

Panama

National Child Protection Legislation

National Legislation

- Age of Child – **below 18 years of age**

[Family Code](#)

Art. 484

This Book regulates the rights and guarantees of a minor, understood as such, every human being from conception to the age of eighteen (18) years.

- a) Age of Consent – **14 years of age**

[Ley No. 21 of 2018 Penal Code Amendments](#)

Art. 175

The behaviors described in the previous article, even when there is no violence or intimidation, will be punished with imprisonment of twelve to eighteen years if the act is executed:

1. With a person who is less than fourteen years of age.
2. With a person deprived of reason or senses or who suffers from illness or has physical or mental disability that prevents them from consenting or that, for any other reason, cannot resist the act.
3. Abusing a position, with a person who is detained or entrusted to the author to keep them or drive them from one place to another.
4. On a person who because of their age cannot consent or resist the act.

- Age of Marriage – **Males: 16 years of age; Females: 14 years of age**

[Family Code](#)

Art. 33

It is prohibited for the following to enter into marriage:

1. Men under 16 years of age and women under 14 years of age.

However, a marriage contracted by them will be deemed ipso facto revalidated without need for express declaration, if one day after reaching the minimum legal age to marry they had lived together without having claimed judgment against its validity; or if the woman had conceived before the legal minimum age to marry or the claim was filed.

Art. 35

Marriage is prohibited:

To a minor under eighteen (18) years of age, without the previous and express consent of whoever exercises parental authority or guardianship in his case.

Art. 226

The relative nullity can be sued by the innocent spouse.

It may also be requested by the father or the mother or the guardian in the case of the minor male under sixteen (16) years old and the minor female under fourteen (14) years old.

- Age of Criminal Responsibility – **18 years of age**

[Family Code](#)

Art. 534

No criminal proceedings may be instituted against anyone who has not completed eighteen (18) years of age. The minor to whom a fact was attributed qualified by criminal law as a crime or offense, will be made available to the Judge of Minors, to be subjected to a special regime of custody, protection, education and resocialization, according to the circumstances of the case and in accordance with the procedure established in this Code.

- **Extraterritoriality**

[Penal Code of the Republic of Panama](#)

Art. 18

The criminal law shall apply to punishable acts committed in the national territory and other places subject to the jurisdiction of the State, except for the exceptions established in the international conventions and norms in force in the Republic of Panama.

For the purposes of criminal law, the territory of the Republic constitutes the continental and insular area, the territorial sea, the continental shelf, the subsoil and the air space that covers them.

Panamanian ships and aircraft and everything that, according to the rules of International Law, respond to that concept.

Art. 19

The Panamanian criminal law is applicable, although they have been committed abroad, to crimes against humanity, against the legal personality of the State, against Public Health, against the National Economy and against the Public Administration, as well as crimes of forced disappearance of persons, trafficking in persons, and falsification of Panamanian public credit Panamanian documents, of official documents, seals and official stamps, of the Panamanian currency and other currencies of legal tender in the country, provided that, in the latter case, they have been introduced or intended to be introduced into the national territory.

Art. 20

Panamanian criminal law shall also be applied to crimes committed abroad, when:

1. They produce or must produce their results in the Panamanian territory.
2. Committed to the detriment of a Panamanian or his rights.
3. Committed by diplomatic agents, officials or Panamanian employees who would not have been tried in the place of their commission for reasons of diplomatic immunity.
4. A national authority has denied the extradition of a Panamanian or a foreigner.

Art. 21

Regardless of the provisions in force at the place where the crime was committed and of the nationality of the accused, the Panamanian criminal law will apply to those who commit punishable acts foreseen in the international treaties in force in the Republic of Panama, provided that they grant territorial jurisdiction.

- **Dual Criminality**

[Judicial Code. Criminal Process](#)

See Articles 2500 – 2519 for more information on extradition

Art. 2504

The Executive Branch through the Ministry of Foreign Affairs, by way of reciprocity, may grant the extradition of the persons prosecuted, sanctioned by authorities of another State that are in territory subject to the jurisdiction of the Republic of Panama.

In order for extradition to proceed, it is necessary that the facts constituting the crime for which the defendant has been indicted, sanctioned or prosecuted, have been executed in the jurisdiction of the requesting State and have a sentence of imprisonment, both in the legislation of that State and in the Republic of Panama.

- **Mandatory reporting requirements**

[Penal Code of the Republic of Panama](#)

Art. 189

Anyone who has knowledge of the use of minors in the execution of any of the crimes contemplated in this Chapter, whether this knowledge is obtained by reason of his office, position, business or profession, or by any other source and fails to report it to the competent authorities will be punished by imprisonment of one to three years.

If the commission of the offense is not proven, the complainant will be exempt from any legal liability because of the complaint referred to in this article, except in cases of manifestly false complaint.

[Criminal Procedure Code](#)

Art. 83 – Obligation to report

Anyone, who in the exercise of their functions or on the occasion thereof, has the obligation to report on crimes of public action that come to their attention:

1. Public officials, in the facts they know in the exercise of their functions.
2. Doctors, pharmacists, nurses and other persons who practice any branch of the medical sciences, provided that the facts have been known in the exercise of the profession or trade.
3. Authorized public accountants and public notaries, regarding infractions that affect the patrimony or public revenues.
4. Persons who, by virtue of the law or the authority or by any legal act, are in charge of the management, administration, care or control of assets or interests of an institution, entity or person with respect to the crimes committed to the detriment of this or of the estate or estate placed under their charge or control, provided that they know the fact by the exercise of their functions.

No one is obliged to file a complaint against himself, the spouse, the partner, relatives within the fourth degree of consanguinity or second degree of affinity or when the facts are protected by professional secrecy.

Family Code

Art. 502

The following professionals or officials who in the performance of their duties were aware of or suspected the existence of a situation of abuse: health professionals, educators, social workers, public servants, police investigators, and managers and officials of care, observation or rehabilitation centers for minors, among others, are obliged to report, within a period not exceeding twenty-four (24) hours, that they have knowledge of situations of abuse against a minor.

Likewise, any person who has knowledge of a case of abuse must inform the competent judicial or administrative authority, without the identification of the informant being necessary. Silent or unjustified permission will be considered as complicity in the abuse.

▪ **Obligations of Educational Institutions**

Decree 100 The Duties and Rights of the Panamanian Teacher

Art. 21

Educators who have been dismissed for faults that struggle with the morality and honesty that an educator must observe and for violation of the Organic Law of Education cannot aspire to teaching, management and supervisory positions during the period of two (2) years.

The period of two (2) years shall begin to be counted from the beginning of the school year following that in which the dismissal occurs.

Educators who are sanctioned for the second time for any of the causes indicated in the previous paragraph, cannot aspire to teaching, management and supervisory positions. Nor can educators who have been dismissed for crimes related to modesty and sexual freedom aspire to such positions.

When the educator has been disqualified by a competent court ruling, the specified period will be addressed, but in any case it will not be less than two (2) years.

Art. 55

In attention to the cause that motivates it, in the Branch of Education the following transfers take place:

1. For low enrollment;
2. By mutual consent;
3. By sanction;
4. Regular transfer.

Art. 61

Transfers by sanction will proceed for teaching staff, when sanctions are imposed under the requirements established in Article 133 of Law 47 of 1946, Organic Law on Education.

Art. 63

The educator that has been transferred by sanction will not be able to work again in the school center where he committed the fault. You can only request a regular transfer after three (3) years counted from the date on which the sanction became effective.

Art. 75

Transfers of Directors and Deputy Directors of schools and colleges may be carried out in exceptional cases. For such effects three (3) types of transfers will be given:

1. For low enrollment;
2. By mutual consent;
3. By sanction.

Art. 79

The transfer by sanction will proceed when some of the causes indicated by Decree 618 of 1952 occur and in accordance with the disciplinary procedure established by Law 47 of 1946, Organic Law on Education.

Art. 81

When, in an education center, complaints against the Director are presented, the hierarchical superior will undertake a preliminary investigation; if the commission of faults that interfere with the normal functioning of the school is proven, the Director may be removed from office, and assigned functions in the School District.

This preventive measure will be for a peremptory term, does not interrupt the investigation of the file, nor substitute the disciplinary sanction that may arise.

[Decree 618 of 1952](#)

Art. 1

The faults incurred by the members of the teaching and administrative staff of the Education branch will be sanctioned with verbal or written repressions, transfers or dismissal.

PARAGRAPH: The penalty of suspension will be applicable only in the cases dealt with in Article 141 of Law No. 47 of 1946, Organic Law on Education.

Art. 5

Causes for dismissal for all members of the Education branch:

- c) proven behavior that is in disagreement with the morality that an educator must observe;
- ...
- e) proven violation of the Organic Law of Education.

▪ **Prohibition to hold certain positions**

[Penal Code of the Republic of Panama](#)

Art. 73

The disqualification from exercising public functions temporarily deprives the sanctioned from exercise of positions or public jobs and popular election.

Art. 74

Disqualification from exercising a particular profession, trade, industry or commerce consists of the deprivation of the practice of an activity related to the profession, trade, industry or commerce in question, which is related to the crime committed, by virtue of abuse or violation of any of the duties that are inherent. During the execution of this penalty, the disqualified may be authorized to practice their profession, trade, industry or commerce within the limits of the establishment upon authorization of the Compliance Judge.

Art. 179

Whoever corrupts or promotes the corruption of a person under the age of eighteen years, making them participate or witness behaviors of a sexual nature that affect their psychosexual development will be punished by imprisonment for eight to ten years. The sanction established in the previous paragraph will be ten to fifteen years in prison when:

1. The person is fourteen years of age or younger.
2. The victim is in a situation of vulnerability that prevents or inhibits their will.
3. The act is carried out with the assistance of two or more persons or third party observers.
4. The act is executed through deception, violence, intimidation, abuse of authority, abuse of trust, by price for the victim or any other promise of gratification.
5. The author was a relative of the victim by consanguinity, by affinity or by adoption, or a guardian or any person who intervenes in the process of the education, training and integral development, or in their direction, care and safety.
6. The victim is infected with a sexually transmitted disease.
7. The victim becomes pregnant.
8. Alteration of the psychosexual development of the victim is proved.

In the case of number 5, the author will lose the right to parental authority, guardianship or custody, as appropriate.

▪ **Employment Law**

See also, Obligations of Educational Institutions above.

[Labor Code](#)

Title 4 – Rights and Obligations of Workers and Employers

Chapter 1 – Obligations of employers

Art. 126

Obligations of employers:

28. Establish an equitable, reliable and practical procedure to investigate complaints presented in relation to sexual harassment and the application of the corresponding sanctions.

Title 6 – Termination of Employment Relations

Chapter 1 – Causes of Termination

Art. 210

The employment relationship ends:

1. By mutual consent, provided that it is in writing and does not imply a waiver of rights.
2. By the expiration of the agreed term.
3. By the conclusion of the project of the contract.
4. By the death of the worker.
5. Due to the death of the employer, when it entails the inevitable termination of contract.
6. For the prolongation of any of the causes of suspension of contracts for a term exceeding the maximum authorized in this Code for the respective cause, at the request of the employee.
7. By dismissal based on justified cause, or the resignation of the worker.

8. By unilateral decision of the employer, with the formalities and limitations established in this chapter.

Art. 211

The employer may not terminate the employment relationship for an indefinite period, without any justified cause provided by law and according to the formalities of the law.

Art. 213

Justified causes that empower the employer to terminate the employment relationship

A. Of a disciplinary nature

14. The commission by the trusted worker, of acts or omissions inside or outside of the service, that causes the loss of employer confidence.
15. Sexual harassment, immoral or criminal behavior of the worker during the provision of the service.

Art. 214

The employer must notify the work in advance and in writing of the date and cause or specific causes of dismissal or termination of the employment relationship.

- **Private Fostering**

No information found.

- **Criminal Law – Defamation**

[Penal Code of the Republic of Panama](#)

Art. 193

Anyone who offends the dignity, honor or decorum of a person by writing or by any form will be sanctioned with sixty to one hundred and twenty days-fine.

Art. 194

Whoever falsely attributes to a person the commission of a punishable act shall be sanctioned with ninety to one hundred and eighty days-fine.

Art. 195

When any of the above crimes is committed through a means of oral or written social communication or using a computer system, the sanction in case of injury is imprisonment of six to twelve months or its equivalent in days-fine, and in the case of slander, with imprisonment of twelve to eighteen months or its equivalent in days-fine.

Sexual Offenses Against Children

[Penal Code of the Republic of Panama; Ley No. 21 of 2018 \(Penal Code Amendments\)](#)

Art. 174

Whoever, through violence or intimidation, has sexual intercourse with a person of either sex, using their genital organs, will be punished with imprisonment of seven to twelve years.

This sanction will also be imposed on anyone who has sexual intercourse under the same conditions.

The same penalty shall be imposed on anyone who, without the consent of the person concerned, practices oral sex acts or introduces, with a sexual purpose, any object or non-genital part of body, in the anus or vagina.

The penalty will be ten to fifteen years in prison, in any of the following circumstances:

1. When the violation causes the victim limited or impaired psychological capacity.
2. When the event causes the victim physical damage that produces a disability lasting more than thirty days.
3. If the victim becomes pregnant.
4. When the author is a minister of religion, close relative, guardian, educator or was in charge, by any means, of his care, foster or care.
5. If the act was committed with abuse of authority or trust.
6. When the act is committed with the help of two or more people or observers.
7. When sexual intercourse is done using degrading or humiliating means.

The penalty will be twelve to eighteen years, if the violation is committed, knowing their situation, by a sick person or carrier of incurable sexually transmitted disease or virus of acquired immunodeficiency.

Art. 175

The behaviors described in the previous article, even when there is no violence or intimidation, will be punished with imprisonment of twelve to eighteen years if the act is executed:

1. With a person who is less than fourteen years of age.
2. With a person deprived of reason or senses or who suffers from illness or has physical or mental disability that prevents them from consenting or that, for any other reason, cannot resist the act.
3. Abusing a position, with a person who is detained or entrusted to the author to keep them or drive them from one place to another.
4. On a person who because of their age cannot consent or resist the act.

Art. 176

Whoever uses one's position and obtains sexual access with a person older than fourteen years and under eighteen years of age, even with consent, will be sanctioned with imprisonment of four to six years.

The sanction will be increased from one third to half of the maximum:

1. When the author is a minister of religion, close relative, guardian, educator or was in charge, by any means, of his care, foster or care.
2. If the victim becomes pregnant or suffers from transmission of a sexual disease.
3. If, due to the crime suffered, school desertion occurred.
4. When, by deception, there is a promise of marriage to obtain the consent of the victim.

Art. 177

Whoever, without the purpose of obtaining sexual access, executes libidinous acts not consented to in the case of another person shall be punished with imprisonment for one to three years or its equivalent in days-fine or arrest on weekends.

The sanction will be four to six years in prison:

1. If there is violence or intimidation.
2. If the act was committed by a close relative, minister of worship, educator, guardian or person who was in charge of the victim, by whatever title, guardianship, upbringing or temporary care.
3. When, even with consent, the victim was not yet fourteen years of age or unable to resist the act.

Art. 178

Whoever for sexual reasons harasses a person of either sex will be sanctioned with imprisonment of one to three years or its equivalent in days-fine or weekend arrests.

The penalty of two to four years of imprisonment will be aggravated, in the following cases:

1. If the victim was not yet eighteen years of age.
2. If the author committed the act by abusing their position.

Art. 179

Whoever corrupts or promotes the corruption of a person under the age of eighteen years, making them participate or witness behaviors of a sexual nature that affect their psychosexual development will be punished by imprisonment for eight to ten years.

The sanction established in the previous paragraph will be ten to fifteen years in prison when:

1. The person is fourteen years of age or younger.
2. The victim is in a situation of vulnerability that prevents or inhibits their will.
3. The act is carried out with the assistance of two or more persons or third party observers.
4. The act is executed through deception, violence, intimidation, abuse of authority, abuse of trust, by price for the victim or any other promise of gratification.
5. The author was a relative of the victim by consanguinity, by affinity or by adoption, or a guardian or any person who intervenes in the process of the education, training and integral development, or in their direction, care and safety.
6. The victim is infected with a sexually transmitted disease.
7. The victim becomes pregnant.
8. Alteration of the psychosexual development of the victim is proved.

In the case of number 5, the author will lose the right to parental authority, guardianship or custody, as appropriate.

Art. 180

Anyone who for profit facilitates, instigates, recruits or organizes in any way sexual exploitation of persons of either sex will be punished with imprisonment of four to six years and with two hundred to three hundred days-fine.

The penalty will be ten to twelve years in prison when any of the following circumstances occur:

1. The victim is a minor.
2. The victim is a person with a disability.
3. The victim is in a situation of vulnerability that prevents or inhibits their will.
4. The act is executed through deception, force, fraud, abuse of authority, abuse of confidence, violence or any other means of intimidation or coercion of the victim.
5. The author is related to the victim by consanguinity, affinity or adoption, or is their guardian or any person involved in the process of their education, training and integral development, or their care, charge or custody. In this case, the author will lose the right to custody, guardianship or custody and will be disqualified in the exercise of its functions, if these are linked to the situation of integral development of the victim, as appropriate.
6. The author transmits to the victim a sexually transmitted disease.
7. The victim becomes pregnant.

Art. 181

Whoever facilitates, promotes, recruits or organizes any form of entry or exit of the country or the displacement within the national territory of a person of any sex for submission to unauthorized paid sexual activity or sexual servitude will be sanctioned with imprisonment of four to six years.

The penalty will increase by half when:

1. The victim is over fourteen years of age and under eighteen years of age.
2. The victim is used in acts of exhibitionism, through photographic means, filming or obscene recordings.
3. The act is executed through deception, coercion, theft or retention of migratory or personal identification documents, or contracting under conditions of vulnerability.
4. The act is committed by a close relative, guardian or one who is in charge of the custody, upbringing, education or instruction of the victim.
5. Any of the above behaviors is performed in the presence of third parties.
6. The agent is organized to offer these services as commercial sexual exploitation.

When the victim is a person of fourteen years of age or younger, with a disability or unable to consent, the penalty will be fifteen to twenty years imprisonment.

Art 182

Anyone who threatens or uses violence to maintain, even partially, a person subject to sexual servitude will be punished with imprisonment of five to ten years.

Art. 183

Whoever promotes, favors, facilitates or executes recruitment, transportation, transfer, welcome or reception of minors, inside or outside the national territory for the purpose of sexual exploitation or to subject them to sexual servitude shall be sanctioned with imprisonment of ten to fifteen years.

Art. 184

Whoever manufactures, produces by any means or produces pornographic material or offers, trades, displays, publishes, advertises, disseminates or distributes through the Internet or any medium of mass communication or national or international information, presenting or representing virtually one or several minors in activities of a sexual character, whether real or simulated, will be punished by imprisonment for ten to fifteen years.

The penalty will be fifteen to twenty years in prison if the victim is a minor of fourteen years, if the author belongs to a national or international criminal organization or if the act is done for profit.

Art. 185

Whoever possesses for his own use pornographic material that contains the image, real or simulated, of minors, voluntarily acquired, will be punished with the penalty of prison from five to ten years.

Art. 186

Whoever pays or promises to pay, in money or in kind, or gratifies a person who has completed fourteen years and is under eighteen, or a third person, to perform sexual acts with those, will be punished with imprisonment of eight to ten years.

In the case of a person who has not reached the age of fourteen, the penalty shall be ten to fifteen years.

Art. 187

Whoever uses, consents or allows a minor to participate in acts of obscene or pornographic exhibitionism, whether or not photographed, filmed or recorded by any means, before third parties or alone, with another person or other persons under age or adults, of the same or of different sex or with animals, will be punished with imprisonment of eight to ten years.

The same sanction will be applied to whoever uses electronic mail, global networks of information or any other means of individual or mass communication, to incite or promote online sex in minors or to offer their sexual services or have them simulate it through this channel, by phone or in person.

The sanction established in the previous paragraph will be ten to fifteen years in prison when:

1. The person is fourteen years of age or younger.
2. The victim is in a situation of vulnerability that prevents or inhibits their will.
3. The act is carried out with the assistance of two or more persons or third party observers.
4. The act is executed through deception, violence, intimidation, abuse of authority, abuse of trust, by price for the victim or any other promise of gratification.
5. The author was a relative of the victim by consanguinity, by affinity or by adoption, or a guardian or any person who intervenes in the process of the education, training and integral development, or in their direction, care and safety.
6. The victim is infected with a sexually transmitted disease.
7. The victim becomes pregnant.
8. Alteration of the psychosexual development of the victim is proved.

Art. 188

Anyone who exhibits pornographic material or facilitates access to or shows pornographic activities to minors, disabled persons or persons with disabilities that do not allow them to resist will be punished with imprisonment of six to eight years.

If the author of the conduct described in the previous paragraph is the father, the mother, the guardian, or the person in charge, in whatever capacity, of the victim, the penalty shall be eight to ten years and will lose the rights of parental authority or the right that has allowed, as the case may be, the victim to be in his charge on the date of occurrence of the crime.

Art. 189

Anyone who has knowledge of the use of minors in the execution of any of the crimes contemplated in this Chapter, whether this knowledge is obtained by reason of his office, position, business or profession, or by any other source and fails to report it to the competent authorities will be punished by imprisonment of one to three years.

If the commission of the offense is not proven, the complainant will be exempt from any legal liability because of the complaint referred to in this article, except in cases of manifestly false complaint.

Art. 190

Anyone who promotes, directs, organizes, publicizes, invites, facilitates or manages by any means of individual or mass communication, local or international sex tourism, involving the recruitment of a person over fourteen and under eighteen years of age, for his/her sexual exploitation, even if not carried out or consummated, will be sanctioned with prison of ten to twelve years.

The penalty of imprisonment will be increased by up to three quarters if the victim is a person with a disability or who has not completed fourteen years of age.

Art. 191

The owner, lessor or administrator of an establishment or place that is the destination of any of the crimes typified in this Chapter will be sanctioned with prison of fifteen to twenty years.

Art. 192

In the cases of articles 174 and 175, the prison sentence shall be increased by one third to half when the behavior is the result of an act of domestic violence.

Art. 202

Anyone who abuses a minor shall be punished by imprisonment of two to four years.

The penalty will be imprisonment of three to six years, provided that the conduct does not constitute a crime punishable by a greater penalty, if the person who mistreats is:

1. An ascendant.
2. Close relative.
3. The one in charge of the custody, upbringing and guardianship.
4. The one in charge of care and attention.
5. The one who intervenes in the process of their education, formation and integral development.

The sanction will be increased from one third to one half when the victim is a person with disability.

If the author is in charge of the guardianship and custody, the corresponding penalty will apply.

Art. 203

For the purposes of the previous article, the following behaviors constitute abuse to a minor:

1. Causing, or allowing physical, mental or emotional harm, including physical injuries caused by corporal punishment.
2. Using for or inducing begging or in propaganda or advertising not appropriate for their age.
3. Using or allowing a minor to be used for work that is prohibited or that endangers their life or health.
4. Treating them negligently.

Art. 205

Whoever removes or alters the identity of a minor in the state civil records will be punished with imprisonment of three to five years. The same penalty will apply to whoever, knowingly, gives a minor to a person who is not their parent or who is not authorized to receive them.

Art. 206

Anyone who delivers a child or adolescent for illegal purposes or means to a person who is not their parent or who is not authorized to receive them will be sanctioned with penalty of three to six years in prison.

Art. 207

Whoever sells, offers, delivers, transfers or accepts a child or adolescent for exchange of remuneration, payment or reward will be sanctioned with imprisonment from five to ten years.

The same penalty will apply to whoever offers, possesses, consents, acquires or induces the sale of a child or adolescent for purposes of illegitimate adoption, in violation of the legal instruments and requirements regarding adoption.

When the sale, offering, delivery, transfer or acceptance of a child or adolescent is aimed at sexual exploitation, the extraction of their organs, forced labor or servitude, the penalty shall be increased by one third at half the maximum.

Art. 208

Whosoever extracts, transfers, retains or attempts to perform these conducts with a person under age with illicit means, such as kidnapping, fraudulent or forced consent, the delivery or reception of illicit payments or benefits, in order to obtain the consent of the parents, persons or the institution in charge of the minor, will be sanctioned with eight to ten years in prison.

Art. 448

Anyone who violates the prescriptions regarding the accommodation of women or families or of special protection of women or children established in international treaties in which the Republic of Panama is a party and, in particular, recruits or enlists children under eighteen years of age or uses them to participate actively in hostilities; induces or forces prostitution or any other form of indecent assault and sexual liberty; induces or causes forced pregnancy or forced sterilization; violates the inviolability or improperly retains parliamentarians or any of the persons accompanying them, personnel of the Protecting Power or its substitute, or members of the International Commission of Inquiry; or strips a corpse, wounded, sick, shipwrecked person, prisoner of war or hospitalized person of its effects, shall be punished with a penalty of ten to twelve years in prison.

Art. 456 – A

Anyone who promotes, directs, organizes, finances, publicizes, invites or manages by any means of individual or mass communication or in any other way facilitates the entry or exit from the country or the movement within the national territory of a person of any sex, to perform one or several acts of prostitution or subject them to exploitation, sexual or labor servitude, slavery or practices analogous to slavery, jobs or services forced, servile marriage, begging, illegal removal of organs or irregular adoption, will be sanctioned with imprisonment of fifteen to twenty years.

The sanction will be from twenty to thirty years in prison, when:

1. The victim is a minor or is in a situation of vulnerability or disabled or unable to consent.
2. The victim is used in acts of exhibitionism through photographic means, video cameras or obscene recordings.

3. The act is executed through deception, coercion, violence, threat, fraud, theft or retention of passports, immigration documents or personal identification.
4. The act is committed by a close relative, guardian or who is in charge of the guardianship, upbringing, education or instruction of the victim.
5. The act is committed by a public servant.

Art. 456 – B

Whoever knowingly allocates real or personal property to the commission of the offense described in the previous article, will be punished with imprisonment of six to eight years. When the owner, landlord, possessor or administrator of an establishment or business premises intended for the public, use it or allow it to be used, for the commission of said crime, it is will impose the penalty of eight to twelve years of imprisonment.

Art. 456 – D

Whoever submits or maintains persons of any sex to perform work or services under force, deception, coercion or threat will be sanctioned with imprisonment of six to ten years.

The penalty of imprisonment is ten to fifteen years if the victim is a minor or is found in a situation of vulnerability or disability.

Art. 456 – E

Consent given by the victim in the crimes established in this Chapter does not exempt from criminal responsibility.

[Judicial Code. Criminal Process](#)

Art. 1978

The crimes of date rape, kidnapping, rape, corruption of minors and offenses against modesty are procedural *ex officio* but no summary proceedings shall be ordered but by complaint of the aggrieved person, regardless of their age, of their legal representative, if a minor, or of the person who exercises custody over them, even if he/she is not a guardian or legal conservator.

The complaint will not be admitted if the aggrieved person presents it after one month of the execution of the act and also when the legal representative of the aggrieved person, or whoever exercises custody over them, presents it after three months of having knowledge of the commission of the crime, if it is in the country, and one year, if it is abroad.

A caretaker is considered to be the person in charge of, for any reason, the care of the minor.

However, the instruction will begin without a complaint in the following cases:

- a. When the act has caused the death of the victim or has been accompanied by another crime that has been punished by restricting freedom and that can be investigated *ex officio*;
- b. When the act is committed in a public place;
- c. When it is committed abusing parental authority or guardian authority or conservator; or per person in whose charge the victim of the crime is, for whatever reason;
- d. When the victim of the crime of rape is less than fourteen years of age.

Art. 2109

In the case of offenses against modesty and sexual freedom these will be credited:

- a. Age of the victim;

- b. Whether or not there was deflowering and the approximate time of it;
- c. If there are signs of external or internal physical violence;
- d. If there are symptoms of pregnancy and the approximate time of gestation;
- e. If there is evidence of recent or multiple coitus;
- f. If applicable, indicate the state of the anal sphincter, whether or not deformation of the anus exists, if there are erosions of the orifice and tear of the rectal mucosa; and,
- g. All those circumstances of an objective and scientific nature that contribute to the clarification of the truth.

[Family Code](#)

Art. 489

Every child has the right to:

9. Be protected against all forms of abandonment, violence, neglect or maltreatment, sexual abuse, exploitation and discrimination.

Art. 500

A minor is considered to be a victim of abuse when he/she is inflicted or put at risk of suffering an injury or harm to his/her physical or mental health or well-being, due to acts or omissions on the part of their parents, guardians, managers, officials or institutions responsible for their care or attention.

Art. 501

The minor is a victim of abuse when he/she:

1. Is caused or permitted to be caused by another person, not accidentally, physical, mental or emotional harm, including physical injuries caused by corporal punishment;
2. Is not provided with adequate food, clothing, room, education or health care, having the financial means to do so;
3. Has been subjected to sexual abuse, or if the offender allows others to commit sexual abuse against the minor or other lascivious or lewd acts, even if they do not imply sexual access;
4. Is exploited or allowed to be used by another for profit, including begging, the use of photographs, pornographic films or for prostitution, propaganda or advertising inappropriate for their age, or in a criminal act;
5. Is employed in work that is prohibited or contrary to morality or that endangers their life or health; and
6. Is given negligent treatment and ill-treatment that may affect its physical or mental health.

[On Trafficking in Persons and Related Activities, Law. No 79](#)

Art. 50

In addition to the measures established in the law, when the victim is a minor, the following special measures will apply:

1. Attention and special care, especially when it comes to infants;
2. In case the age of the victim is uncertain and there are reasons to presume that he/she is a minor, it will be considered as such until the corresponding verification is carried out;
3. Assistance provided by professionals trained for this purpose and in attention to the special needs of the victim, especially with respect to accommodation, education and care;
4. In case of not being accompanied by a responsible adult, all the necessary procedures will be managed to establish their nationality and identity and the location of their family when it is safe, or it is in the interest of the minor;

When there is no adequate legal representation, the victim will be under the legal representation of the National Secretary of Childhood, Adolescence and Family. The measures of assistance, protection and process will be relayed to the victim in a language that is understandable to him/her.

- **Female Genital Mutilation (FGM)**

While not specific to FGM, these provisions may apply:

[Penal Code of the Republic of Panama](#)

Art. 136

Anyone who, without intending to kill, causes another person physical or psychological harm that incapacitates him or her for a time ranging from thirty to sixty days will be punished with imprisonment of four to six years.

Art. 137

The penalty will be six to ten years in prison if the injury produces:

1. Incapacity exceeding sixty days.
2. Deformation of the body or signal visible to the naked eye and permanently on the face.
3. Bodily injury or incurable psyche.
4. Severe debilitation or loss of a sense, an organ or a limb.
5. Premature delivery.
6. Impotence or loss of ability to procreate.
7. Permanent inability to work.

When the injury occurs as a consequence of the use of a firearm in a public place or habitual transit of people or neighboring residential areas, for inconsequential reasons or in order to facilitate another punishable act, as a result of acts of domestic violence or violence against the woman, when a public servant is carrying out the exercise of his functions or, when the injury was caused in order to extract a vital organ from the victim, imprisonment will be from twelve to fifteen years.

Art. 138

If any of the injuries described in the preceding articles causes the death of the person, the sanction will be four to eight years in prison, provided that the means employed, and the location of the injury should not reasonably have caused death. In all other cases, the author is responsible for homicide.

Art. 139

Whoever, culpably, causes another an injury that produces incapacity of thirty to sixty days will be punished with imprisonment from six months to one year or its equivalent in days-fine or weekend arrest. If the disability exceeds sixty days, the penalty will be one to two years of imprisonment or its equivalent in days-fine or weekend arrest. The penalty will be increased by half, if the injury produces any of the circumstances indicated in the Article 137 of this Code.