leaders and some organized crime elements continued recruiting minors, with recruiters focusing on procuring youth to transport narcotics and other contraband, and killing for hire. Police continued to arrest and detain youths for minor infractions during neighborhood sweeps.

Child labor and trafficking in children were problems.

Trafficking in Persons

Although the law prohibits trafficking in persons for the purpose of sexual exploitation, there were reports that persons were trafficked to, from, and within the country. The PTJ Sex Crimes Unit reported that most victims trafficked into the country came from Colombia, the Dominican Republic, and other countries in Central America. The primary destinations for victims trafficked from the country were Jamaica and European nations. Although many Colombians came willingly to the country apparently intending to become prostitutes, anecdotal evidence suggested that some were deceived as to the actual conditions of employment, or were forced to continue as prostitutes after they sought to end their involvement. The PTJ Sex Crimes Unit reported that the vast majority of trafficking victims were women older than 18 years.

It was thought that women and children were trafficked within the country for purposes of sexual exploitation, but there were no statistics available on the magnitude of the problem.

The PTJ Sex Crimes Unit reported that the principal traffickers in the country were owners of houses of prostitution, and that most transnational trafficking occurred using valid travel documents and was conducted through official ports of entry.

The Ministry of Government and Justice is responsible for developing policies to reduce trafficking in persons. MIDES is charged with protecting victims through shelters and related services. The PTJ Sex Crimes Unit has responsibility for investigating and arresting persons involved in trafficking. The unit worked closely with the PTJ Special Section on Crimes of Sexual Exploitation and the Division of Crimes relating to Shame, Integrity, and Sexual Liberty. Approximately 40 officers specialized in sexual crimes, including 19 in the Sex Crimes Unit and four in the Special Section on Crimes of Sexual Exploitation.

The law criminalizes trafficking and pornography and proscribes the promotion of sex tourism and use of the Internet for soliciting for sexual exploitation. Persons who engage in human trafficking for purposes of sexual activity can receive five to eight years in prison, or in the case of a minor, eight to 10 years. The law permits undercover operations and the

monitoring of suspects' computers in sex crime cases. As of September the PTJ Sex Crimes Unit reported one conviction and sentencing to five years in prison for a foreign national charged in 2005 with trafficking in persons. By year's end the defendant had appealed the case and remained free on bail.

CONAPREDES, the national committee for the prevention of sexual crime, allocated additional funding for combating trafficking and for victims' assistance via member institutions. The law requires that, to raise revenue for CONAPREDE's activities, customs authorities collect \$1.00 (1.00 balboa) from each tourist leaving the country. By year's end the government still had not distributed the collected funds to CONAPREDES. The government cooperated through information sharing with international investigations of persons accused of trafficking, but there were no extraditions on trafficking grounds from the country during the year.

Through December the PTJ Sex Crimes Unit had investigated 13 cases of sexual trafficking, 22 cases of child pornography, and seven cases of procurement of persons for commercial sexual activities. The prosecutor initiated its own investigations. The government and other countries shared information, but this cooperation needed to be strengthened as did coordination among the PTJ Sex Crimes Unit, the PNP, and immigration authorities.

There were no further developments, and none were expected, in the case of a foreign national who owned a club with female dancers and was charged with procurement in May 2005, or regarding the May 2005 investigation by immigration authorities and the PTJ of a massage club where Colombian workers complained that the owner seized their passports.

In many trafficking cases, defendants alleged that the purported trafficking victim could not have been trafficked because that person entered the country as a visitor and then applied for an alternadora visa. Although commonly used to facilitate prostitution, an alternadora visa only permits foreign women in the country to work in entertainment establishments, to encourage patrons to purchase beverages, and to receive commissions for the number of drinks patrons purchase. The Immigration Department continued to issue alternadora visas despite opposition from MIDES and the Ministry of Government and Justice.

The law does not hold trafficking victims criminally responsible for prostitution or immigration crimes. The law provides for indemnification of victims of trafficking, even if they return to their native country, and for costs of medical and psychological treatment, temporary housing, legal fees, and emotional suffering.

The government's consular officers in Jamaica, Guatemala, and Mexico provided assistance to Panamanian trafficking victims in those countries. MIDES continued providing shelter and other services to victims of commercial sexual exploitation, using substitute families, its own shelter, and the shelter of the NGO Hogar Malambo, which it subsidized. The government shelter, which was located in a former prison, did not have adequate infrastructure to house trafficking victims.

The government worked with the ILO's International Program on the Elimination of Child Labor (IPEC) on trafficking initiatives, including through producing pamphlets on sexual exploitation and trafficking for distribution to public school educators. In March CONAPREDES held awareness-raising sessions with journalism associations in the provinces of Chiriqui, Bocas del Toro, and Panama on the media's role in communicating the problems of sexual exploitation and trafficking of minors. During the same month CONAPREDES executed in three Panama City suburbs a program of action to draw attention to trafficking victims.

Persons with Disabilities

The law prohibits discrimination based on physical or mental disability. While awareness of disability issues increased under the Torrijos administration, substantial discrimination continued against persons with disabilities in employment, education, access to health care, and other state services. Most public schools did not have adequate facilities for children with special needs. The government took some steps, including installing ramps in schools and some mainstreaming of children with disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. Although approximately 59 public schools built ramps and admitted some children with mental and physical disabilities during the year, most public schools did not have adequate facilities.

Although private schools built ramps to comply with the law mandating access, few admitted children with special needs. In May the government established a consultative committee "Let's Live without Barriers" to follow up on enforcement of laws for inclusion and access for people with disabilities. By September the ombudsman had received one complaint of violations of the rights of persons with disabilities.

Beginning May 31, the government hosted a three-day conference for the ministers of education from Latin American nations to discuss incorporating respect for the rights of persons with disabilities in national laws.

On June 28, the government passed a law making the National Secretariat for the Social Integration of Persons with Disabilities (SENADIS), the government agency responsible for protecting the rights of persons with disabilities, an

autonomous entity with its own budget. In July SENADIS signed an agreement with the ombudsman to cooperate in raising public awareness regarding the rights of persons with disabilities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities.

MITRADEL was responsible for placing workers with disabilities in suitable jobs. In November MITRADEL held a fair to facilitate employment of workers with disabilities, but of the 100 companies invited, only eight attended. Placement remained difficult due to employer reluctance to hire workers with disabilities despite a legal requirement that at least 2 percent of personnel be persons with disabilities.

The government continued operating the Family Businesses project to train 2,000 low-income families with members with disabilities to open microbusinesses, and the government disbursed financial subsidies for people with disabilities. The government continued donating rehabilitation equipment, including crutches, wheelchairs, and cerebral palsy chairs to persons with disabilities.

National/Racial/Ethnic Minorities

Minority groups generally have been integrated into mainstream society, but there remained problems with negative societal attitudes toward blacks, indigenous groups, and other ethnic communities. Generalized public prejudice, including ethnic slurs, against the country's newer immigrants was at times overt. Cultural differences, illegal immigration status, and language difficulties hindered a number of immigrant and first-generation Chinese from fully integrating into mainstream society.

At times Middle Eastern and Indian residents also were the subject of negative societal attitudes by the general public, in part due to reluctance by some members of these communities to integrate into mainstream society. These groups often owned major businesses or worked in the country's retail trade. A constitutional provision reserving retail trade for citizens of the country generally was not enforced.

At least 14 percent of the population identified themselves as black. The black community was underrepresented in the highest positions of political and economic power. Many blacks remained clustered in economically depressed areas of Colon and Panama City. Societal prejudices toward blacks were generally subtle. Although the law specifically prohibits discrimination involving entry to public or commercial establishments, such as restaurants, and sets fines from \$250 to \$1,000 (250 to 1,000 balboas) for violations, there were reports that some commercial establishments continued openly to operate a "right of admission" policy, discriminating against darker-skinned individuals or those of lower social status. Cases of discrimination were difficult to prove, with complicated, time-consuming, and costly legal remedies for victims.

There were reports of racial discrimination against various ethnic groups in the workplace. In general lighter-skinned persons were represented disproportionately in management positions and jobs that required dealing with the public, such as bank tellers and receptionists. Some of the country's lighter-skinned elite discriminated against citizens with darker skin through preferential hiring practices in the private sector and manipulation of government resources in the public sector. Employers often required job applicants to submit photographs with their resume, which they used to discriminate against persons based on appearance.

On May 30, President Torrijos announced the establishment of an office to attend to matters of importance to the black community. The Black Ethnic Committee, established by President Torrijos, selected candidates to staff the office, which due to lack of financial resources was not operating during the year.

Indigenous People

The law affords indigenous persons the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the government to provide bilingual literacy programs in indigenous communities. Indigenous persons, which according to the 2000 census comprised approximately 10 percent of the population, have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. There were legally designated comarcas governed by traditional community leaders for five of the country's seven indigenous groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna. The government continued to refrain from taking action to recognize comarcas for the Bri-Bri and Naso communities.

The Ministry of Government and Justice maintained an Office of Indigenous Policy. Although federal law is the ultimate authority on indigenous reserves, local groups maintained considerable autonomy. The government recognized traditional Kuna marriage rites as the equivalent of a civil ceremony. Laws protect intellectual property rights of indigenous artwork and establish regulations for artisan fairs. A 2006 ILO study, the most recent available, reported that indigenous workers had greater health problems and mortality rates, suffered from lack of educational and health services, had lower life expectancy, and experienced higher levels of malnutrition in relation to nonindigenous workers. The poverty rate among the indigenous population was estimated at between 90 and 98 percent, depending on the group.

A March 7 MIDES resolution established regional offices within the Kuna Yala, Ngobe-Bugle, and Embera-Wounaan comarcas. The government instituted these offices to promote the participation of indigenous communities in government programs with the aims of furthering social integration and poverty reduction, while respecting their cultural identity, autonomy, and indigenous rights.

By September MIDES completed a 2005 pilot program to give birth certificates to all unregistered women and children in the comarca of the Ngobe-Bugle as a means for implementing a government-funded \$35 (35 balboas) monthly cash distribution to all female heads of households. The government directed that program recipients use the supplemental funds for their children's education and healthcare. Humanitarian organizations reported that the program generally met its registration, health, and educational promotion objectives.

Because they did not have an adequate command of Spanish, many indigenous persons often misunderstood their rights and failed to employ legal channels when threatened. The government did not provide legal tribunals in indigenous areas and failed to attend to specific indigenous property and resource use rights problems. Outside settler encroachment threatened the comarca of the Ngobe-Bugle, and the Embera-Wounaan struggled to protect their intellectual property rights concerning medicinal plants. Leaders in Kuna Yala enforced the comarca's territorial boundaries and maintained the cultural integrity of their communities.

Social and employment discrimination against indigenous people was widespread. The ILO reported that employers paid indigenous workers 32 percent less than nonindigenous workers. Employers frequently did not afford indigenous workers basic rights provided by the labor laws such as minimum wage, social security benefits, termination pay, and job security. Indigenous laborers in the country's sugar, coffee, and banana plantations continued to work under worse conditions than their nonindigenous counterparts. Employers were less likely to provide quality housing or food to indigenous migrant laborers, and the children of these workers were much more likely to work long hours of heavy farm labor than nonindigenous children.

Other Societal Abuses and Discrimination

A law prohibiting homosexuality was not enforced. There was societal discrimination against homosexuals, and gay persons were often denied employment opportunities. The internal regulations of the PNP describe homosexuality as a "grave fault." There were reports that the PNP fired police officers because of the officers' sexual preferences, and that officers hid their sexual orientation due to fear of job termination. The director of the Office of Professional Responsibility of the Police defended the regulations policy on the basis that both physical and mental health was required of police officers.

The law prohibits discrimination against persons with HIV/AIDS in employment and education, but discrimination continued to be common due to ignorance of the law and of HIV/AIDS. The Ministry of Health and Social Security provided treatment for HIV/AIDS, but the government had problems maintaining stocks of retroviral medication.

Section 6 Worker Rights

a. The Right of Association

The law recognizes the right of private sector workers to form and join unions of their choice, subject to the union's registration with the government. The law prohibits public servants from forming unions or calling strikes, requires that union leaders be citizens, requires a minimum of 40 persons to form a private sector union, and permits only one union per business establishment. The law permits workers to organize under larger umbrella skill set or trade unions, so long as these have a minimum of 40 members. These umbrella unions can operate alongside employer specific unions in the same establishment.

Although the law provides that if the government does not respond to a registration application within 15 days, the union automatically gains legal recognition, unionists asserted that such automatic registration did not occur in practice. MITRADEL reported that inadequate personnel resources, case backlogs, and incomplete or inaccurate information in applications delayed the processing of new registrations within the required time frame.

The labor code prohibits employer antiunion discrimination, including protecting workers engaged in union activities from loss of employment or discriminatory transfers. However, there was no information available regarding whether employers failed to reinstate workers for union activities, or whether the government was effective in enforcing the law prohibiting employer antiunion acts.

Although they can form worker associations, the law does not permit public sector workers to form unions. The ILO Committee of Experts 2007 observations repeated its previous requests that the government reduce the minimum number of 50 public servants required to form a worker association. Between 8 and 10 percent of the private sector workforce was unionized. A July law established four leadership positions for public service worker associations. The four association leaders holding these positions are protected by legal immunity from dismissal and other employer retaliatory behavior in

relation to worker representation and organizing activities.

In January the government offered \$20 million (20 million balboas) as final compensation for 270 dismissed public-sector electricity and telecommunications workers in an effort to comply with a 2001 Inter-American Court of Human Rights ruling. The workers asserted that the government offer did not fulfill the court's compensation criteria.

The government and political parties exercised political, ideological, or financial influence over some unions.

b. The Right to Organize and Bargain Collectively

The law provides all private sector and most public sector workers with the right to organize and bargain collectively, and private worker unions exercised this right widely. The law establishes a conciliation section in MITRADEL to resolve private labor complaints and provides a procedure for mediation.

These conciliation tribunals include representatives from the government, labor, and the private sector and address cases in which the claim in dispute is no more than \$1,500 (1,500 balboas). While labor leaders favored these tribunals, some civil society groups criticized the tribunals as routes for circumventing the role of the judiciary and leaving interpretation of labor laws at the discretion of persons who might lack expertise.

On August 16, hundreds of SUNTRACS trade union members conducted marches in Panama City to protest the August 14 and 16 killings of three SUNTRACS members and the wounding of another (see section 2.b.).

Public workers had federation consisting of 21 public worker associations, but the association did not strike or negotiate collective bargaining agreements because only approximately 1 percent of government workers were protected from arbitrary dismissal as certified career employees. The law grants some public employees a limited right to strike, except for those in areas vital to public welfare and security, including police and health workers. At least 25 percent of the workforce must continue to provide minimum services in the case of administrative workers, and 50 percent of workers providing "essential public services," such as transportation, firefighting, telecommunications, and mail, must continue to provide those services. On November 6, the National Medical Commission of Negotiation (COMENAL) launched a strike for pay increase for health workers. The strike ended on December 14, with a worker pay raise following negotiations between COMENAL, the president and other government officials.

The ILO Committee of Experts expressed continued concerns that the government had not amended the law to permit strikes by federations, confederations, and public servants and to remove transport workers from strike restrictions in essential services.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 9,200 employees but does allow unions to organize and to bargain collectively on such issues as hours and safety and provides for arbitration to resolve disputes.

Employers in the retail industry commonly hired temporary workers to circumvent labor code requirements for permanent workers. In lower-skilled service jobs, employers often hired employees under three-month contracts for several years, sometimes sending such employees home for a month, and later rehiring them. Employers also circumvented the law requiring a two-week notice for discharges by dismissing some workers one week before a holiday. Due to labor laws that made it difficult to fire employees who had worked two years or more, it was common to hire workers for one year and 11 months and subsequently lay them off.

The MITRADEL Manual of Labor Rights and Obligations provides that unorganized workers can petition MITRADEL regarding labor rights violations and exercise the right to strike, but that only unions can negotiate collective bargaining agreements. However, several decisions of the Supreme Court of Justice have recognized that collective agreements negotiated between employers and unorganized workers have equivalent legal status to collective bargaining agreements. By year's end there was no information available to confirm whether employers continued to negotiate collective agreements directly with unorganized workers before a union was formed or before a union had a majority presence in the workplace.

Unions and collective bargaining are permitted in export processing zones (EPZs). There was no information regarding any response by the government to the ILO Committee of Experts 2005 request that the government confirm whether workers in EPZs have the right to strike. The law regarding EPZs does not mention arbitration or specify procedures to resolve labor disputes in the courts.

There were approximately 1,142 employees in the country's 15 EPZs and 10,090 employees in the country's 50 call centers, which operated under the law applicable to EPZs.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by adults and children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law contains provisions to prevent exploitation of children in the workplace. MITRADEL has responsibility for enforcement. According to the Chief Inspector for Child Labor during the year, 54 new hires of the Ministry of Labor received training pertaining to child labor in response to increased focus on the issue. The ministry was reasonably effective in enforcing the law regarding child labor in the formal sector. As of December the ministry had performed 465 inspections to ensure compliance with child labor regulations. Child labor in agriculture and in the informal sector of the economy, however, remained a problem.

The law prohibits the employment of children under age 14, with the exception that children age 12 and over are permitted to perform light farm work for up to six hours per day that does not interfere with their school hours. The law prohibits the employment of minors age 15 and older if the minor has not completed primary school. Child labor was a problem in some provinces and some economic sectors.

The law provides that children under age 18 cannot work more than six hours per day and cannot work at night. The law prohibits the employment of minors under the age of 18 in hazardous labor. MITRADEL enforced these provisions in response to complaints and has authority to order the termination of unauthorized employment. The government acknowledged that it was unable to enforce some child labor provisions in rural parts of the country, and due to insufficient staff it conducted only limited inspections in those areas.

Child labor violations occurred most frequently in rural areas, in subsistence and commercial agriculture, especially during the harvest of sugar cane, coffee, palm, melons, and tomatoes. Farm owners often paid according to the amount harvested, leading many laborers to bring their young children to the fields to help with the work. The problem of child labor in agricultural areas fell most heavily on indigenous families, who often migrated out of their isolated communities in search of paid work. These frequent migrations interrupted schooling.

Child domestic labor was a problem. According to the 2000 census, the most recent available, more than 6,000 children between the ages of 10 and 17 worked as domestic servants. Government enforcement of domestic labor violations was traditionally weak because the place of work was a private residence.

Many children continued laboring in the informal sector as street vendors, shoe shiners, car window washers, baggers in supermarkets, trash pickers, or beggars. A 2005 ILO survey, the most recent available, estimated that 52,000 children between the ages of five and 17 worked in the informal sector. There were no firm statistics available regarding the number of child laborers or the number of working children who did not attend school.

The government provided awareness raising and training on combating child labor for its officials and civil society. IPEC gave awareness training sessions to the National Council of Journalism to enhance reporters' sensitivity to child labor, resulting in greater media coverage of the topic. The government's Network of Opportunities program focused expressly on child labor in its evaluation study.

In April the National Commission for the Prevention and Eradication of Child Labor and the Protection of Adolescent Workers held its first meeting between the governments of Panama and Costa Rica. The meeting established joint strategies to work against child labor in indigenous communities. On June 2, the Ministry of Agriculture organized a World Day Against Child Labor conference, which was attended by participants from other government institutions and civil society.

IPEC continued executing in the comarca of the Ngobe-Bugle, in Santiago de Veraguas, and in Panama City a program to remove 750 children from exploitive rural and informal urban work and to prevent an additional 750 from involvement in these activities. With foreign government assistance, the Education Ministry and MITRADEL provided some support to local NGOs to implement four programs to reduce the number of children laboring in the commercial sugar cane, coffee, and melon production sectors, as well as in subsistence farming, with the goal of preventing the employment of approximately 3,000 children or withdrawing them from employment

e. Acceptable Conditions of Work

The law establishes minimum wage rates for specific regions and for most categories of labor. On December 11, the president and the labor minister signed a decree establishing new region and sector specific minimum wages. The minimum wage ranged from \$1.01 (1.01 balboas) to \$1.87 (1.87 balboas) per hour. The agricultural and construction sector received the lowest and highest minimum wage respectively. This wage did not provide a decent standard of living for a worker and family. Most workers formally employed in urban areas earned the minimum wage or more. Approximately 40 percent of the population, however, worked in the large informal sector and earned far below the

minimum wage. This was particularly the case in most rural areas, where unskilled laborers earned from three to six dollars (three to six balboas) per day without benefits. The government did not enforce labor laws in most rural areas.

The law establishes a standard workweek of 48 hours; provides for at least one 24-hour rest period weekly, limits the number of hours worked per week, provides for premium pay for overtime, and prohibits excessive or compulsory overtime. MITRADEL generally enforced these standards in the formal sector.

MITRADEL is responsible for setting and enforcing health and safety standards and generally did so. There was no information available regarding the number of workplace inspections undertaken by MITRADEL during the year.

Inspectors from MITRADEL and the occupational health section of the Social Security Administration conducted periodic inspections of hazardous employment sites and responded to complaints. The government, however, failed to enforce adequately health and safety standards. Construction workers and their employers were lax about conforming to basic safety measures.

The labor code requires employers to provide a safe workplace environment, including the provision of protective clothing and equipment for workers, but does not specifically recognize the right of a worker to leave a dangerous work situation without jeopardy to continued employment. In practice workers removed themselves from situations that presented an immediate health or safety hazard without jeopardizing their employment.

