

RIGHTS OF CHILD AND PANAMA CRIMINAL LAW

Derechos del Niño y Derecho Penal Panameño

Arango Durling, Virginia.
 Universidad de Panamá, Facultad de
 Derecho y Ciencias Políticas, Panamá.
 ORCID: 0000-0003-2947-0252

ABSTRACT

Children experience risks to their various human rights, and child safeguarding is a global priority for the international community, and Panama is no exception. For this reason, this study aims to evaluate and determine whether Panamanian criminal laws are effective and adequate to protect minors under eighteen years of age in situations involving the right to life, protection against violence, abuse, exploitation, and new digital crimes such as Grooming and the Dissemination of intimate videos or images without consent.

KEYWORDS: human rights, child safeguard, criminal law, protection, minors.

RESUMEN

Los niños experimentan numerosos riesgos en sus derechos humanos y su seguridad y protección es una prioridad de la comunidad internacional, y Panamá no escapa de ello, razón por la cual este estudio pretende evaluar y detectar si las leyes penales panameñas son efectivas y adecuadas para proteger a los menores de dieciocho años en situaciones de derecho a la vida, en la protección contra la violencia, el abuso y la protección contra la explotación y respecto a los nuevos delitos digitales como son el Grooming, y las Difusiones de videos o imágenes íntimos sin consentimiento

PALABRAS CLAVES

Violencia, discriminación, política, leyes, prevención, mujer.

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1. Introduction

The Convention of the rights of the child of 1989, has as its background the Declaration of the rights of the child of 1959, and constitutes an international agreement pursuant to which our country is committed to realizing the rights of child, girls and adolescents, assuming the obligation, among others, the disclose their rights as well as adapt national legislation for the effective enjoyment and exercise of these rights.(Arango Durling,2011)

Panama ratified the Convention on the Rights of the Child in 1990 and is a domestic law through enacting legislation. Panama also ratified the Optional Protocol to the CRC on the involvement of children in armed conflict (2001), and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (2001), an at the same time de Optional Protocol to the CRC regarding the complaint's procedure before the Committee on the Rights of the Child.

In Panama, the Family Code of 1994 currently governs child protection law primarily; and in the case of our country, the Law 40/1999 on the criminal liability of adolescence establishes rights and penal and procedural guarantees and determines that the age of 14 are criminally liable.

In other hand, Panama Law 285 of 2022 establishes the System of Guarantees and Comprehensive Protection for the Rights of Children and Adolescents, "it seeks to guarantee and protect the rights of children, according to their age and maturity, life cycle, as well as the full, effective and permanent exercise and enjoyment of the rights recognized in the national legal system and in the conventions and treaties ratified by the Republic of Panama, which is why it is necessary to issue regulations for their correct interpretation and application". Also, Panamanian Law 285 recognizes child rights to be free of violence (article 64), and to be protected against maltreatment, abuse, exploitation, sexual abuse.

The Convention recognizes children and girls a new "legal status", to be developing persons who enjoy rights inalienable. (Cf. Fascicle II – VI UNICEF, 2000).

The basic rights of the children in the Convention are the following:

Survival: children have a right to life, need health; they have special needs, food, shelter, safety, nutrition, health care, and name and nationality.

Protection: children have a right to be protected from harm, injury, neglect, exploitation, and abuse not only physically but also emotionally.

Development: children need in order to grow and develop need to be cared for, to have friends and family, to be loved. Everyone under the age of eighteen has all the rights of the Convention

of the rights of the child (1989) and countries are obliged to address and resolve our needs.
(ART. 1)

-Rights of survival and developments. These rights are contributions necessary for the survival and full. Development of the child

-Rights of developments, protection and participation. Childhood and adolescence in society requires of these rights in order to grow and develop their personality, talents and participate by demonstrating their creativity, respecting these rights and giving it the necessary care.

CHILDS RIGHTS¹

Article	Purpose
Article 2	Protection from discrimination
Article 3	Best interests of the child a primary consideration; the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities
Article 5	Parents responsible for ensuring that child's rights are protected
Article 6	Right to survival and development
Article 9	Right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis
Article 12	The right of a child to express their view: with weight given according to the maturity of the child
Article 13	Freedom of expression including seeking, receiving and imparting information
Article 16	Protection of privacy
Article 17	Access to information from mass media, with protection from material injurious to his or her well-being
Article 18	Assistance to parents with child rearing responsibilities
Article 19	Protection from physical or mental violence, abuse, or neglect
Article 20	Special protection for children deprived of their families
Article 22	Protection of children seeking refugee status
Article 23	Rights of disabled children to special care
Article 24	Right to health and access to healthcare
Article 27	Right to an adequate standard of living
Article 28	Right to education
Article 30	Right to own culture and religion
Article 31	Participation in leisure and play
Article 34	Protection from sexual exploitation
Source: Adapted from Waterston. ⁷ CRC, Convention on the Rights of the Child.	

¹ Cf., Raman, Harris, Where do we go from here? A child rights-based response to COVID-B. Md. Pediatrics Open, 4, 2020, p.20, https://www.researchgate.net/publication/342205775_Where_do_we_go_from_here_A_child_rights-based_response_to_COVID-19

2. Convention of the Right of the child and Panamanian Criminal law.

2.1 The right of life and death penalty.

Every child has the right of life, or to be alive according to article 6 of the Convention on the Rights of the Child (“CRC”), and it is a guarantee to all children, since the right of life is absolute.

Panamanian Family Code (art. 485) guarantees the right to life, survival and development of children, without distinction according to the Panamanian Constitution that also guarantees physical and mental health and moral integrity, health, education and social welfare (.art 56).

On the other hand, Panamanian Criminal law prohibited the imposition of the death penalty for crimes according to the National Constitution, and also the International Covenants on Civil and Political Rights (“IC he ICCPR prohibited the imposition of the death penalty “for crimes committed by persons below eighteen years of age (Sutherland, 2015).

2.2. Violence against children.

2.2.1 Introduction

Article 19 of the United Nations Convention on the Rights of the Child (1989) establishes” that states must protect children from violence, abuse and being neglected by anyone who looks after them”.

Violence against children has many forms, including physical abuse, sexual abuse, negligent abuse, and emotional abuse (UNICEF). It can be included also the violence that occurs at school (bullying), over the internet (grooming), at home (violent discipline), or community.

“It is important to recognize that violence can take place simultaneously in multiple settings. This is particularly the case when it is facilitated via technology and can happen at the same time at home and on digital platforms. In those cases, several settings should be tagged to the specific act of violence” (Unicef,2023).

UNICEF (2023) International Classification of Violence against Children (ICVAC), has provides a list of types of violence acts against children, since “violence can take different forms, can be perpetrated by different individuals and can occur in different settings”.

An international definition of violence against children “ refers to any deliberate, unwanted and non-essential act, threatened or actual, against a child or against multiple children that results in or has a high likelihood of resulting in death, injury or other forms of physical and psychological suffering” (Unicef.2023).

Physical abuse includes actions such as beating, shaking, burning, and biting. Psychological or emotional abuse involves repeated behavioral patterns that humiliate, demean, or frighten a child (Daley, Gonzalez, 2025) and Sexual violence say World Health Organization

(WHO) is any deliberate or unwanted, act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion.

Panamanian legislation establishes child abuse protection for boys and girls until they reach the age of eighteen, according to UN Convention on the Rights of the Child (UNCRC). Also, Panamanian criminal law states that offenders are harsher penalties when the victim is under 18 years of age.

2.2.2- Child homicide.

Panamanian criminal law establishes protection against child violence including physical, emotional, sexual harm.

Under Panamanian law perpetrators of child abuse are convicted and punished of Homicide (art. 131), child abuse or maltreatment (art.202-203) and sexual abuse (174-188) including child phonography, rape and other sex crimes, and domestic violence (art.200).

Cases involving child abuse and neglect are often perpetrated by parents, relatives (aunts, uncle, or other), caretakers, and others charged with their care and guidance, babysitters, teachers, foster parents, since they have access to the children and in a position of trust or power over the child.

Child homicide or child manslaughter is the most form extreme violence against children, and a likely a parent perpetrator of domestic abuse provokes children dies as a result of maltreatment and the causes of death are of various types, being shaken, being struck, kicked or pushed or left alone (Freysteinsdottir,2024).

Panama does not have infanticide laws, but the perpetrator, when it's a parent, is convicted of aggravated homicide, and the penalty is from twenty to thirty years, in other cases is imprisonment by ten to twenty years..

A total “of 47 minors were murdered last year, five of whom were under four years old, according to data from the Public Prosecutor's Office. Children and adolescents in Panama are dying as a result of domestic violence, organized crime, gangs, and even cultural violence, experts warn.”(Panama América, 2024)

2.2.3 Child abuse or maltreatment

Child maltreatment is the abuse and neglect that occurs to children under 18 years of age. It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. (OMS,2024).

There are several types of child abuse and maltreatment, often hidden, and can come in many ways: Psychological or Emotional maltreatment, physical abuse, sexual abuse, or sex

trafficking or neglect or Psychological or Emotional maltreatment, neglect or deprivation, failing to provide food, shelter, education..

-Physical child abuse is the second most common and occurs when a parent or caregiver deliberately hurts or causes injuries and can include, hitting, beating or kicking, pushing, shaking, burning, Pinching, biting, choking or hair-pulling, drowning, or suffocating.

-Emotional child abuse, also known as psychological or verbal abuse, is a common form that includes constant criticism, insults, threatening, shaming or humiliating, regularly judging, rejections, that can lead to emotional pain, anxiety, depression, self-criticism, low self-esteem, and difficulty forming stable and trusting relationships” (psychology today).

Child emotional abuse is said that had not yet received the same attention in domestic policy and practice as physical abuse, sexual abuse, and neglect, and the following behaviors may constitute psychological maltreatment.

- 1.Spurning (belittling, degrading, shaming, or ridiculing a child; singling out a child to criticize or punish; and humiliating a child in public).
- 2.Terrorizing (committing life-threatening acts; making a child feel unsafe; setting unrealistic expectations with threat of loss, harm, or danger if they are not met; and threatening or perpetrating violence against a child or child's loved ones or objects).
- 3.Exploiting or corrupting encourages a child to develop inappropriate behaviors (modeling, permitting, or encouraging antisocial or developmentally inappropriate behavior; encouraging or coercing abandonment of developmentally appropriate autonomy; restricting or interfering with cognitive development).
- 4.Denying emotional responsiveness (ignoring a child or failing to express affection, caring, and love for a child).
- 5.Rejecting (avoiding or pushing away).
- 6.Isolating (confining, placing unreasonable limitations on freedom of movement or social interactions).
- 7.Unreliable or inconsistent parenting (contradictory and ambivalent demands).
- 8.Neglecting mental health, and educational needs (ignoring, preventing, or failing to provide treatments or services for emotional, behavioral, physical, or educational needs or problems).
- 9.Witnessing intimate partner violence (domestic violence)”(Mathews y Dube,2025).

Panamanian criminal legislation refers to child abuse in Title III of the Family Code (article 500 -501) and in Criminal Code, Title V Crimes against the legal order of the family and civil status, Chapter II Child Maltreatment.

According to article 202 the person that causes child abuse and maltreatment has a penalty of prison from two to four years and increases if it is a disabled person.

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.

By the **Article 203** the child or adolescent is a victim of abuse when:

“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..

Finally, if the conduct described in article 202 “is carried out through fault or negligence, the sanction will be imprisonment from six months to two years or its equivalent in weekend arrest or community service, provided that the conduct does not constitute a crime punishable by a lesser penalty”.

So far this year the statistics in Panama, show a total of 2935 complaints, some of which are intentional maltreatment (2881) and fifty-four are negligent abuse (MP, 2025).

Maltreatment or Abuse can be perpetrated by anyone; it can be any person. It is worth mentioning that abuse can be conducted by family members, those who have authority over the child such as education, custody, etc., or by any other person (Muñoz Arango, 2021).

In this context, it is not unusual for both parents to abuse their child, not only verbally but also physically, as was the case with B.M. and O.L. regarding their daughter, and this was demonstrated through psychological evaluations.(Supreme Court Ruling, August 3, 2005).

The act of "mistreatment," which is punishable, includes the behaviors described in Articles 202 and 203 and does not need to be habitual.

There is no doubt that these behaviors can consist of a commission, as well as an omission, which can be either intentional or negligent(art.204), following article 204 of the penal code, and are acts that deprives the child of their rights and well-being, that threatens or interferes with their

physical, psychological, or social development, and whose perpetrators are people from the family environment, and from this perspective, four types of abuse are distinguished: Physical abuse, Neglect, Sexual abuse, Emotional abuse (Soriano Faura, 2015:1)

In other hand, Panamanian Criminal Law refers also to Domestic violence, in Title V, Chapter One. Article 200 defines a family violence that includes economic, physical and psychological abuse that also maybe harmed them.

More specifically, according to article 200:

“Anyone who harasses or physically, psychologically, or financially assaults another family member will be punished with imprisonment for five to eight years and multidisciplinary therapeutic treatment in a state or private health center with specialized care, provided that the conduct does not constitute a crime punishable by a greater penalty.”

In any of these cases, the competent authority will apply the corresponding protective measures for the victims.

This penalty will be applied to physical injuries that result in an inability of no more than thirty days.

For the purposes of this article, the described conduct is applicable in the following cases:

1. Marriage
2. Common-law union
3. Relationships of a couple that have not yet reached five years, where the intention to remain together can be demonstrated.
4. Close kinship
5. Persons who have not had a child together.
6. Minor children, not biological children of the couple, who may or may not live within the family.

The situations outlined in the preceding paragraphs will also apply, even if they had ended at the time of the assault.

In the event of non-compliance with the imposed security measure, the Judge of Compliance must replace it with the corresponding prison sentence”.

Also, article 201 states: “The penalty referred to in the preceding article shall be six to nine years of imprisonment if the physical injuries caused result in a disability of more than thirty days but not exceeding sixty days. If such injuries produce any of the effects stated in Penal Code on Article 137 ,the penalty established in the afore mentioned article for acts of domestic violence shall apply.”

It is important note, that Domestic violence is harmful and violates human rights of children and child protection in United Nations Convention on the Rights of the Child (UNCRC), states

article 9 “States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.”

2.2.4 -Child sexual abuse.

Child Sexual abuse and exploitation increase and remains a growing and global problem, since they are a greater risk of experienced various forms of forced sexual contact (UN,2025).

Articles 19 and 34 of the Convention on the Rights of the Child (CRC) protects children from sexual violence (art.19) and from sexual exploitation and abuse, including child prostitution, pornography, and other unlawful sexual practices. Also, Article 35 states that it aims to prevent abduction, sale, and trafficking of children, and also article 36 extends protections from all other forms of exploitation.

Panamanian Criminal Law establishes offences against Sexual integrity and Sexual freedom in Title III, Chapter One, Two and Three, to protect minors and all kind of people in accordance with the Constitution, the Family Code and international human rights convention ratified by Panama.

Under Panamanian criminal law, the offences against children under 14 years of age have harsher penalties. The age of sexual consent is 14.

Examples of criminal sexual crimes in Panama against child's are Rape (art.174-175), non consensual lascivious act (art. 177), harassment (178), Sexual intercourse in a position of advantage (art. 176), corrupts or promotes the corruption of a person under age 18 (art.179), Sexual servitude (art.182), Pornographic crimes (art.184), as pornographic material possession of minors (art. 185), Commercial sexual exploitation of minors (art.186), obscene or pornographic exhibitionism, (art.187), Exhibition of phonographic material to children (art.188) and Omitting to report pornographic crime (art.189).

2.2.4.1-Rape

Penal Code of Panama establishes Rape articles 174 and 175 that states:

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. International. 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 nongeminal part of body, in the anus or vagina.

The penalty will be twenty-five 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 act is committed by the parents by the parents up to the third degree of consanguinity and second degree of affinity
5. When the author is a minister of religion, educator, or was in charge, by any means, of his care, foster or care.
6. If the act was committed with abuse of authority or trust.
7. When the act is committed with the help of two or more people or observers.
8. When sexual intercourse is done using degrading or humiliating means.

The penalty will be fifteen to twenty 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.

Panama criminal law on rape was recently updated and increases penalties by Ley 474 June 2025 and counts with a Sexual predator registry since Law 244 of 2021, which is not currently public but there are proposals to make it.

On the other hand, regarding the penal reforms through Law 474/2025, which establishes harsher penalties for sexual offenders from the perspective of protecting the most vulnerable

individuals, such as minors and people with disabilities, the most serious aspect of this law is that it sets a specific penalty, without any sentencing range, in Article 174, in its aggravated form.

In this context, the legislator failed to comply with the legal requirement to establish the maximum and minimum penalties for each crime, and instead set a fixed penalty, preventing the court from selecting the appropriate sentence as stipulated in Article 79 of the Penal Code.

Unfortunately, this sets a negative precedent, because it eliminates the abstract penalty for the crime of rape and replaces it with a fixed or absolute penalty, contravening long-established principles in Criminal Law, dating back to the French Penal Code of 1791, which established fixed or predetermined penalties.

In summary, the legislative criteria incorporated into the crime of rape do not comply with current standards of Criminal Law, nor with the basic tenets of our criminal legislation regarding the principles of legality, proportionality, equality, dignity, and the function of punishment, among others. This has led to the implementation of an enemy criminal law (the sexual aggressor's criminal law), making excessive and arbitrary use of the power to punish.

We reiterate, then, that the criminal response in recent penal reforms is insufficient and is oriented towards an enemy criminal law, in which more attention is paid to the criminal repression of these acts than to their prevention, a task that must be carried out through public policies and at the family and community levels.

Panamanian Criminal code punished Rape as a behavior that consist of: a) having carnal access (via vagina or anus) or being carnally accessed, however, and b) other types of sexual acts other than may include oral sexual acts (“fellatio in ore”, oral or buccal coitus) or introducing objects for sexual purposes into the body of the passive subject (art.174).

Rape can affect many people and also child under fourteen years of age and in these cases in Panama, is a serious offense with significantly harsher penalties with imprisonment of twelve years to eighteen (art. 175).

With regard to these sexual assaults, the legal right protected by the norm is the sexual freedom and integrity of the child or any other persona, its dignity and the right to be free from violence and coercion. (Arango Durling, 2021)

2.2.4.2-Sexual intercourse in a position of advantage

The crime of sexual access consists of having sexual relations in a position of advantage with a person over fourteen and under eighteen years of age with the consent of the victim, and this act comes to replace the Rape, which consisted of carnal access (vaginal or anal copulation) with a virgin woman with her consent, which was sometimes achieved, among others, by deception, seduction or promise of marriage.

Panamanian Penal Code extends the protection of sexual freedom to both men and women, and previously includes an exclusion of penalty, to the perpetrator, when there is a duly proven permanent relationship and provided that the age difference does not exceed five years.

Subsequently that absurd exemption from punishment was eliminated, and recently updated Panama criminal law 474 June 2025, and eliminated Aggravating Circumstances, which include sexual aggressors of any sex, who have a position of advantage, such as minister of religion, close relative, guardian or curator.

Actually **Article 176** states:

. Whoever uses a position of advantage to have sexual intercourse with a person of more than fourteen years of age and under eighteen years of age, even if the latter consents, shall be punished with between eight- and twelve years' imprisonment.

In sum Panamanian legislation recognizes the priority of the protection of minors, especially when they are in a vulnerable situation that affects their sexual freedom when consent is subject to a situation of power. (Arango Durling, 2018) through deceptive or fraudulent means, which renders their consent invalid because they are a minor.

2.2.4.3-Libidinous acts

Libidinous act in Panamanian Criminal Code is defined in **Article 177** as:

“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 two to four years or its equivalent in days-fine or arrest on weekends.

The sanction will be six to eight 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.

Libidinous act violates integrity and sexual freedom of persons and it's a sexual assault and serious offense on a victim under the age of 14 and it's punished with six to eight in prison.

Libidinous acts should be understood as all kinds of "indecent acts", that is, "acts contrary to modesty", which include all lewd or somatic touching that must fall on the body of the passive subject in order to satisfy the sexual appetite of the active subject, palpation, touching, fondling of the genital parts (Bramont Arias/ García Cantizano, 1997), so words are excluded, however indecent their meaning may be (Levene, 1999).

In libidinous act the perpetrator is not interested in having carnal or sexual access with the passive subject, he only wants to obtain his sexual satisfaction in this way.

Panamanian criminal law presumes that a child under the age of fourteen cannot consent to any sexual act, and consent given is not valid and cannot be used as a justification.

Libidinous act is not consensual, and the perpetrator can use violence or intimidation or other means to carried it out.

2.2.4.4-Sexual harassment

Art. 178 of Panamanian Criminal Code states:

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.

Harassment is an act that can affect people of any age, and this type of behavior “encompasses various forms of abuse, exploitation, or mistreatment inflicted upon children, including physical, emotional, sexual, or cyber harassment” (geeksforgreek,2025).

There may be types of child harassment bullying, physical abuse, sexual abuse, Emotional/Psychological Abuse:, child labor, child marriage, exploitation, discrimination and neglect abuse . There is also, “online child sexual abuse” has become a widely used term to refer both to the sexual abuse of children that is facilitated by ICTs (e.g. online grooming) and to sexual abuse of children that is committed elsewhere and then repeated by sharing it online through, for instance, images and videos (which is where it becomes exploitation, see Section D.4.II on “online child sexual exploitation”). The preferred term in the case of the former is “online-facilitated child sexual abuse”.(Unicef,2016)

“Importantly, “sexual harassment” refers not only to sexual conduct with the explicit intention to violate the dignity of another person (i.e. purpose) but also to conduct of a sexual nature that a person experiences as offensive or intimidating (i.e. effect).¹⁰⁶ It therefore relates clearly to what is also sometimes called sexual bullying.¹⁰⁷ “Unwanted sexual comments” can be an example of this, since the person making the comments may not necessarily intend for them to violate the dignity of the person, although that is the effect they may cause” (Unicef,2016).

2.2.4.5-Corruption

Art. 179 of Panamanian Criminal Code defines Corruption acts as:

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 conducted 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”.

Corruption is a serious criminal offence that protects integrity and sexual freedom of minors and the healthy development of the victim's sexuality (Edwards, 1999), its sexual education and dignity.

Anyone can perpetrate corruption, person of all ages, male or female, although this does not prevent other people such as relatives by blood or affinity, or adoption, including guardians, or those in charge of the education, training and integral development of the minor, from carrying them out, with the particularity that the penalty is aggravated.

Passive subject, according to our legislation and comparative law, requires, for purposes of punish ability, that the sexual conduct in which the minor participates results in harm to the minor in the evolution and development of his personality, or as our legislation says, that it affects his psychosexual development, which would seem to determine a moral quality in him, and if so, he would not be a victim of the crime, and the act would be unpunished (Serrano Gómez, 2023), but

on the other hand, since the norm does not specifically determine that this is a corrupt minor, in another sense his consideration as a passive subject is valid.

Panamanian Criminal Code punishes acts of corrupting or promoting corruption, facilitating that he witnesses or participates in behaviors of a sexual nature that affect his psychosexual development.

Levene (1978) maintains that corruption is promoted when a minor is encouraged to become corrupted, that is, initiated into aberrant sexual practices that disturb and distort their healthy sexual instincts. It involves inciting them to perform specific acts that violate sexual morality or instilling in the victim a purely lustful or depraved habit. In this sense, the conscience of the passive subject is contaminated by libidinous acts through premature initiation into venereal pleasures. This does not consist of an organic modification, but rather a psychic alteration capable of causing physical harm due to lustful, premature, excessive, or depraved practices. Therefore, it does not manifest as a visible material event, but as a moral modification.

Indeed, the doctrine agrees that it is not necessary for the corruption to actually occur (Levene, 1978), but it must be clear that corruption causes psychophysical damage to the minor, through exhibition, observation, even if he has not participated in it (Acevedo, 2010). But corruption has a psychological and moral meaning, so that an action is said to be corrupting when it leaves a deep mark on the psyche of the victim, twisting it in the natural, biological and healthy sense of sexuality. (Soler (1970).

2.2.4.6 Sexual Exploitations of minors.

2.2.4.6.1 Introduction

“What distinguishes the concept of child sexual exploitation from other forms of child sexual abuse is the underlying notion of exchange present in exploitation. While these two phenomena must be distinguished, it is also important to acknowledge that there is considerable overlap between them, and that, semantically, the distinction will probably never be completely clear. For example, many cases of child sexual abuse also involve some kind of benefit to the child or exchange—often to win trust or ensure silence (especially non-tangible benefits like small gifts, attention, and affection). Similarly, the idea of exploitation is applicable to all victims of abuse in the sense of exploiting the vulnerability of a child”(Unicef,2016).

Sexual exploitation is conducted by two main actors: the pimp and the procurer. The victims of these crimes, specifically those related to sex tourism and the corruption of minors for sexual exploitation, are minors who are manipulated, seduced, or deceived, often by those who organize, promote, and facilitate sexual exploitation, such as pimps. In addition, there is the figure of the procurer who also profits from prostitution.

This commercial sexual exploitation of minors is a lucrative activity with no geographical limits; it transcends national borders, is rapidly promoted online, has cultural underpinnings, and makes them easy prey due to their vulnerability. In some cases, it may involve domestic acts, but

in others, it may constitute the crime of human trafficking for sexual exploitation, punishable as a crime against humanity in our country.

The crimes that will be examined protects not only minors freedom but also their sexual integrity when they are persons with disabilities, since "it is understood that they have not yet developed their own sexual personality and do not yet have the necessary determination regarding their sexual life, unlike adults who have already fully developed their sexual freedom" (Vidal, Gerson).

In these terms, when dealing with minors, reference is made to sexual inviolability or sexual integrity, understood as the set of objective prerequisites indispensable for the capacity for sexual action (Bustos Ramírez, 1986).

Finally, sexual child exploitation can also be considered," when she/he takes part in a sexual activity in exchange for something (e.g. gain or benefit, or even the promise of such)¹¹¹ from a third party, the perpetrator, or by the child her/himself" (Unicef,2016).

1.2.4.6.2. Ruffianism and paid sexual relation with minors.

Panama criminal code guarantees special criminal protection against the sexual exploitation of minors, in many ways, through Ruffianism (art. 182) or sexual servitude and Paid sexual relations with minors (art.186), but in my opinion these crimes should be classified and transferred to the category of crimes against humanity because they are forms of sexual exploitation.

Previously, Law 458 of December 13, 2024, and Law 79 of November 9, 2011, had eliminated forms of national and international pimping (arts. 180-181), due to their nature of sexual exploitation, when the crimes against white slavery were created in the Chapter IV ,Title XV on Crimes against Humanity.(Arango Durling,2023)

The sexual crimes listed are as follows:

.-Art 182 Ruffianism or Sexual servitude

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. 186 Paid sexual relations with minors

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".

Regarding the perpetrators of these crimes, it can be any person of any sex or age. It is a common crime, and the victim is explicitly a minor, of any sex, between the ages of fourteen and eighteen, who is engaged in prostitution (art.186), while in Ruffianism, the person's age and sex are irrelevant.

The pimp, like the procurer, is embedded in the structure of sexual exploitation. While one promotes or organizes it, the other is partially supported by the person engaged in prostitution (Muñoz Rubio/González Ferrer, 1989), whether adults or minors, who in the latter case engage in it to support their families.

The procurer is an individual who enjoys the profits obtained from the victim. He exploits the earnings of the person who voluntarily engages in prostitution, obtaining a financial benefit or advantage. Therefore, we agree that it is another form of sexual exploitation (Edwards, 1999), in accordance with international conventions.

According to the UN (2000), sexual relations in exchange for money or other favors, which consist of "the use of a child in sexual activities in exchange for remuneration or any other form of compensation," constitute sexual exploitation.

Regarding the perpetrators of this crime, it can be any person of any sex or age. It is a common crime, and the victim is explicitly a minor, of any sex, between the ages of fourteen and eighteen, who is engaged in prostitution.

As can be seen, it is evident that pimping can only be carried out with threats and violence and for the purpose of sexual servitude, which is inadvisable because it leaves unpunished other mechanisms in which the pimp achieves his objectives of economically exploiting the person who performs prostitution that are not typified in the norm (art.182).

It is obvious that the crimes mentioned above are deliberately, with malice aforethought for the purpose of sexual child exploitation.

Paid sexual relations with minors has a penalty of imprisonment for eight to ten years, and it is ten to fifteen years when it involves a person who has not yet reached the age of fourteen, while Pimping does not establish aggravating circumstances when the victim is a minor.

2.2.4.6.3 Pornography crimes

The Convention on the Rights of the Child, which states in Article 34 that "States Parties undertake to protect the child from all forms of sexual exploitation and abuse. To this end, States Parties shall, in particular, take all appropriate national, bilateral and multilateral measures to prevent: (a) The solicitation or coercion of a child into any unlawful sexual activity; (b) The exploitation of a child in prostitution or other unlawful sexual practices; (c) The exploitation of a child in pornographic performances or materials."

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Panamanian Criminal Code punishes all activities related to child pornography production, distribution, dissemination, offering, trading, including simulated or virtual material, iexhibition (art.187), and possession (art.185).

Pornography crimes in Panamanian Penal Code state the following:

- 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. 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 underage 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, 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”.

Pornography protects the child’s freedom and sexual integrity but also affects physical, mental, or moral development, even though it has not been expressly recognized..

With the recognition of sexual integrity as a protected legal right in the case of pornography, it becomes clear that the law is oriented "to the fact that the minor has the right not to suffer interference in the process of adequate formation of his personality, with which it is intended to direct attention to the fact that there are intrusions in the process of formation of the minor, and not to the quality of these, in which his psychological well-being has been included (Diez Ripolles, 1982).

The different acts related to pornography production in Panama and others such as offers, trades, displays, publishes, advertises, disseminates or distributes through the Internet or any medium of mass communication or national or international information, can be carried out by one person or by several, producers, distributors, with the penalty being aggravated when the person belongs to an international organization (art.184), and will be punished by imprisonment for ten to fifteen years.

The means of committing pornographic crimes can be conducted through the Internet or any other mass media of national and international communication or information and must contain or present a passive subject who can only be a minor (art.184). In each of these criminal acts, the active subject acts with direct or eventual intent, and minors are the passive subject.

In Panama, as in other countries, minors can become objects of child pornography, affecting their dignity. This occurs when a minor is deliberately or intentionally subjected to such acts by the perpetrator.

The exploitation of minors includes their participation in acts of obscene exhibitionism or pornography, photographed, filmed, or recorded by any means, in front of third parties or alone,

with other minors or adults, of the same or different sex, or with animals, as defined in Article 187 of the Penal Code.

Such exhibitionism involves obscene acts of a lewd nature, the display of genitals or masturbatory practices, actions or gestures involving the exposure of private parts of the body, which affect the sexual integrity of minors, and its use in the context of pornography also constitutes harm to the right to one's image, insofar as the capture of the passive subject on mechanical or technical media for pornographic purposes is an infringement of the right to one's own image; or even the very "dignity" of the child or adolescent as a person

The punishable actions consist in use, to consent to," or to permit., and the perpetrator uses or exploits the minor to conduct the act of obscene or pornographic exhibitionism, with the minor being the passive subject.

Also, the same provision sanctions the behaviors of inciting or promoting online sex in minors, or offering sexual services, that is, sexual contact of minors, through email, or any of the means indicated above, and finally, when the author "makes" the minors simulate pornographic acts by telephone or in person.

The penalty for this act is six to eight years in prison, is increased taking into consideration any of the circumstances provided for in the third paragraph, that is, among others, when the agent is the father, the mother, the guardian, curator or the person in charge by any title of the victim, who carries out any of the behaviors indicated above, the penalty being ten to fifteen years of imprisonment.

At the same time, display of pornographic material and facilitation of access to pornographic shows for minors and disabled is punished with imprisonment.

What is important about this crime is that through this act, the minor is allowed to passively participate by witnessing scenes of sexual content that affect him, the law not requiring that the subject actively participate in these pornographic shows, whether public or private.

The exhibition of pornographic material is punishable because it reaches a plurality of recipients who are shown scenes of minors under criminal protection directed at minors, even if adults are present. It is also punishable to facilitate or allow minors to enter pornographic shows, by any means, whether for payment or free of charge, and the content of the material must be pornographic in videos, films, or other forms (Riquert, 2013).

Furthermore, the criminal protection of minors against pornography, includes punishment for possession of pornographic material for personal use (art.185).

The person who possesses the pornographic material does not necessarily have to be the one who manufactured or produced it, for example, and on the other hand, the quantity or volume of it, as well as its purpose of selling or disseminating it, should have been significant for the purpose of the penalty.

Possession includes anything stored on a computer or cell phone; it is necessary that it be recorded or printed, as simply downloading and then immediately deleting it does not constitute possession. This possession must be current, and the material object includes any representation of

a minor under eighteen years of age engaged in explicit sexual activity or any representation of their genitals for sexual purposes (*Gonzalez,2019*).

Punishment for pornographic possession of material for personal use is imprisonment for five to ten years. No aggravating or mitigating circumstances are considered, and it is noteworthy that possession with intent to distribute is not punished.

OTHER LEGAL PROVISIONS OF SEXUAL CRIMES

- 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. 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.

“2.2.5 -Child Exploitation and human trafficking

The Convention on the Rights of the Child (CRC) “calls for children to be protected from sexual abuse and exploitation(art.34) and the difference between them, is that the first contains an underlying element of economic exchange whereas CSA can occur purely for the sexual gratification of the perpetrator” (Simon, Luetzoe,2020)

Article 34 says: “States Parties undertake to protect the child from all forms of sexual exploitation and abuse. To this end, States Parties shall, in particular, take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The solicitation or coercion of a child into any unlawful sexual activity.
- (b) The exploitation of a child in prostitution or other unlawful sexual practices.
- (c) The exploitation of a child in pornographic performances or materials.”

Previously children's sexual abuse was examined, and now we will be addressing the topic of child trafficking, who are used for the purpose of exploitation in various ways.

The most common forms of child trafficking include:

- “Sexual exploitation: this can include abusing children for commercial sexual exploitation or the production of child sexual abuse material.
- Forced labour: when children work under harsh conditions in various sectors, including agriculture, factories, mining or as domestic workers.
- Begging and petty crimes: putting children to beg on streets or committing other crimes, such as theft.
- Children in armed conflict: children are recruited as fighters, sexually exploited, or kept in domestic servitude during a conflict.
- Child marriage: girls are married off to third parties for money or social status, often as part of harmful traditional practices.
- Illegal adoption: Trafficking babies and children for illegal adoption for their exploitation, often through deception or coercion of their parents or guardians. Sometimes victims of child trafficking are exposed to multiple forms of exploitation at once. For example, a child made to beg on the streets may also be exploited sexually” (Silva, 2025).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Especially for Women and Children, establishes: (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) “Child” shall mean any person under eighteen years of age (article 3).

Panamanian Criminal Code punishes Trafficking in **articles 456A, 456B, 456C, 456E, that's says:**

Art. 456A

Anyone who attracts, recruits, retains, receives, instigates, promotes, directs, organizes, invites, manages, facilitates, favors, offers, consents, accepts, acquires, induces, finances or advertises by any means and in any form a person for the purposes of sexual exploitation, exploitation in prostitution, local or international sex tourism, sexual servitude, labor servitude, forced labor or services, slavery or practices analogous to slavery, sale of a child or adolescent, illicit extraction of organs, servile marriage or the exploitation of begging, irregular adoption for the purpose of exploitation, by means of deception, coercion, violence, threats, abuse of power, fraud, promise, collection of payments, benefits or taking advantage of a situation of vulnerability, shall be punished with imprisonment of fifteen to twenty years.

Exploitation shall be understood as obtaining a material or economic advantage or any other benefit for oneself or for a third party, through sexual exploitation, including exploitation in prostitution and sexual servitude; forced labor or services, including labor servitude and exploitation of begging; slavery or practices analogous to slavery, including servile marriage and irregular adoption for the purpose of exploitation, and the illicit removal of organs.

The penalty will be twenty to thirty years in prison when:

1. The victim is under eighteen years of age or is in a vulnerable situation, has a disability, or is incapable of giving consent.
2. The victim is used in acts of exhibitionism through photographs, smoking, or obscene recordings.
3. The act is committed by means of the theft or retention of passports, immigration documents, or personal identification documents.
4. The act is committed by a relative of the victim, by blood, marriage, or adoption, or by a guardian or person responsible for the victim's care, upbringing, education, or instruction, regardless of the degree of kinship. In this case, the perpetrator will lose the right to parental authority, guardianship, or custody and will be disqualified from exercising their functions if these are related to the victim's comprehensive development, as applicable.
5. A public servant commits the act.
6. The act results in physical or psychological injury, or lasting harm.
7. The act exposes the victim to a sexually transmitted disease.
8. The victim is pregnant or becomes pregnant.
9. There is more than one victim.
10. The act is committed by an organized criminal group.
11. Drugs or weapons are used in the act

ARTICLE 456-B

Anyone who knowingly allocates or uses movable or immovable property, telecommunications equipment, or assets of any kind, or several thereof, for the commission of the crime described in the preceding article shall be punished with imprisonment for six to eight years.

When the owner, lessor, possessor, or administrator of an apartment, house, building, or neighborhood, establishment or commercial premises open to the public, vehicle or means of transportation, or a social network, telephone or web application, or other digital service, or assets of any kind, or several thereof, uses it or allows it to be used for the commission of said crime, they shall be sentenced to eight to twelve years in prison.

ARTICLE 456-C

Anyone who extracts, implants, possesses, transports, stores, receives, delivers, offers, sells, buys or transfers, in any way, illicitly or taking advantage of a person in a vulnerable situation, human cells, embryos, organs, tissues or fluids or any element of the human body, shall be punished with imprisonment for ten to twelve years.

ARTÍCULO 456-E

The consent given by the victim in the crimes established in this Chapter does not exempt the perpetrator from criminal liability and will be irrelevant when deception, coercion, violence, threats, abuse of power, fraud, promises, collection of payments or benefits, or exploitation of a vulnerable situation has been used. Furthermore, in all cases involving persons under eighteen years of age, it will not be necessary to prove the means of commission established in this article and in Article 456-A.

Through Law 79 of 2011, modified by Law 458 of 2024, human trafficking is a Crime against Humanity, so that in general terms the fundamental rights of the people who are affected by this criminal act are protected, unlike, for example, Spain which places it as a Crime against Moral Integrity, a fact that is relevant when significantly evaluating the protected legal good.

Human trafficking, often referred to as the slavery of the 21st century, violates people's human rights, and more directly their dignity, as indicated in the National Plan against Human Trafficking (2012). It is evident that people are treated as objects and subjected to a form of sexual exploitation, specifically slavery.

On the other hand, there are different types of human trafficking, as evidenced by authorities and organizations fighting this scourge:

a) Human trafficking for labor exploitation. This is characterized by the recruitment of individuals through deception or fraud, forcing them to work in domestic service, agriculture, or fishing.

- b) Trafficking of women for sexual exploitation—prostitution, corruption, pornography, among others.
- c) Human trafficking for organ removal.
- d) Human trafficking in conflict situations.
- e) Trafficking for military purposes.
- f) Human trafficking for forced marriage or servitude.

Human trafficking is an act against humanity, is a contemporary manifestation of slavery, that all individuals man, woman or children are recruited, transported, and taken in by the trafficker, who takes trades for profit.

The perpetrator of this crime is known as the trafficker, and is any person of any sex, national or foreign, who organizes, directs, finances, advertises, solicits, or manages the crime of human trafficking. This is a common crime, a form of organized crime in which the trafficker assumes various roles, such as recruiter, transporter, receiver, and exploiter, while the victim is the person of any sex who has been subjected by the trafficker to perform one or more acts of prostitution or to exploitation, sexual or labor servitude, slavery or practices analogous to slavery, forced labor or services, forced marriage, forced begging, illicit organ removal, or irregular adoption (article 456A).

Family members are involved in nearly half of the child trafficking cases, in boys 61% of cases on girls, 46% of cases. “The role of people who were considered friends by the victim is also important in the initial phases of trafficking for both children (14%) of cases. An adults (8% of cases) (IOM,2025)

The passive subject is the victim who has been recruited, transported, and taken in by the trafficker, whose detected victims can be of any sex and all ages, but usually are children because of the vulnerability and adults over aged 18.

Global Trafficking persons (2024) states that “Women and girls remain the biggest share of detected victims worldwide, accounting for 61% of the total in 2022, and most of them continue to be trafficked for sexual exploitation, a pattern that has carried on for many years now. In parallel, the number of children among detected victims is growing rapidly and alarmingly, increasing by a third over the space of three years. In particular, the number of girls detected has surged, increasing by 38%. In several regions, children now account for the majority of trafficking victims detected.”

Also, children are exploited in variety of forms: Boys are victims of trafficking sexual, exploitation 8%,, trafficking for forced labor 45%, and 47% trafficking for other forms of exploitation.

Thus, in the first instance, the illicit trafficking of persons consists of the transfer of individuals from one place or territory to another in exchange for money, with the person's consent, with the aim of achieving a better life. In contrast, human trafficking is the opposite, involving deception and the lack of consent from the victim, and the connection with the trafficker lasts for some time, unlike in the illicit trafficking of persons.

Another difference lies in the nature of consent. In human trafficking, consent is given to the transfer itself, but not to the forced activities, sexual exploitation, organ trafficking, or other forms of exploitation. In contrast, in human trafficking, consent is given for the irregular transfer, with full awareness of the risks involved, and there is an agreement between the trafficker and the person.

In addition to the above, there is a particularity regarding the transnational aspect because in migrant trafficking it is always transnational, in human trafficking, it can occur not only at a transnational level, but also at an internal level.

Panamanian Criminal Code establishes an aggravating circumstance when the victim of exploitation is under eighteen years of age or is in a situation of vulnerability, disability, or incapacity to consent (Art. 456 No. 1).

Also, when the act has been committed by a relative of the victim, by blood, marriage, or adoption, or by a guardian or someone responsible for their care, upbringing, education, or instruction. In this latter case, the perpetrator will lose the right to parental authority, guardianship, or custody and will be disqualified from exercising their parental functions(article 456A,no.4).

In sum Panamanian Criminal Code establishes trafficking victims' protection in various forms including sex trafficking, labor trafficking, commercial sex act, and prescribe imprisonment by 15 to 20 and for involving a child victim is from 20 to 30 years' imprisonment .

2.2.6 Child online exploitation and sexual abuse

2.2.4.6.1 Online child sexual exploitation

“The reference to “online child sexual exploitation” includes all acts of a sexually exploitative nature conducted against a child that have, at some stage, a connection to the online environment. It includes any use of ICT that results in sexual exploitation or causes a child to be sexually exploited or that results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted.

This notion can thus encompass (but is not limited to): - sexual exploitation that is conducted while the victim is online (such as enticing/manipulating/ threatening a child into performing sexual acts in front of a webcam. identifying and/or grooming potential child victims

online with a view to exploiting them sexually (whether the acts that follow are then carried out online or offline) - the distribution, dissemination, importing, exporting, offering, selling, possession of, or knowingly obtaining access to child sexual exploitation material online (even if the sexual abuse that is depicted in the material was carried out offline)” (Unicef,2016).

The use of internet, social media makes adults have sexual conversations with children; communicate with a child with the intentions of a sexual offence (Grooming), or to incite to perform an act, via webcam or video (phonography crimes), or also a non-consensual image sharing (Finkenlhor, Turner,2024)

“The impact of child sexual abuse involving imagery can be severe and lifelong, with the potential for children to be revictimized each time images are viewed. They may feel guilt, shame and self-blame, and be vulnerable to further sexual abuse. Steps can and should be taken to get imagery removed from the online spaces where they are posted, where possible”(Brown, 2023).

2.2.6.2 Grooming and dissemination of intimate images or videos without consent:

In the context of child sexual exploitation and sexual abuse, “grooming” is the short name for the solicitation of children for sexual purposes. “Grooming/online grooming” refers to the process of establishing/building a relationship with a child either in person or through the use of the Internet or other digital technologies to facilitate either online or offline sexual contact with that person. Grooming is defined by major dictionaries as the act of “preparing or training (someone) for a particular purpose or activity”, and in the specific context of child sexual exploitation and abuse as “(of a pedophile) prepare (a child) for a meeting, especially via an Internet chat room, with the intention of committing a sexual offence”²²⁴ or “the criminal activity of becoming friends with a child, especially over the internet, in order to try to persuade the child to have a sexual relationship” (UNICEF,)

Grooming, which is a form of online child abuse, occurs when an adult manipulates and seduces a minor in order to later have sexual contact. There are several types of grooming: emotional, financial, physical, or psychological, among others. However, in this case, we are interested in sexual grooming, which is a form of sexual exploitation that involves an adult manipulating a minor to have sexual contact.

Online grooming is complex; it begins with deception, including the use of a fake profile pretending to be a minor, the emotional bonding of the minor with their abuser, a progressive sexualization of conversations, the use of gifts to win over the victim, and it usually starts with minor requests to gradually involve minors in activities they would not initially agree to (sending sexual photos, connecting through the webcam, etc.) (Gamez and Calvete, 2019).

The consequences of grooming are devastating for minors, affecting their mental and physical health, causing anxiety, depression, and even suicide. This criminal phenomenon is dangerous because it serves as a bridge to other crimes affecting minors, such as human trafficking,

forced labor, and because sexually explicit material can become child pornography, providing a means to abuse minors and repeat these abuses (De Santisteban and Gamez-Guadiz, 2017).

In other hand, Panamanian Criminal law 478 (2025) punishes dissemination of intimate images or videos without consent:

Art. 166A

“Anyone who disseminates, produces, or sells intimate, sexual, or nude content, in which real or simulated images, graphic impressions, audio, or video of a person are displayed without their consent, approval, or authorization, through the use of information and communication technology, as well as any other means, shall be punished with a prison sentence of three to six years.

The penalty shall be increased by one-third to one-half when the conduct described in the preceding paragraph is committed:

1. By a person who is or has been in a relationship with the victim through marriage, common-law union, or similar affective relationship, even without cohabitation.
 2. For profit.
 3. For pleasure, greed, or racial, religious, or political hatred.
 4. Against a person with a disability, an elderly person, or a person in a state of unconsciousness.
 5. Through fake accounts.” Concealing the true identity of the perpetrator.
6. Unlawfully appropriating or obtaining said content.

In the case of the non-consensual distribution of sexually explicit images, there is a link between sexting (Arango Durling,2024), revenge porn and sextortion. This involves images and videos of a sexual nature that couples voluntarily share within their relationship, trusting that this intimate material will not be disclosed or seen by third parties (Arango Durling,.2024)

Generally, the perpetrator of these crimes can be any person, making them common offenses since the law does not specify any particularities, such as being a partner, ex-partner, or having an intimate or cohabiting relationship. It also does not specify a minimum age for the perpetrator, and in some cases, the perpetrator may even be a third party unrelated to the relationship, such as a hacker. However, aggravating circumstances apply when the perpetrator has or has had a romantic, emotional, or trusting relationship with the victim, or is a spouse.

On the other hand, Panamanian punishes dissemination of intimate images or videos without consent with imprisonment of three to six years, and with an aggravated penalty in the case that it is a person who is or has been united to the victim by marriage, de facto union or similar relationship of affection, even without cohabitation.

There is an impact on their intimacy, image and privacy, such as secrets, images or video of sexual content captured in private with their consent, later they are disseminated without consent, and it is also considered a form of gender-based violence.

And regarding the motives, the perpetrator may have multiple reasons for disclosing the content, for revenge to humiliate, hurt, and/or shame their partner or ex-partner (Revenge porn), or for profit (Sextortion), or for any person that obtained the content improperly pleasure, greed, or racial, religious, or political hatred. (article 166A)

2.2.67 Violence in schools and other digital violence.

Digital violence against minors — such as cyberbullying, cyberstalking, sexting, happy slapping — in order to assess and confirm are behaviors of cyber or digital violence that affect the culture of peace and have psychological and physical effects.

School violence (Arango Durling, 2025) encompasses all forms of aggression within or outside the classroom between students, including that perpetrated by teachers, administrative staff, and parents.

There are several types of school violence among students: verbal, physical, psychological, racial, sexual, gender-based, social exclusion, sexual orientation-based, theft and damage to belongings, cyberbullying, and school bullying.

School bullying (Arango Durling, 2023) occurs between peers, between students, and consists of repeatedly bothering a classmate or schoolmate. It can take various forms: a) sometimes physically assaulting them, with blows, pushes, pinches, kicks, b) verbally, with mockery, insults or nicknames, c) stealing or hiding their belongings, d) attacking their dignity and self-esteem, e) making comments of a sexual nature, unwanted touching or whistling, f) due to social exclusion, economic situation or disability, such as removing them from the class WhatsApp group.

In Panama, the Ministry of Education established through Resolution No. 2588-A of May 30, 2018, the mandatory use of Protocols in centers for bullying and cyberbullying, and later, through Law 289 of March 2022, the coexistence without violence in the educational institutions of the country is promoted by adopting measures against violence, intimidation, harassment and discrimination, defamation in the classrooms, through social networks and or any other computer or electronic system, in order to prevent, and eradicate these behaviors among students. Later its regulated by Executive Decree 82 of June 2, 2024, but directly determines that school violence constitutes bullying or school harassment” (art.2) which includes behaviors of intimidation, harassment, discrimination and defamation, and cyberbullying.

Panamanian Law 285 of 15 February 2022, also, establishes the measures for protection for minors in the virtual space:

Article 78. “Protection measures in virtual space. Protection measures in virtual space must be aimed at:

1. Block or filter Internet access to audiovisual material that is obscene, pornographic or harmful to children and adolescents, on computers to which they access.

2. Prevent children and adolescents from accessing inappropriate and harmful material on the Internet. The safety of children and adolescents when they use email, access chat sites on the Internet and other forms of direct electronic communications.

3. Prevent unauthorized access by children and adolescents on the Internet, including the practice known as hacking, computer piracy and other illegal activities.

4. Avoid the disclosure, use and dissemination of personal information of children and adolescents without authorization.

The primary obligation is established for the educational system to adopt Internet security policies. In cases of violation or threat of rights, the restitution of the violated or threatened rights will be carried out through the execution of protection measures provided for in this Law and other legislation. The obligation to comply with these measures is extended to centers, establishments or any type of spaces that have computers or equipment with access to virtual space for the use of children or adolescents, regardless of whether they are public, private, social or commercial nature. Likewise, it is a primary obligation of the State to make the corresponding legislative adjustments, especially in criminal matters, in order to punish criminal conduct to the detriment of children and adolescents. Families and social organizations, as a whole, have the right to participate in all stages of the cycle of criminological policy linked to the protection of children.”

Harassment is aggressive behavior involving the constant pursuit of a person, interfering with their daily life. It is an abuse that affects a person's dignity and other rights and has repercussions for academic performance. Furthermore, the physical and emotional damage can sometimes lead the victim to suicide.

When the harassment occurs online it is known as cyberbullying for example, there is cyberbullying in schools, also incorrectly called cyberbullying, where the harasser acts anonymously, harassing and denigrating through social media, emails, chat rooms, video games, and other means.

Cyberbullying is one of the most frequent behaviors affecting children. It is characterized by aggressive and violent behavior using technological and communication devices, such as tablets, iPads, and other devices, and consists of threatening, harassing, humiliating, and bothering someone repeatedly and continuously. This aggression is carried out through the sending or posting of offensive or embarrassing text messages, images, or videos about a person, in spaces such as the internet, social networks, gaming communities, or online forums (UNICEF, 2020).

There are various forms of Cyberbullying, sexting, happy slapping and Grooming, and can be verbal, sexual, psychological, financial, or related to property.

“Sexting” is a commonly used term, and a frequent practice among young persons. It is often a consensual activity between peers, although research has shown that girls feel pressured or coerced into it more often than boys. When sexting leads to abuse or exploitation, it is crucial that the fact that the material is self-generated does not result in blaming the child for what happens or in holding the child criminally liable for the production of child sexual abuse material. (Unicef,2011).

On the other hand, Collins Dictionary states that “Happy slapping, is the practice of attacking, slapping, an unsuspecting passer-by and filming it with a mobile camera phone, footage of which is then circulated for the amusement of others”, while Cyberstalking is the use of internet to stalk or harass, a person, to have control by threatening or intimidating.

Previously, Grooming was introduced in the penal reform through Law 478 of August 9, 2025, Article 184 A was examined, is a form of sexual abuse and exploitation, and also considered a cybercrime.

In sum, these types of digital violence have serious consequences for the human rights and dignity of children, who are subjected to harassment, threats, ridicule, defamation, or extortion through the internet or social media. These actions provoke feelings of insecurity, isolation, fear, and anxiety, and limit the exercise of their digital rights, such as free and safe participation in the digital space.

3.Conclusions

Everyone under the age of eighteen has all the rights of the Convention of the rights of the child (1989) and Panama Constitution, including, Family Code (1994) currently governs child protection law primarily; and in the case of our country, the Law 40/1999 on the criminal liability of adolescence establishes rights and penal and procedural guarantees and determines that the age of 14 are criminally liable.

Panama ratified the Convention on the Rights of the Child in 1990 and is a domestic law through enacting legislation. Panama also ratified the Optional Protocol to the CRC on the involvement of children in armed conflict (2001), and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (2001), and at the same time de Optional Protocol to the CRC regarding the complaint’s procedure before the Committee on the Rights of the Child.

In Panama Criminal Code children have protection against physical, emotional and sexual abuse, and any other child violence, which can be conducted by family members, those who have authority over the child, custody or by any other person.

Under Panamanian Criminal Law, the offences against children under 14 years of age have harsher penalties, and examples of criminal sexual crimes in Panama against child are Rape (art.174-175), non consensual lascivious act (art. 177), harassment (178), Sexual intercourse in a position of advantage (art. 176), corrupts or promotes the corruption of a person under age 18 (art.179), Sexual servitude (art.182), Pornographic crimes (art.184), as pornographic material possession of minors (art. 185), Commercial sexual exploitation of minors (art.186), obscene or pornographic exhibitionism, (art.187), Exhibition of phonographic material to children (art.188) and Omitting to report pornographic crime (art.189).

There is also punishment for Maltreatment or Abuse, for Ruffianism, and Paid sexual relations with minors, that in our opinion these crimes should be classified as crimes against humanity because they are forms of sexual exploitation.

Panamanian Criminal Code punishes all activities related to child pornography production, distribution, exhibition (art.187), and possession (art.185).

In other hand there is punishment for child sexual harassment, and online Grooming, facilitated by internet, and pornography online as sexual child exploitation, but it worries that in cybercrimes Panama needs of specific regulation and has the ability to stop the publication of the pornography.

It is obvious that Panama Criminal Law provides protection to children and adolescent, but UNICEF Panama Annual Report (2024) states that 45% of children are disciplined with violence, three out of ten receive physical punishment, Seven out of ten victims of sexual violence are under eighteen, and nine out of ten victims are girls.

Also, the Report indicates that physical punishment is still a reality in child-rearing practices. One in two children experiences violent discipline at home, which can range from yelling and insults to hitting and beatings. Furthermore, according to a 2022 UNICEF survey, 77% of caregivers consulted lose their temper or became irritated with their child; 58% yell at them, and 43% hit them.

Considering, Panamanian Criminal child's regulations, have strengthened its regulations, prevention is the way to safeguarding children from maltreatment and all kind of violence, including exploitation, and sexual harassment, surely required active civil society organizations, parents and education institutes.

Even though, Rights Defensor, Mides, Conapredes, Senniaf, and other State institutions collaborate in prevention, and ensure victim protection, and Panamanian Law No. 285 of 15 February of 2022, has created the system of guarantees and comprehensive protection of the rights of childhood and adolescence and issues other provisions., it is necessary to act decisively to protect children, and that is commitment since the adoptions of the 2030 Agenda for Sustainable Development in 2015.

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VIRGINIA ARANGO DURLING

Nació en la ciudad de Panamá. Es Licenciada en Derecho por la Universidad de Panamá, 1980. Doctora en Derecho, *Apto Cum Laude*, Especialización en Derecho Penal, Universidad Complutense de Madrid, España, 1989. Tiene experiencia en investigación y es autora de numerosas publicaciones, entre las que cuentan más de cincuenta obras en materia de Derecho Penal y Derechos Humanos, e investigaciones publicadas en revistas nacionales y extranjeras, y otros en medios de comunicación social. Entre sus publicaciones se puede mencionar Derecho Penal (Parte General), Introducción a los Derechos Humanos, Manual de Derechos Humanos, Las consecuencias jurídicas del delito, el Iter Criminis, entre otros.

Ha ocupado los cargos de *Investigadora* en el Centro de Investigación Jurídica de la Universidad de Panamá (1983-1993), Decana Encargada. Facultad de Derecho y Ciencias Políticas (1997) Universidad de Panamá, Profesora de Derechos Humanos en Universidad de Panamá, y ULACIT. Actualmente es Catedrática de Derecho Penal y ocupa el cargo de Directora del Departamento de Ciencias Penales y Criminológicas, de la Universidad de Panamá.

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