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USDOS – US Department of State

Trafficking in Persons Report 2018 - Country Narratives - Panama

PANAMA: Tier 2

The Government of Panama does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Panama remained on Tier 2. The government demonstrated increasing efforts by investigating, prosecuting, and convicting more traffickers; establishing the Commission on the Identification and Protection of Victims to address victim identification and administer victim services; and developing and implementing its 2017-2022 national anti-trafficking action plan. However, the government did not meet the minimum standards in several key areas. The government did not improve victim identification efforts or provide or fund trafficking-specific shelters or services.

RECOMMENDATIONS FOR PANAMA

Significantly increase funding for specialized victim services, including by allocating funds to the dedicated victim assistance fund and civil society organizations; intensify law enforcement efforts to proactively investigate and prosecute labor trafficking crimes and trafficking of children, including cases involving Panamanian victims exploited within the country; institute standardized protocols on victim identification including proactive screening of vulnerable populations such as migrants and individuals in prostitution, referral procedures, and reporting data to the national commission; train officials—including police, border, and immigration officials—on victim identification and referral procedures, especially among populations vulnerable to trafficking; make specialized services available to male victims; fully implement the national anti-trafficking action plan; amend the anti-trafficking law to adopt a definition of human trafficking consistent with the 2000 UN TIP Protocol; and eliminate the disparity in penalties between the trafficking in persons law and other laws that criminalized sex trafficking crimes, such as commercial sexual exploitation of children.

PROSECUTION

The government increased law enforcement efforts. Article 456 of the penal code did not criminalize all forms of sex and labor trafficking because it required movement to constitute a trafficking offense. It specifically criminalized anyone who promotes, leads, organizes, finances, invites, or manages by any means of communication, mass or

individual, or in any other way facilitates the entry into or the exit from the country or the movement within the country of a person of any sex, to realize one or several acts of prostitution or submit a person to exploitation, sexual or labor servitude, slavery or activities similar to slavery, forced labor, servile marriage, mendacity, illicit extraction of organs or irregular adoption, prescribing sentences from 15 to 20 years imprisonment. These punishments were sufficiently stringent and, with respect to sex trafficking, commensurate with those 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 and labor exploitation. Panamanian officials continued to investigate and prosecute trafficking cases that did not involve the displacement of individuals as other crimes, such as commercial sexual exploitation. For example, the government charged some child sex traffickers with child sexual exploitation, which carries lighter sentences. Article 180 criminalized the prostitution of minors with penalties of four to six years imprisonment and a 5,200 balboas (\$5,200) fine. Article 186 criminalized purchasing commercial sex acts involving a child and prescribed penalties of five to eight years imprisonment.

Authorities initiated 18 trafficking investigations involving 17 suspects, compared to seven sex trafficking investigations involving 13 suspects in 2016. The government prosecuted 24 suspects under the trafficking law, compared with 13 in 2016. Authorities convicted seven traffickers—four sex traffickers and three labor traffickers—compared to two sex traffickers in 2016. The government sentenced these traffickers to 10 to 15 years imprisonment, compared to six to 18 years in 2016. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. At least 11 trafficking investigations remained ongoing from the previous reporting periods. The government continued to detain two suspected labor traffickers in a case from a previous year, pending additional evidence. Authorities investigated a sex trafficking operation run by Chinese nationals who recruited Venezuelan women and catered to Chinese-speaking purchasers in Panama.

The Panamanian National Police had 30 officers with specialized training in trafficking investigations and worked with the attorney general’s organized crime office to investigate cases. The government dismantled the sub-unit dedicated to trafficking crimes, which had been set up in 2016. Panamanian authorities cooperated with Central and South American countries on three trafficking operations, which led to three investigations and prosecutions. The government provided in-kind support to international organizations, which provided training on trafficking for officials, utilizing a train-the-trainer model that reached more than two dozen officials from eight ministries.

PROTECTION

The government decreased protection efforts. The government identified 59 trafficking victims—57 sex trafficking victims and two forced labor victims; 55 foreign victims and four Panamanians—compared to 84 suspected adult sex trafficking victims in 2016 (82 foreigners and two Panamanians). The National Commission Against Human Trafficking

established the Commission on the Identification and Protection of Victims to address victim identification and administer victim services, which led to the identification of four victims. However, the government did not have systematic procedures to proactively identify victims among some vulnerable populations, such as people in prostitution and undocumented migrants in detention. The government did not implement guidelines for victim identification and protection developed by an international organization, although the new national anti-trafficking action plan for 2017-2022 included an objective related to the implementation of these guidelines. Officials referred all victims to the Technical Unit for Attention and Protection of Victims and Witnesses (UPAVIT), which provided assistance for victims and physical protection to victims, witnesses, and experts, but the government did not provide or fund trafficking-specific shelters or services. The government provided psychological and medical services and transportation to all 59 identified victims and legal services to three victims. Authorities placed victims in hotels and covered the cost of the hotel rooms or allowed victims to return to their country of origin. Officials maintained 24/7 security at hotels and did not permit victims to leave their hotels unescorted, which could re-traumatize them. The anti-trafficking law provided for temporary legal residency or repatriation for foreign victims, but the government did not provide such benefits to any victims during the reporting period. 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.

The government did not dedicate funds for anti-trafficking efforts and did not allocate sufficient resources for victim care. The government used specially designed interview rooms that separate trafficking victims from the courtroom, allowing them to provide testimony privately in order to minimize the risk of re-victimization during the judicial process. The government approved the design and construction of a dedicated trafficking shelter by an international organization.

UPAVIT implemented protocols to protect victims during the judicial process. Victims did not assist in the legal process during the reporting period. While victims could file civil suits against traffickers, no victim had ever done so. The government continued to partially implement a 2013 law mandating any seized assets derived from human trafficking activities be allocated to services for trafficking victims. The government did not provide repatriation assistance to its own citizens identified as trafficking victims abroad. While there were no reports of victims penalized for unlawful acts committed as a direct result of being subjected to trafficking, insufficient efforts to screen for indicators of trafficking may have led to some victims being penalized.

PREVENTION

The government increased prevention efforts. The government, with technical assistance from international organizations, developed and implemented its 2017-2022 national anti-trafficking action plan, which addressed prevention, victim assistance and protection, prosecution, international cooperation, and monitoring. The National Commission Against Human Trafficking met nine times during the reporting period and hired dedicated staff to monitor and report progress toward the action plan. Panama assumed the presidency of the regional coalition against human trafficking and

smuggling, which led to a regional anti-trafficking strategic plan and a guide for victim repatriation. The government worked with an international organization to update the multilateral Protocol for International Information Exchange at Border Areas, an information exchange mechanism for authorities in the region to share information on cases, to include trafficking. The commission provided judges with anti-trafficking materials and approved its members the ability to invite other institutions to meetings on victim service coordination. Individual government institutions used their own funds to conduct events, radio programs, concerts, marches, a social media campaign, and press conferences to promote awareness. 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. The government made no new efforts to reduce the demand for forced labor and commercial sex acts. Panama criminalized child sex tourism, but did not prosecute any cases. The Panamanian Commission against Sexual Exploitation Crimes continued its campaign against the sexual exploitation of minors—including child sex trafficking—in collaboration with tourism authorities, which led to increased awareness among tourism professionals and authorities conducted 41 inspections of hotels. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Panama is a source, transit, and destination country for men and women exploited in sex trafficking and forced labor. Children are exploited 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 Panamanian individuals in sex trafficking in Panama and in the Caribbean and Central and South America. Traffickers exploited transgender individuals in sex trafficking due in part to increased vulnerability on account of discrimination and high demand for sexual services from this population. Some men and women from Central America who transit Panama en route to the Caribbean or Europe are subjected to sex trafficking or forced labor in their destination countries. Traffickers exploit Central and South American and Chinese men in forced labor in construction, agriculture, mining, restaurants, door-to-door peddling, and other sectors using debt bondage, false promises, lack of knowledge of the refugee process and irregular status, restrictions on movement, and other means. In a change from previous years, police reported that victims were forced to consume illegal drugs by their traffickers as a coercive measure. Men from the United States have been investigated as child sex tourists in Panama.

ecoi.net summary:

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