

SITUATIONAL ANALYSIS OF CHILD DOMESTIC LABOUR IN PANAMA



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1. STATE OF CHILD LABOUR IN PANAMA

The office of the Comptroller General of the Republic of Panama, through the National Institute of Statistics and Census (INEC¹), has carried out four surveys on child labour in the years 2000, 2008, 2010 and 2012. These surveys have been institutionalised in assistance with the Ministry of Labour and Labour Development (MITRADEL²). These surveys are the only tools that gather information directly from boys and girls, aged 5-17 years old, about their participation in economic activities and working conditions. As such, they provide reliable and easy to compare data that facilitates an understanding of the dimension and characteristics of child labour. Further, it contributes to the generation of knowledge and promotes analysis of the topic and, from that perspective, it serves as a basis for the design and adequacy of programmes and policies directed towards the eradication of the problem. It is administered by CETIPPAT³-INFO, which contains key indicators. (2010 Survey)

The National Institute of Statistics and Census (INEC), carried out a Child Labour Survey in October 2012, with the purpose of getting information for evaluating the impact of the admission of people below the legal age of employment in the labour market. This was done in order to determine the characteristics of such engagement in highlighting the causes of exploitative conditions. The survey provides essential data for the development of specific policies for the population that belongs to this age group and for the monitoring and evaluation of the programmes developed by different social agents, aimed towards ending the worst forms of child labour. (2012 Survey)

According to the results drawn from the 2012 Child Labour Survey (CLS), total population in households of children aged 5 to 17 was 2,466,889. In 2012 there were 901,066 people aged 5 to 17 in the country: 37.5% being in the age bracket of 5-9 years, 39.8% between 10 to 14 years, and 22.7% in the group 15 to 17 years. With respect to gender composition, 52.0% were males and 48.0% were females.

Regarding child labour, the survey registered 50,410 boys and girls, representing 5.6% of the total population for that age group. Of the 50,410 child labourers, 74% were boys and 26% girls. Child labour is greater in rural and regional areas, as 73.2% of all child labourers are found on those areas.

1.1 Educational situation of children in child labour

Relating to the education level of the child labourers (50,410) the survey revealed that 3.3% have not completed any grade, 51.3% have completed some classes of primary school level, and 44.6% some grades of secondary school, 0.2% vocational school, and 0.6% preschool. On the other hand, only 61.0% attended school and 39.0%, that is 19,673 children aged 5-17, work and don't attend school. Only 61.0% (i.e. 30,737) child labourers attend school, which of which 21,675 are boys and 9,062 are girls.

1.2 Economic characteristics of children in child labour

We found that of the 50,410 children, 6,752 (representing 22.0%), said to have started working between the age of 5 and 9; 19,329, (representing 62.9%), started working between ages 10 and 14; and 4,656 children, representing 15.1%, started when they were between 15 and 17 years old. The ages that are most representative in these brackets are 9, 10, 12 and 15.

The activities in which they are mostly engaged are: agriculture, ranching, hunting, silviculture, fishing and related activities (56.0%), wholesale and retail trade, motor vehicles repairing (16.3%), construction (7.0%), manufacturing industries (4.4%), transport, storage and postage, (4.1%) and **household activities as employees**, undefined production of goods activities and **domestic services (3.9%)**.

¹ Nacional de Estadística y Censo

² Ministerio de Trabajo y Desarrollo Laboral

³ CETIPPAT stands for the Comité para la Erradicación del Trabajo Infantil y Protección a la Persona Adolescente Trabajadora (Committee for the Elimination of Child Labour and the Protection of Young Workers)

As far as gender diversity is concerned, there is a clear predominance of boys in activities related to: agriculture, livestock breeding, hunting, silviculture, fishing and related services activities (73.0%), wholesale and retail trade, motor vehicles repairing (69.2%), construction (99.6%) and transport (100.0%), **while girls' presence is greater in domestic and household activities, production of goods and activities** (84.6%) in the informal economy and in hotels and restaurants (57.3%).

Regarding occupation category, the survey revealed that of the 50,410 children that work, 33% work as employees, 16% are self-employed, and 51% work with the family.

2. CHILD DOMESTIC LABOUR

2.1 Latest Statistics on Child Domestic Labour

According to the 2012 Survey, 1,976 children below the minimum age work in the domestic service sector across the country, of which 304 are male and 1,672 female, in the age group 9 to 17. More girls than boys work as domestic workers during night shift, which is banned by law. They work mostly in hotels and restaurants, and private homes. (2010 Survey)

Girls work above 36 hours per week; they dedicate an average of 47.2 hours to work in private households as child domestic labourers. On an average, in the indigenous area, both boys and girls spend 69 hours in domestic service, 48.4 hours those in the rural area, and 45.5 in the 15-17 year old group. (2010 Survey)

Attraction to Child Domestic Labour

- Sometimes people from the community like educators, landowners, officials of some institutions look out for children below the minimum age of employment to work as child domestic labourers. Often children agree to work on account of poverty and their families compel them too. A friend, sister, aunt or any family member who is already working encourages domestic work as a good way to earn money to cover their needs, get better food, etc.
- A radio or newspaper advertisement (if there is coverage) calls for domestic workers preferably from the inland to the capital city offering good salary.
- Also other family members like an aunt, godmother or close friend living in the capital city of the country or the capital city of the province offers them a job or promises to find them good employment while they stay and work with them.
- Parents insist that children go out and work in order to help the family and earn money so that they can study.
- There are people who enlist and refer them to employment agencies. Teachers, as a helping gesture, refer them as child domestic labour.

2.2 Type of work performed

Generally boys, girls and adolescents in domestic setup at private households carry out tasks related to housework, such as cleaning inside and outside the home, cooking, washing, ironing, taking care of infants, keeping company and serving old or the disabled (often sick), pet sitting or running errands like

shopping. They also serve family members at any time they require, especially if they live at the employer's home.

2.3 Remuneration received

Of the 16,389 working as employees, 47.4% earn a monthly salary of less than PAB 100.00, 24.2% earn between PAB 100.00 and PAB 174.00, 9.9% earn between PAB 175.00 and PAB 249.00, and 18.5% earn more than PAB 250.00. Of those in the employee category, 25.2% work less than 15 hours a week in average, 36.9% work 25 to 34 hours and 37.9% work 35 hours or more (2012 Survey). In this category of employees, domestic workers are included.

According to extra-official data, there are child domestic labourers that do not receive any type of remuneration, only meals and lodging or some help with their needs.

2.4 Risks, effects and consequences of child domestic labour

Child domestic labour entails a series of risks, like the violation of children's rights, their exploitation, abuse, maltreatment or discrimination.

Physical abuse faced by child domestic labourers often includes receiving beatings, pinches, skin diseases caused by exposure to hazardous products and handling of utensils without appropriate protection, exhaustion from long working hours with no leisure time or adequate rest, and malnutrition or a poor diet.

Psychological effects of child domestic labour entails low self-esteem, verbal aggression, accusations and threats, depression arising of loneliness for being away from family, discrimination (for being indigenous or peasants), demeaning work, little or no salary, being submissive, overtly obedient, and resigned to their situation owing to lack of other options, leisure or friendships.

Social effects of child domestic labour cover limited educational opportunities, low academic performance, failure at school, abandoning education, isolation from their families breakage of family ties and with those at the area of origin, and violation of their human and labour rights with some of them even become victims of prostitution.

Statement from María Ruiz, an adolescent girl in child domestic labour

"My name is María Ruiz. I am 15 years old and I have three brothers who go to school. My family depends on what my father earns from subsistence agriculture. I come from a community in the province of Veraguas. I have to walk two hours from where the bus drops me to get to the community – that is how I did my studies until 9th grade.

I started working when I was 14. A person who works in the community offered me a job so I could continue my studies. But they mistreated me there, they often scolded me, and told me offensive things. The girls who lived with me there fought with me, they beat me, and they even made me cry -so I had to leave.

I live with strangers at the moment. My mother found the place and I do work like sweeping, as a junkwoman, cooking, washing... but I don't get paid.

What worries me is that I am not good in Spanish and I feel sad. I don't feel good where I am now -I live without my parents, I have always been used to living without them."

Statement excerpted from the Survey carried out by IDEMI, 21 May 2013

2.5 Causes of child domestic labour

The causes of child domestic labour are diverse. Nevertheless, there is a direct relation with poverty, which has driven boys, girls and adolescents to this form of child labour. Cultural aspects also play an important role (accepting child domestic labour as a gesture of benevolence, particularly for the girls and women). A culture where gender discrimination is predominant, it is considered normal for a girl, to work as a domestic worker. In fact it is considered as her only way of getting access to the labour market. Panama is also afflicted with a culture wherein it is expected of children, to serve those who grant them favours by employing them.

Lack of educational opportunities in their areas of origin (rural and indigenous) is also a serious factor. The wish of their parents for them to get into domestic work and extend help by sharing the family expenses also has to do with the willingness of boys, girls and adolescents to study and outdo themselves.

Poor families find it difficult to provide for their large families. The lack of study and work opportunities in the places where they live, encourage the movement of pre-adolescents to other urban centres.

Boys, girls and adolescents arrive to urban centres with a strong interest for education but they don't have any income to rely on to cover their fees, transport, material, uniforms, food, clothes and accommodation. These are very substantial expenses, and the only way of covering them partly is working in domestic labour in other people's homes, in contravention with the law. This type of work is invisible because it is in a private setting. On probing, these children often say that they don't work there, and only help out.

The reality for many boys, girls and adolescents, from both rural and urban areas, is that their families generally prioritise primary education until 9th grade, as they feel responsible for supporting them until then. Once the child clears 9th grade, they continue with the younger children. Because of this, if the elder children wish to continue their studies, they must emigrate to look for a job that pays for their personal and educational expenses. Also, they are driven by their desire to help their family improve their living conditions.

Statement from Tomás Rodríguez, an adolescent boy in child domestic labour

"My name is Tomás Rodríguez. I am 16 years old. My family includes my father, mother and three brothers who go to school. We depend on subsistence agriculture. I come from a community in the province of Veraguas. There is a school with six classrooms, but there is no light or media. The roads are not cemented. Transport is too expensive and people move out because there is no work in the region.

I left the community to pursue secondary education. Even though I live with my brother and cousins, I work cleaning yards in the weekends, I start at 7 am until I finish. It helps me pay for school, but they only pay me PAB 2.00 for my work.

This affects me because when I endure this work, my nose bleeds.

I don't have a scholarship, or any other help. In my community there is no assistance from the governments and I need help to continue (my education).

I can improve my situation. I just need help with my needs and to continue my studies so I can become a professional."

Statement excerpted from the Survey carried out by IDEMI, 3 June 2013

3. NATIONAL RESPONSE TO CHILD DOMESTIC LABOUR

3.1 International conventions ratified

Panama has ratified the following international treaties with respect to child rights and child labour:

- The United Nations Convention on the Rights of the Child (CRC), ratified by the Act No. 15 dated 6 November 1990
- The Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, ratified by Act No. 47 dated 13 December 2000
- The Protocol to the CRC on the Involvement of Children in Armed Conflict, ratified by Act No. 48 dated 13 December 2000
- The International Labour Organization (ILO) Convention No. 138 on the Minimum Age for Admission to Employment and Work, ratified by Act No. 18 of 15 June 2000 and ILO Recommendation No. 146 concerning the Minimum Age for Admission to Employment, 1973
- ILO Convention No. 182 on the Worst Forms of Child Labour, ratified by Act No. 18 of 15 June 2000 and ILO Recommendation No. 190 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999

3.2 National laws and regulations

The national legislation in Panama includes:

- The 1972 Political Constitution of the Republic of Panama, as amended by the Reforming Acts of 1978, the Constitutional Act of 1983 and the Legislative Acts Nos. 1 of 1993, 2 of 1994
- The Labour Code of the Republic of Panama - Cabinet Decree No. 252 of 30 December 1971, published in the Official Gazette No. 17040 of 18 February 1972
- The Act No. 16 of 31 March 2004, issuing provisions for the prevention and classification of offences against sexual integrity and freedom, amending and adding sections to the Penal Code and the Judicial Code (Official Gazette No. 25023 of 5 April 2004)
- The Executive Decree No. 25 of 15 April 1997, which creates the Committee for the Elimination of Child Labour and the Protection of Young Workers (CETIPPAT)
- The Executive Decree No. 91 of 6 December 2002, approving a Targeted Public Policy on Child Labour, Sexual Exploitation and Street Children and creation of a Coordination and Management Unit (Official Gazette No. 24698 of 12 December 2002)
- Safety and Health Network against unhealthy and hazardous child labour, Executive Decree No. 279 of 24 September 2003
- The Executive Decree No. 37 of 21 June 2005, amending some articles of the Executive Decree No. 25 of 15 April 1997 - which creates the Committee for the Elimination of Child Labour and the Protection of Young Workers (CETIPPAT), as amended by the Executive Decree No. 9 of 21 April 1998 and the Executive Decree No. 18 of 19 July 1999, granting the scientific and legal tools for the consulting, coordination and setting of policies and programmes aimed at the prevention and

elimination of child labour and the protection and improvement of social and labour conditions of young workers.

- The Executive Decree No. 19 of 12 June 2006, approving a list of types of hazardous work for children in the context of the worst forms of child labour, published in the Official Gazette No. 25569, Republic of Panama, 19 June 2006, listing the forms of labour that are considered hazardous, including child domestic labour, banned until the age of 19
- The Act No. 14 of 23 January 2009, which creates the National Secretariat for Children, Adolescents and the Family (SENNIAF⁴)

The laws and legal provisions or codes concerning child labour, child domestic labour and education (minimum age of employment, minimum age for hazardous work, mandatory school age) in Panama are summarised below:

- The 1972 Political Constitution of the Republic of Panama, as amended by the Reforming Acts of 1978, the Constitutional Act of 1983 and the Legislative Acts Nos. 1 of 1993, 2 of 1994. Chapter 3, Article 70 establishes work by children (6 hours a day for those above 14 and under 18 years old). The mandatory school age in Panama is until 9th grade, by which all children must be in the National Education system.
- Executive Decree No. 19 of 12 June 2006, approving a list of types of hazardous work for children in the context of the worst forms of child labour, published in the Official Gazette No. 25569, Republic of Panama, 19 June 2006. **(Under no circumstance must underage children be allowed to carry out work classified as hazardous for its nature and conditions.) Section 3.11 of this Decree establishes the prohibition of labour in domestic service in third party households.**

Laws or legal provisions observing trafficking for child labour in Panama include:

- Act No. 16 (of 31 March 2004) - This Law's main purpose is to protect children from all forms of sexual exploitation, by establishing criminal penalties and preventive measures, in accordance with the interest in children and adolescents, their integral protection, and the guiding principles of the Political Constitution of the Republic of Panama, the Family and Children Code (Third Book) and conventions and treaties.
- Executive Decree No. 107 of 11 June 2013, which amends some sections of Executive Decree No. 9 of 21 April 1998, Executive Decree No. 18 of 19 July 1999 and Executive Decree No. 37 of 21 June 2005 in Sections 1, 2, 3 and 5.

This legal framework protects all children and adolescents, including boys, girls and adolescents who are in child domestic labour in third party households.

⁴ Secretaría Nacional de Niñez, Adolescencia y Familia

3.3 Institutional mechanism

The institutional law enforcement coordination mechanisms for the protection of underage boys, girls and adolescents against exploitation, including domestic labour in third party households, have among their main goals the ensuring of basic education until 9th grade. For this purpose, Panama relies on:

- Intra-institutional Protocol of Action for Child Labour and the Protection of Young Workers. The updating and validation process was concluded for the intra-institutional protocol (internal protocol for the Ministry of Labour and Labour Development offices), the protocol is in a legal advice stage for its review and approval, and later ratification by Her Excellency the Minister Alma Lorena Cortés.

The current mechanism for the remediation of any child labour complaints is the following:

In the case of domestic labour

In no less than 24 hours: a social worker is assigned, who works in coordination with the Children’s Police, the National Secretariat for Children, Adolescents and the Family (SENNIAF), the National Directorate of Labour Inspection, the Department for Children and the city councilman. The workplace is visited and if the complaint is found true, the child is removed. The employer is summoned for the application of the pertinent sanction. In the labour office, the employment benefits of the working child are calculated, so that she/he is paid what is due. The family is located, and the social worker carries out a social report.

They are provided with the necessary labour counselling. If the father or mother is unemployed, a profession appropriate to their skills is looked for in the job bank service, so that the adult is the one working and providing for the home.

In the case of any other complaint on child labour

A social worker is assigned who coordinates actions with the National Directorate of Labour Inspection and appears in the workplace. In the case that the work is not prohibited and the child is above the minimum age of employment, a work permit is issued if the employer is willing to offer him a contract. In this case, the employer is also summoned for the application of sanction, and employment benefits are calculated.

3.4 Government policies and social programmes

The main governmental policies concerning child labour in Panama are:

- Roadmap for making Panama a Child Labour-free country.
- Direct Action Government Programme. It consists of engaging Boys, Girls and Adolescents in Hazardous Child Labour for their adequate induction, according to their social and economic profile, through the Direct Action Government Programme. Five tours have been made in the following areas: Guna Yala, Colón, Darién, Herrera, Los Santos and the San Miguelito District, with support from local authorities in each community and the coordination of the National Directorate against Child Labour and for the Protection of Young Workers (DIRETIPPAT⁵), the National Secretariat for Children, Adolescents and the Family (SENNIAF), the Institute for Training and Development of Human Resources in the Republic of Panama (IFARHU⁶), the Ministry of Education (MEDUCA⁷) and governing authorities, capturing the attention of 793 boys, girls, and adolescents between 6 and 17

⁵ Dirección Nacional Contra el Trabajo Infantil y Protección de la Persona Adolescente Trabajadora

⁶ Instituto para la Formación y Aprovechamiento de Recursos Humanos

⁷ Ministerio de Educación

years old. This includes a different approach every time a home visit was done, in order to draw up a socio-economic record, which is then sent to IFARHU for its evaluation, for the granting of scholarships. The goal for 2013 is to remove 1,500 children and adolescents from child labour. These tours are done at a national level across all provinces.

Social programmes for the elimination or prevention of child labour, include the following:

- The Direct Action Government Programme: It consists of engaging working children and adolescents across the country. The social workers of the National Directorate against Child Labour and for the Protection of Young Workers (DIRETIPPAT), develop the social reports that are later submitted to IFARHU. The Ministry of Education (MEDUCA) provides academic monitoring, the National Secretariat for Children, Adolescents and the Family (SENNIAF) ensures social monitoring, the Ministry of Health verifies health conditions and Panama Sports Institute (PANDEPORTE⁸) monitors the recreational area.
- Project funded by the U.S. Department of Labour (USDOL): There are two projects funded by USDOL (total sum of \$10 million). One project is dedicated to services, EDUCARED, which consists of the execution of Direct Action programmes focusing on prevention and elimination of child labour, and guaranteeing children's and adolescents' rights to education in specific territories, in accordance to the major areas of impact of this calamity, directed towards indigenous populations, communities with people of African descent or migrant characteristics. The second project is for the building of effective policies against child labour, with the elimination of child labour as the main goal. Both projects are implemented in Panama and Ecuador.
- Cooperation Agreement with approximately 250 companies, under the framework of corporate responsibility, in coordination with the National Council of Private Enterprise (CONEP⁹): Its objective is the development of processes for the updating of private enterprises' knowledge on the national and international regulations on child labour in its worst forms, and on the best strategies and practices for the prevention and elimination of child labour, carrying out awareness campaigns in the companies so their products become free of child labour.

3.5 Budgetary resource allocation

The resources and budget lines for child labour and child protection in Panama are:

- The National Directorate against Child Labour and for the Protection of Young Workers (DIRETIPPAT) and the Panama Sports Institute (PANDEPORTE) have an annual budget for matters related to child labour.
- The Ministry of Education (MEDUCA), the Ministry of Health (MINS¹⁰), the National Secretariat for Children, Adolescents and the Family (SENNIAF) and the National Institute of Culture (INAC¹¹) which, among others, make up the Committee for the Elimination of Child Labour and the Protection of Young Workers, must guarantee with their respective budgets the relevant actions in contribution to the elimination of child labour as determined by the Roadmap.

⁸ Instituto Panameño de Deporte

⁹ Consejo Nacional de la Empresa Privada

¹⁰ Ministerio de Salud

¹¹ Instituto Nacional de Cultura

3.6 Actions and efforts by different actors

Actions and efforts at the behest of the Government in Panama to address child labour, including child domestic labour is summarised below:

- Child Labour Survey (CLS 2012)
- Mechanisms for drawing in working children and adolescents
- Tours to identify children and adolescents in hazardous child labour and their subsequent insertion according to their social and economic profile, under the Direct Action Government Programme
- Inter-institutional Protocol of Action for Child Labour and the Protection of Young Workers in the framework of the National Committee for the Elimination of Child Labour
- Intra-institutional Protocol of Action for Child Labour and Protection of Young Workers
- Direct Action Government Programme: In addition, the increased attention coverage of working children and adolescents across the country, including the indigenous territories of Ngäbe-Buglé, Embera-Wounaan, and Guna-Yala. We currently have 3,776 children and adolescents who receive integral attention, following their removal from work areas
- Roadmap consultancy to make Panama a country free of child labour in its worst forms
- Amendment of Decree No. 37, which creates the National Committee for the Elimination of Child Labour and the Protection of Young Workers (CETIPPAT)
- Training and Awareness: we have initiated a national training and awareness schedule, coordinated jointly with the National Committee for the Prevention of Sexual Exploitation Crimes (CONAPREDES¹²), the National Secretariat for Children, Adolescents and the Family (SENNIAF), the Office of the Ombudsman and the National Directorate against Child Labour and for the Protection of Young Workers (DIRETIPPAT), directed at key actors, parents and children. During this first stage, we plan to raise awareness in 500 people

Actions and efforts at the behest of non-governmental organisations that work together with public policies include the following:

- Casa Esperanza and ILO/IPEC, EDUCARED and the Fe y Alegría organisation in the execution of the project funded by USDOL
- The National Council of Private Enterprise (CONEP) with the Cooperation Agreement with approximately 250 companies, under the framework of corporate responsibility
- The Telefónica Foundation, of Telefónica Móviles de Panamá, the consultancies (Intra-institutional Protocol of Action for Child Labour and the Protection of Young Workers and the Inter-institutional Protocol of Action for Child Labour and the Protection of Young Workers) in the framework of the National Committee for the Elimination of Child Labour: they are carried out with funding as part of the joint actions of the Cooperation Agreement signed in 2010
- FUMPADEM¹³ (Foundation for Peace and Democracy)
- Pro niño (Pro child)
- FUDESPA¹⁴ (Panamanian Foundation for Economic and Social Development)
- IDEMI¹⁵ (Institute for the Development of Women and Children), in the execution of advocacy work for public policies concerning the elimination of child labour in Panama. Action and awareness on child domestic labour in third party households under the Children's rights framework

¹² Comisión Nacional para la Prevención de los Delitos de Explotación Sexual

¹³ Fundación para la Paz y la Democracia

¹⁴ Fundación para el Desarrollo Económico y Social de Panamá

¹⁵ Instituto para el Desarrollo de la mujer y la infancia

- The National Council of Organized Workers (CONATO¹⁶) is part of the Committee for the Elimination of Child Labour and the Protection of Young Workers (CETIPPAT)

International Organisation that are working in the area of child labour in Panama include:

- ILO/IPEC - International Labour Organization / International Programme on the Elimination of Child Labour
- U.S. Department of Labour
- The Dutch Embassy

4. GAPS AND RECOMMENDATIONS TO ADDRESS CHILD DOMESTIC LABOUR

4.1 In general

The human rights of child labourers are violated. Many suffer educational deficiencies. They are separated from their families, deprived of affection, and confined to solitude. There is no possibility of play or recreation, an essential part of their integral development. In relation to this, given below are some recommendations:

- There is a need to enrich the existing analysis on child labour, focusing on the causes that give rise to the conditions in which children resort to child labour or exploitation as the only alternative to survive. Child labour cannot be discussed without a simultaneous discussion on poverty and discrimination.
- We need to know the Rights of the Child (Act No. 15 of November 1990), ethical and legal basis on which the public policies directed at children and adolescents in child labour must be founded.
- Informing and raising awareness on children's rights, especially for employers, children and their families is important.

4.2 In case of children working despite prohibited regulations

The 2012 census on child labour shows the existence of children 5 to 13 years old in child labour. These children are under the minimum age allowed in Panama (which is 14 years old and under certain circumstances). In this scenario, the following recommendations are made:

- Effective enforcement of national and international laws so that no child under the age of 14 enters a labour relationship.
- That specific programmes and specialised institutions to be created, for the attention and restoration of the rights of working children 5 to 13 years old.
- Address the causes that give rise to child labour in the areas where working children 5 to 13 years old come from.
- The creation of public policies to strengthen families and communities, in order for the protection of the children to be effective.
- Establishing clear indicators that lead to quantitative and qualitative results for the elimination of child labour in the ages prohibited by law.
- The training by universities of specialised professionals from different disciplines with a focus on children's rights and child labour.

¹⁶ Consejo Nacional de Trabajadores Organizados

- The strengthening of the monitoring and surveillance role of civil society and workers organisations, so that the efforts of government programmes on child labour have an impact in the life of Panamanian children.

4.3 In case of child domestic labour

Child domestic labour in third party households is the most hazardous for children and adolescents; it perpetuates discrimination, inequity, poverty, and gender inequality. Taking place in a private setting, this type of work is invisible, a work that is carried out inside a third party household away from their family. The children don't receive remuneration, but they work unlimited hours. If they are paid it is never close to the minimum wage. They are in constant danger because of the nature of the work, in a situation of physical, emotional and sexual violence, which contributes to a loss of self-esteem and to the development of servility attitudes to endure the exploitation they are subject to.

Child domestic labour calls into question the respect of the human dignity of the children. It violates their rights, as stated in the Convention on the Rights of the Child, in articles 1, 7, 9, 19, 27, 28, 31, 34, 37. It violates the protection against economic exploitation and against work that represents a hazard for their lives and physical, mental, spiritual, moral and social development, Article 32.

Against this background, noting the gaps the following pertinent recommendations are made:

- The only in-depth study on child domestic labour in third party households dates back to 2002. An updating of knowledge is required on the state of child domestic labour in the country, with a perspective on children's human rights and the cross-cutting topic of gender. Its results must be widely spread across the country and serve as basis to create the answers to the findings.
- Current national and international legislation concerning child domestic labour and the protection of children must be implemented by means of programmes and institutions specifically dedicated to action on child domestic labour, which currently don't exist inside government programmes or non-governmental organisations (except for IDEMI). The intervention at present is the same for all children in child labour.
- Children's families (0 to 18 years old) in child domestic labour, who are in areas of poverty and extreme poverty, unemployment and lack of livelihood opportunities, approve of migration of their sons and daughters as they grow up. Generally, little or adolescent girls leave their home forced by the critical economic situation of their families, or in an effort to continue their studies as a means to improve their lives, because their environment doesn't provide opportunities. This calls for the creation of programmes, resources in the areas of children in child domestic labour to avoid emigration, through an alternative development that improves economic, educational, organisational, recreational, cultural, and health conditions, to solve the problems that force children out of their communities or family environment.
- It is necessary to encourage the empowerment of girls and adolescents, which will inculcate leadership qualities in them in defense of their own rights and in the building of lifestyles that underscore children's happiness.
- Child domestic labour is a worst form of labour; as such, its practice is prohibited even for those of 18 years of age. We call for this measure to be of public knowledge and for the creation of enforcement mechanisms, as well as its application in inland areas of the country.
- While alternative programmes for children in child domestic labour are developed, we recommend that the study hours should be changed from morning to evening time and that strategies are created for the enforcement of 6 hours of work for children with the minimum age for employment.

- The creation (by the Ministry of Labour and DIRETIPPAT) of a jurisdiction for the exclusive attention to children in child domestic labour, in order to solve the problems and risk situations in which they are engaged. Not only should child domestic labour be prohibited, but children in such work should also be provided with immediate alternatives. For this purpose, it is necessary to create a specific budget targeted towards children in domestic work and the elimination of child domestic labour that is carried out invisibly.
- Call NGOs, trade unions and private enterprises to create specific mechanisms of action for children in domestic work. The complexity of the problem doesn't allow for them to act with the same vision.
- Because domestic work is linked to forms of discrimination, control and domination of women, especially hailing from economically and culturally marginalised social groups (for whom it is the only way to access the labour market) and also immigrant women, the Convention No. 189 on "Decent Work for Domestic Workers"¹⁷ must be made widely known and partnerships between women's organisations must be created. In Panama, there are no organisations of female (adult) domestic workers.
- We ask the Ministry of Labour to monitor and follow up on the hiring of employment agencies, so as to avoid other forms of exploitation that are in contravention of the current regulations concerning the lives of girls and women.

¹⁷ [International Labour Organization's Convention 189 concerning Decent Work for Domestic Workers](#)

APPENDIX 1

List of worst forms of child labour in Panama

List of prohibited category of work for all children below the age of 18 years, without exception:

1. Work in night club bars, discotheques, and other places where alcoholic beverages are sold/retailed.
2. Work related to games of luck and chance like racetrack, casino and other games.
3. Transportation of passengers and goods by road, rail, air navigation, waterways inland and offshore, and work at docks, boats and stock warehouses.
4. Work related to generation, transformation and transmission of electric energy.
5. Handling of explosives and inflammable substances.
6. Underground work in mines, quarries, tunnels and sewers.
7. Handling toxic or harmful substances or devices that emit radioactive rays.
8. The employment of minors for public performances, films, theatre, commercial messages in cinema, radio, television and publications of any kind which violate their dignity and morale, according to regulations fixed by the National Council for the Family and Child.
9. In the sector of services that has visible links to informal economy (shoe buffers, or as courier delivery staff and distributors of products), in third party homes (as child domestic labourers, taking care of infants and the elderly), and in small-scale businesses mainly restaurants, dressmaking/tailoring, beauty salons, washing cars etc.

APPENDIX 2

Statistic table of working children in Panama (2012 census)

Population between 5 -17 years by child labour, hazardous labour, very critical jobs done by children, child domestic labour										
According to Province and Gender : Year 2012										
Province	Gender	Population in the age bracket 5 - 17 years	Total of Child Labour	% Total of Child Labour	Hazardous work	% Hazardous work	Child Labour in very critical jobs	% Child Labour in very critical jobs	Child domestic labour	% Child domestic labour
TOTAL		901,066	50,410	5.6	40,893	4.5	1,585	0.2	1,976	0.2
	Female	432,617	13,101	3	7,351	1.7	26	0	1,672	0.4
	Male	468,449	37,309	8	33,542	7.2	1,559	0.3	304	0.1
Bocas del Toro		44,983	3,185	7.1	2,867	6.4	55	0.1	61	0.1
	Female	20,928	579	2.8	579	2.8	0	0	61	0.3
	Male	24,055	2,606	10.8	2,288	9.5	55	0.2	0	0
Coclé		63,463	5,688	9	5,453	8.6	128	0.2	0	0
	Female	30,883	1,019	3.3	901	2.9	0	0	0	0
	Male	32,580	4,669	14.3	4,552	14	128	0.4	0	0
Colón		68,613	4,300	6.3	4,088	6	159	0.2	177	0.3
	Female	33,616	799	2.4	719	2.1	0	0	49	0.1
	Male	34,997	3,501	10	3,369	9.6	159	0.5	128	0.4
Chiriquí		109,159	3,871	3.5	2,489	2.3	314	0.3	47	0
	Female	48,861	672	1.4	0	0	0	0	0	0
	Male	60,298	3,199	5.3	2,489	4.1	314	0.5	47	0.1
Darién		15,780	1,717	10.9	1,641	10.4	242	1.5	138	0.9
	Female	6,465	118	1.8	85	1.3	0	0	138	2.1
	Male	9,315	1,599	17.2	1,556	16.7	242	2.6	0	0
Herrera		25,977	1,110	4.3	990	3.8	82	0.3	0	0
	Female	12,273	78	0.6	14	0.1	0	0	0	0
	Male	13,704	1,032	7.5	976	7.1	82	0.6	0	0
Los Santos		18,017	1,250	6.9	1,131	6.3	42	0.2	36	0.2
	Female	8,546	214	2.5	161	1.9	0	0	36	0.4
	Male	9,471	1,036	10.9	970	10.2	42	0.4	0	0
Panamá		408,885	11,960	2.9	9,074	2.2	476	0.1	52	0
	Female	200,010	2,853	1.4	1,290	0.6	26	0	44	0
	Male	208,875	9,107	4.4	7,784	3.7	450	0.2	8	0
Veraguas		62,904	3,683	5.9	3,522	5.6	81	0.1	1,373	2.2
	Female	30,961	643	2.1	525	1.7	0	0	1,252	4
	Male	31,943	3,040	9.5	2,997	9.4	81	0.3	121	0.4

Province	Gender	Population in the age bracket 5 - 17 years	Total of Child Labour	% Total of Child Labour	Hazardous work	% Hazardous work	Child Labour in very critical jobs	% Child Labour in very critical jobs	Child domestic labour	% Child domestic labour
Com. Kuna Yala		13,441	1,187	8.8	694	5.2	0	0	92	0.7
	Female	6,697	321	4.8	52	0.8	0	0	92	1.4
	Male	6,744	866	12.8	642	9.5	0	0	0	0
Com. Emberá		3,608	156	4.3	156	4.3	6	0.2	61	1.7
	Female	1,558	21	1.3	21	1.3	0	0	61	3.9
	Male	2,050	135	6.6	135	6.6	6	0.3	0	0
Com. Ngäbe Buglé		66,236	12,303	18.6	8,788	13.3	0	0	0	0
	Female	31,819	5,784	18.2	3,004	9.4	0	0	0	0
	Male	34,417	6,519	18.9	5,784	16.8	0	0	0	0

APPENDIX 3

Children and Adolescent's Declaration from the *Red Voz de la Niñez* (Voice of Children Network), in Colón, Panama, Coclé and Veraguas Provinces, 12 June 2013

“EDUCATION IS THE MOST POWERFUL WEAPON TO CHANGE THE WORLD”

As a mark of commemoration of the World Day against Child Labour, we, the children and adolescents who form around 40 representatives of the *Red Voz de la Niñez*, formed by the Fraternity of Childhood, Adolescence and Panamanian Youth, Youth Inspiration of Colon, Alfa Omega of Penonomé and Panama, **declare** the following:

- Currently in Panama there are still children and adolescents in different forms of Child Labour; including child domestic labour under conditions of exploitation, maltreatment, with extensive working hours, with an unjust salary or in many cases without a salary, this situation affects children and adolescents in education, recreation, freedom, health; thus child labour has terrible and sometimes irreparable consequences which damage their development and deny their access to Children's Rights.
- In fact studies carried out in Panama reveal that there are children and adolescents employed in domestic service, but information like this is under reported as minors involved in this practice carry out their work behind closed doors so they remain out of institutional and public knowledge. Due to this, this population is finding itself among the most difficult to protect and guarantee the fulfilment of its rights
- Despite that a national legal framework exists; and the fact that Republic of Panama has ratified International Agreements which regulate and prohibit child labour, children and adolescents continue to work in the categories which are among the worst forms of child labour and economic exploitation, such as child domestic labour. The benefit of these laws and regulations doesn't reach Child Domestic Labourers because they work in the privacy of homes of third parties.
- The lack of politics that distribute incomes fairly, that guarantee families opportunities of development, of quality employment and access to good basic services, makes poverty in fact stand out as the main reason that compels children to work, in order to contribute to the family expenses, help them at school, obtain a few essentials on a personal level, thus poverty is seen to negate the rights, in particular the right to wellbeing, justice and social security.
- Many children and adolescents and their families and even employers think that child domestic labour is beneficial, for they consider that having a child working is an act of goodwill, of help and of giving them opportunities, this often influences children and adolescents to emigrate and become child domestic labourers affecting their physical and psychological development.
- With the desire of economic and educational improvement the people who emigrate think that by coming to the urban area they will improve their standard of living, thus child labour is perceived as an economic alternative and situations of work and economic exploitation are accepted with a sense of resignation.
- Owing to the notion that domestic work occurs inside the home, there exists an absence of policies, laws and regulations for monitoring domestic work at a third party's houses. Even in the case of adult workers with little existing legislation the whole range of rights for the domestic workers aren't recognised.

For these and other reasons **we propose** the following:

- With the economic growth of Panama there must not be children and adolescents in any type of exploitation / child labour, thus we demand of the government leaders who distribute this fair

growth that development also reaches marginalised areas, people in poverty, children and adolescents, that our parents have a job with a fair salary, that there are incentives for a sustainable agriculture which allow the producer what he needs to provide for his family and the surplus to be able to save for future, in this way we minors would not have to work before the appropriate time.

- Child labour generally and Child Domestic Labour, specifically, violate the human rights of all children and adolescents, thus adequate priority is given to the implementation of the existing laws for the eradication of child labour, and that the concerned offices and personnel fulfil their obligations towards the existing laws both at national and international level, especially the Convention of the Rights of the Child.
- To pay attention to the predicament of child labour not leaving it up to the affected minor whether they report or not, really taking responsibility for the implementation of the existing laws and standards. The instances in which the law must be invoked must take the shape of massive campaigns so that the minors who are in child domestic labour feel the confidence and security in reporting.
- To look for the necessary mechanisms to carry out study and surveys to increase the existing information so that the child domestic labour situation is appropriately highlighted in Panama and to take the necessary actions for children and adolescents to be able to live their childhood and adolescence doing activities appropriate to their age.
- To hold the attention of the appropriate authorities so that their responsibility of introducing free education is properly disposed for children and adolescents from all parts of the country. It should be ensured that such children be permitted to gain access to the national education system, without the worry of not being able to pay for the fee, uniforms, stationery and other related costs.
- At the government level, national development plans are incorporated against poverty, for restoring childhood, adolescence and youth and contributing to educational improvement.
- That the State and Society in general must guarantee the necessary opportunities and conditions for children and adolescents to be able to develop their overall potential, that programmes for children and adolescents are introduced that allow them to obtain knowledge, strengthen their qualities and capacities, raise their self esteem so that they are able to take responsibility for actions of change in situations that affect them.
- To do a socio-economic study of the families of children and adolescents in child domestic labour, so that family problems may be clearly visualised and an integrated alternative could be provided.
- That the parents of the children take notice and don't allow children and adolescents to enter into child labour for economic exploitation and all the abuses that it brings along. The recognition and defence of childhood rights is what guarantees the protection of children and adolescents and opens up new opportunities for their development.
- We will call the attention of all children and adolescents for them to visualise education as a right and a way to come out of the vicious circle of poverty so that they may demand their right to receive quality education, with technological advances and in the areas where the country actually need them, so that the children and adolescents don't see themselves forced to emigrate in search of better educational opportunities.
- To the Social Media that may be interested in covering events held by children and adolescents and we urge them to disseminate positive news of the experiences of minors.
- We demand the ratification of Convention 189 for the protection of the rights of the domestic workers and making decent work a reality for them."

Panama, 12 June 2013.

SIGNED BY: Delegation of adolescents from Veraguas, Colón, Penonomé and Panama



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