

# *“I write with the right”*

**The legal consciousness of Panamanian Ngäbe children  
migrating to Costa Rica for the coffee harvest  
and the vernacularization of the UN CRC**

**Carrie van der Kroon**



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Ngäbe girl in Santa Maria de Dota, Los Santos, Costa Rica, January 14, 2013.

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*“Never doubt that a small group of thoughtful  
committed citizens can change the world.  
Indeed, it is the only thing that ever has.”*

Margaret Mead



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## A Note on language

There are a number of Spanish words often used in this study that I did not translate. *Comarca* is the denomination for the autonomous living area of indigenous peoples in Panama. A *finca* is a Latin American concept for farm, in this context used to indicate a coffee farm. A *finquero* is the owner of a coffee farm and a *bache* the barrack the Ngäbes often live in at the *finca*. *Derecho* is the Spanish word for rights and law. Lastly, the words *maliente(s)*, and *tulvieja* are words often used by the children, the first referring to bad people or delinquents and the second refers to a mythological figure, a witch.

### List of acronyms

ACHR	American Convention on Human Rights
CARICOM	Caribbean Community and Common Market
CO	Concluding Observations
Committee	The UN Committee on the Rights of the Child
CONAMUIP	Coordinadora Nacional de Mujeres Indigenas de Panamá (Panama's indigenous women's organization)
CONA- PREDES	Comisión Nacional para la Prevención de los Delitos de Explotación Sexual (Panama's committee on the prevention of sexual exploitation of children)
CRC	International Convention on the Rights of the Child
CCSS	Caja Costarricense de Seguro Social, Costa Rica's social security institution
GC	General Comment
HIV	Human Immunodeficiency Virus
HRC	United Nations Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IACtHR	Inter American Court of Human Rights
ILO	International Labour Organization

IOM	International Organization for Migration (Spanish acronym: OIM)
IPEC	International Programme on the Elimination of Child Labour
MDG('s)	Millennium Development Goals
OP	Optional Protocol
PANI	Patronato Nacional de la Infancia (Costa Rican Child Protection Service)
SENNIAF	Secretaría Nacional de Niñez, Adolescencia y Familia (Panama's Child Protection Service)
SJM	Servicio Jesuita para migrantes (Costa Rica Jesuit Service for Migrants) Costa Rica
SJR Panama	Servicio Jesuita para Refugiados (Panama Jesuit Service for Refugees)
UN	United Nations
UNDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme (Spanish acronym: PNUD)
UNDRIP	United Nations Declaration on the Rights of Indigenous People
UNFPA	United Nations Population Fund
UN GA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

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## Chapter 2 The Ngäbe-Buglé and their context

### 2.1 Introduction

This chapter introduces to Ngäbe-Buglé population, their characteristics, territory and difficulties encountered on a daily basis. Analysis is made of the social realities, nature, scope and context of their migration between Panama and Costa Rica.

I use official data and statistics, as well as personal interviews and observations. Chapter 5 provides for a detailed account on the methodology of this study.

### 2.2 The population and their territory

The Ngäbe, Buglé, Guna, Bri Bri, Naso Tjerdi, Emberá and Wounaan are the indigenous peoples and languages of Panama. They mostly live in their autonomous territories, called *comarcas*, but also in the rural provincial areas of Bocas del Toro, Darién, Chiriquí, Veraguas and Panamá.<sup>1</sup>

At 411,592 persons, the indigenous peoples of Panama represent 12,1 percent of the total population.<sup>2</sup> The Ngäbe-Buglé is the largest-group with 260,058 Ngäbes (62, 3% of the total indigenous population) and 24,912 Buglé (6, 0%).<sup>3</sup> They are also



*Image 4. Children walking to school in Petita Santo, comarca Ngäbe-Bugle, Panama, August 1<sup>st</sup>, 2013.*

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<sup>1</sup> CGR-INEC 2010(a); UNICEF Panamá (2011), p. 7. Not all peoples have their own comarca; the Bri Bri and Naso Tjerdi / Teribe do not have their own autonomous región or *comarca* in Panama.

<sup>2</sup> UNICEF Panamá (2011), p. 7. In 1911, the indigenous population only constituted 3,3 % of the entire population. In 1980 this was 5,2% In 1990 8,3% and in 2000 10,2%. See CGR-INEC (2010) Informes metodológicos y resultados de los censos de: 1911, 1920 a 200 y XI Censo de población 2010. See <http://www.censos2010.gob.pa/acercad.html#>

<sup>3</sup> UNICEF Panamá (2011), p. 7.

See the 2010 census as well, CGR-INEC (2010a) *Panamá en cifras 2006-2011. Datos generales e históricos de la República de Panamá*. See [http://contraloria.gob.pa/inec/Publicaciones/17-03-06/datos\\_generales.pdf](http://contraloria.gob.pa/inec/Publicaciones/17-03-06/datos_generales.pdf), p. 3 and 4.

known as Guaymí or Guaymíes (a denomination used mostly by outsiders from Costa Rica). The Ngäbe–Buglé are closely affiliated but remain two linguistic groups whose languages are mutually unintelligible.

Since 1997, the Ngäbe–Buglé have a shared, autonomous territory (a *comarca*) of 13,291 square kilometers situated in the Northwest of Panama, spread out over the Panamanian provinces of Veraguas, Chiriquí and Bocas del Toro.<sup>4</sup> The comarca consists of three sectors: No Kribo, which is the Caribbean sector, Nedriri, in Chiriquí and Kodriri, sector of Veraguas and partly Chiriquí. Within the three sectors, there are seven districts and 59 *corregimientos* or district subdivisions.<sup>5</sup> Communities of Ngäbe–Buglé also live in Costa Rica, mostly in the south near the Panama border.<sup>6</sup> These are home-bred Costa Rican Ngäbe–Buglé and less often *emigrated* Panamanian Ngäbe–Buglé. Anthropologists argue that in they lived here long before the construction of the border.<sup>7</sup>

The Ngäbe–Buglé are granted a certain degree of autonomy regarding regulation, and the preservation of their cultural identity.<sup>8</sup> The comarca Ngäbe–Buglé is governed by *caciques*, indigenous leaders on a local, regional and central level. The *caciques* are elected and appointed among the peoples. These authorities have a political, spiritual and judicial role. They mediate, interpret and decide in conflicts using traditional common law, which is transmitted by word of mouth.<sup>9</sup> They promote the coexistence.<sup>10</sup> The current *cacique general* and thus highest authority of the Ngäbe– Buglé, is Silvia Carrera.

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<sup>4</sup> República de Panamá, Asamblea Legislativa (1997) Ley No. 10 del 7 de marzo de 1997, por la cual se crea la Comarca Ngäbe Buglé y se toman otras medidas, Gaceta Oficial No 23,242, 11 de marzo de 1997 and CEPAL & BID (2005) *Los pueblos indígenas de Panamá: Diagnóstico sociodemográfico a partir del censo del 2000. Proyecto Los pueblos indígenas y la población afrodescendiente en los censos*, United Nations: Santiago de Chile, See <http://www.eclac.cl/publicaciones/xml/7/22277/LCW20-panama.pdf>, p. 18.

<sup>5</sup> Idiáquez, J.A. (2013), *En búsqueda de Esperanza. Migración ngäbe a Costa Rica y su impacto en la juventud*. Panamá: Servicio Jesuita a Refugiados – Panamá / Costa Rica: Servicio Jesuita para Migrantes – Costa Rica, p. 178.

<sup>6</sup> In pre-colombian times, they lived in territories that nowadays are situated in both Costa Rica and Panama, now that there is a border. See FLACSO Costa Rica, ILO and IOM (2012).

<sup>7</sup> See FLACSO Costa Rica, ILO and IOM (2012).

<sup>8</sup> FLACSO Costa Rica, ILO and IOM (2012), p.11. See as well CEPAL & BID (2005), p. 7.

<sup>9</sup> Interview Ebinia Santos, member of the Board of Directors of the Indigenous Women's organization CONAMUIP of Panama and female Ngäbe, Panama City, July 24<sup>th</sup>, 2013.

<sup>10</sup> Interview Jacqueline Jimenez Herrera, anthropologist and linguist originally from the San Vito region, May 10, 2013, San José, Costa Rica.

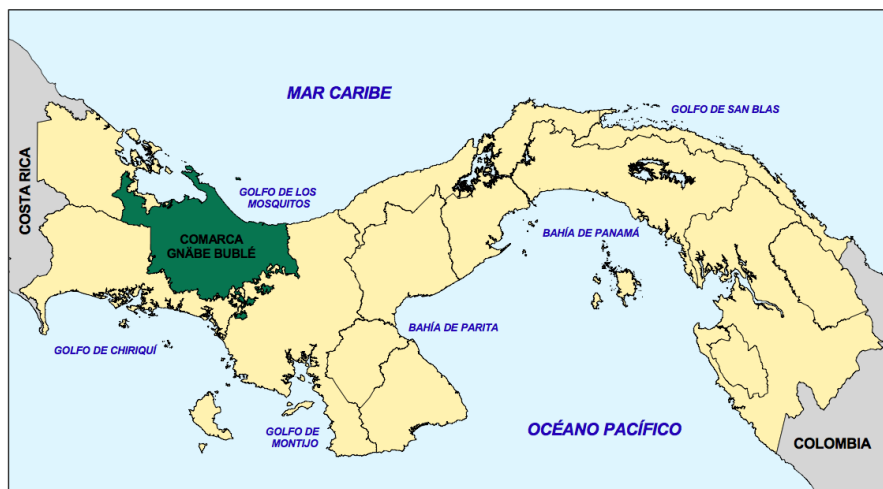


Image 5. Panama and the comarca Ngäbe-Buglé. Source: INEC Panama (2010).

A variety of religions is practiced in the comarca nowadays, including Catholicism, Baha’I, Evangelism and Jehovah’s witnesses. Their original religion, animism, is blended with Christianity, creating syncretism, being the religion of Mama Tata or Mama Chi.<sup>11</sup> Some see the latter not as a ‘real’ religion, or regard the movement even as problematic. Raiza Gallardo, female Ngäbe to educational deficiencies: “The Ngäbes from above the mountain chain do not have education. They are Mama Tata for that reason. [...] It is not a religion.”<sup>12</sup>

The Comarca is rugged and mountainous, making agriculture difficult.<sup>13</sup> Parts of the land contain minerals or are only apt for bush, Staple crops are rice, beans, corn, *yucca* (roots), bananas and coffee. Villages consist of a variety of houses (shacks) along the road, at times a small clinic and a school and *pulperias*. Pulperias are small stores selling products like potato chips, cookies, sodas, candy, soap and batteries. Fresh produce is rarely sold.

<sup>11</sup> Interview Jacqueline Jimenez Herrera, anthropologist and linguist originally from the San Vito region, May 10, 2013 San José, Costa Rica; See as well Idiáquez, J.A. (2013) pp. 297 – 303. Members of this religion, which emerged in the 1960’s, believe that God has abolished the Church and only relates with the Guaymí through Little Mama, a prophetess who had a vision of Mary (Big Mama) and Jesus riding up to her on a motorcycle. Adherents believe that only Ngäbe-Buglé followers of this religion will go to heaven. See [http://en.wikipedia.org/wiki/Mama\\_Tata](http://en.wikipedia.org/wiki/Mama_Tata) and Idiáquez, J.A. (2013), p. 298 and onwards.

<sup>12</sup> Interview Raiza Gallardo, President of ASMUNG, the women’s organization of the Ngäbe-Buglé in the comarca May 18<sup>th</sup>, 2013, Quebrado Guabo, Comarca Ngäbe-Buglé, Panama.

<sup>13</sup> Idiáquez, J.A. (2013), p. 116.

There are various entryways to the comarca. The most important one is San Felix, a relatively large village at the Inter American Highway approximately an hour from David and home to some larger supermarkets and stores. At the other side of the road one finds the beach village of Las Lajas, a growing tourist attraction.

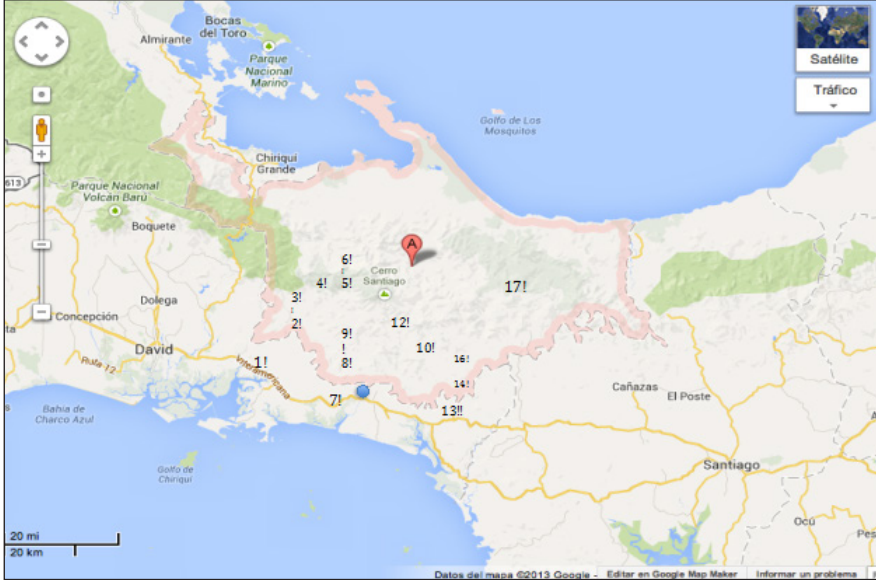


Image 6. Places visited in the Comarca Ngäbe-Buglé. Source: Google Maps, edit of my own. This is not an accurate representation, but approximation.

No	Place
1	Boca del Monte (along the Inter American highway, to enter Soloy, a larger village in the comarca)
2	Barrio 2000
3	Soloy
4	Boca de Balsa
5	Quebrada de Hacha
6	Chorcha
7	Juay
8	Cerro Brisa
9	Quebrada de Loro
●	San Felix, 'homebase' and entryway to the comarca
10	Quebrado de Guabo
11	Petita Santo
12	Hato Chami
13	Tolé (entryway to the comarca)
14	Alto Caballero
15	Cerro Sombrero
16	Chichica
17	Batata

Table 1. Places visited in the Comarca for the purpose of this study.

## 2.3 Challenges and difficulties

### 2.3.1 Poverty

The Comarca Ngäbe-Buglé is one of three Panamanian comarcas with the highest prevalence of poverty.<sup>14</sup> 50,7 percent of Panamanian rural people suffer from poverty. For indigenous peoples, this is however 96,3 percent.<sup>15</sup> 84,8 percent of the indigenous peoples even experience extreme poverty. In Panama, extreme poverty exists in 22,2 percent for the rural areas and 3,2 percent for the urban areas. For the Ngäbe-Buglé specifically, 93,4 live in extreme poverty. Of all indigenous peoples of Panama, the Ngäbe-Buglé therefore is in the most precarious situation.<sup>16</sup>

*“So what is Holland like? Is there snow? What is snow like? When it rains, does it rain snow there? Do you have water? And weren't you cold when there was snow? Are there penguins there? Is there sea? When it gets cold, do the penguins come? What are penguins like? Do you have turtles?”*

Priscilla, Matias and Pablo, August 1, 2013, Petita Santo, Comarca Ngäbe-Buglé, Panama.

The indigenous poverty in Panama is generally explained by the liberal reforms in the nineteenth century, introducing private property of the lands.<sup>17</sup> Due to the loss of communal property and consequent migration to the city, poverty rose<sup>18</sup> exacerbating health and education problems.<sup>19</sup>

A determining factor of Ngäbe-Buglé poverty is attributed to the geography of their comarca, their wide dispersal, isolation and low agricultural productivity.<sup>20</sup> The lands are not very suitable for agriculture, causing food insecurity.<sup>21</sup> Floods and draughts are more and more common and the population has increased

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<sup>14</sup> UNICEF Panama (2011), p. 17. See as well Inchauste, G. & Cancho, C. (2010) *Inclusión Social en Panamá: La Población indígena*, Washington: Banco Inter-Americano de Desarrollo, Texas A&M University, p. 6

<sup>15</sup> UNICEF Panama (2011), p. 16; Dirección de Estadística y Censo (2008), *Encuesta de niveles de vida 2008*, see <http://microdata.worldbank.org/index.php/catalog/70>.

<sup>16</sup> Inchauste, G. & Cancho, C. (2010) *Inclusión Social en Panamá: La Población indígena*, Washington: Banco Inter-Americano de Desarrollo, Texas A&M University, p.2.

<sup>17</sup> CEPAL & BID (2005), p. 27.

<sup>18</sup> Ibid.

<sup>19</sup> UNICEF Panama (2011), p. 19.

<sup>20</sup> Inchauste, G. & Cancho, C. (2010), p. 2.

<sup>21</sup> Sarsaneda del Cid, J. (2010) Migración Ngäbe-Buglé a Costa Rica. Consultoría para la realización de un diagnóstico sobre la migración laboral ngäbe y buglé entre Panamá y Costa Rica. La ruta de la desolación, consultancy for the Panamanian Ministry of Labour: Panama City; Marco Conca, L. (2011), p. 13.

significantly.<sup>22</sup> Food production seldom covers family basic needs. When surpluses are produced, they are often not large enough to be sold or exchanged.<sup>23</sup>

Hunger and malnutrition are chronic and widespread. Climate change and environmental destruction are said to correlate with this. Plans to install a mine and hydroelectric plants further threaten the natural resources and agricultural production. Some communities of the comarca are likely to be flooded, while at the same time water availability will decrease.<sup>24</sup>

Low wages, often below the minimum, contribute to indigenous poverty. They are traditionally paid less than non-indigenous for the same work.<sup>25</sup> It is known that in Panama, indigenous workers are paid 47 percent less than non-indigenous workers.<sup>26</sup>

### 2.3.2. *Access to basic services*

Geography, health, education, mobility and a lack of access to basic services impact the comarca Ngäbe-Buglé and its people.

Even where basic services are provided for the non-indigenous, poor population of Panama, the Ngäbe-Buglé enjoy less access. This low level has remained unchanged or deteriorated on several indicators in the years 2003–2008. Many of the ‘gains’ are false because people have simply moved out of the comarcas to areas where services are available. The Ngäbe-Buglé are the worst off regarding access to electricity, sanitary and to telecommunication.<sup>27</sup>

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<sup>22</sup> Interview Jorge Sarsaneda del Cid, catholic priest and sociologist, Panama City, June 25th, 2013. He explains: “Around 1971 the Ngäbes striked on the banana plantations. They won, but were thrown out of the plantations, so they all came to the comarca. Some 5000 people. There was another strike in Bocas del Toro and the same thing happened. It was a pressure on the land and there it started ... that there is none now.”

<sup>23</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.3 and UNICEF Panama (2011), p. 19.

<sup>24</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.4; UN Office of the High Commissioner of Human Rights, Regional Office of Central America (2013), p. 422–425. The Ngäbe-Buglé protested against the construction of project Chan 75, one of multiple hydroelectric projects planned in their territory, which even led to the interference of the Inter American Committee on Human Rights, see UNICEF Panama (2011), p. 21. Likewise, the Cerro Colorado Copper Project, a controversial mine of enormous proportion of Canadian Javelin, Ltd, Texasgulf, Inc., and Rio Tinto-Zinc, Ltd., has lead to tensions. See Gjording, C.N. (1991) *Conditions not of their choosing. The Guaymí Indians and Mining Multinationals in Panama*, Washington/London: Smithsonian Institution Press.

<sup>25</sup> IOM, UNFPA, UNICEF & UNDP (2012), p. 19.

<sup>26</sup> Inchauste, G. & Cancho, C. (2010) *Inclusión Social en Panamá: La Población indígena*, Washington: Banco Inter-Americano de Desarrollo, Texas A&M University, p.11.

<sup>27</sup> Id., pp. 24–26.

“Women go from one man to another, the men violate and maltreat the women and practice incest. [...] The sexual moral, that is a problem here.”

A female Ngäbe woman in a discussion with other community leaders and UNFPA on the sexual moral in the Comarca, Chorchá, Panama, June 21st, 2013

### 2.3.3 Living conditions

In addition to the highest incidence of malnutrition and illiteracy (see below); the Ngäbe-Buglé also live in highly precarious conditions. Most live in *chozas*, improvised shacks made of low-quality, health-hazardous materials.<sup>28</sup> While the Embera-Wounaan significantly improved their living conditions, and in spite of government efforts, the Ngäbe-Buglé benefit the least of all (indigenous) peoples in Panama.<sup>29</sup>

### 2.3.4 Education in the comarca

Literacy amongst the Ngäbe-Buglé is lowest of all groups.<sup>30</sup> 40% of women are illiterate,<sup>31</sup> rising to 70% in some parts of the comarca.<sup>32</sup> Even more interesting, is that those who can not speak Spanish as a second language are most likely to be illiterate. Of all indigenous peoples in Panama, the Ngäbe-Buglé have the highest percentage of persons that do not speak Spanish.<sup>33</sup> Only 5,8 percent of monolingual Ngäbe-Buglé is literate.<sup>34</sup>

Early education is very limited in Panama and only 11,3% of indigenous children attend preschool.<sup>35</sup> The participation of Ngäbe-Buglé children is significantly lower than other indigenous peoples.<sup>36</sup>

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<sup>28</sup> Id., p. 23.

<sup>29</sup> Id., p. 28.

<sup>30</sup> According to ILO/IPEC (2002), p. 15, a number of 47,8% of indigenous Panamanians above fifteen years old would be illiterate and the Ngäbes and the Buglés would be affected the most, with a percentage of 53,65% and 48,5%. Indigenous women are more often illiterate than indigenous men.

<sup>31</sup> Inchauste, G. & Cancho, C. (2010), p. 17.

<sup>32</sup> OIT/IPEC (2002) *Estudio Diagnóstico de la Dimensión, Naturaleza, y Entorno Socioeconómico del Trabajo Infantil y de la Adolescencia Trabajadora en el sector del café en la Provincia de Chiriquí*, Panama: OIT/IPEC, p. 72.

<sup>33</sup> Ibid.

<sup>34</sup> This while of the indigenous peoples of Panama in general, 21% of the monolinguals is literate. See Inchauste, G. & Cancho, C. (2010), p. 17.

<sup>35</sup> Inchauste, G. & Cancho, C. (2010), p. 18.

<sup>36</sup> ILO/IPEC (2006) *Trabajo infantil y pueblos indígenas, el caso de Panamá*, Geneva: ILO, p. 21.

*"My dream is to study science."*

Rafael, 12 years old, Petita Santo, Comarca Ngäbe-Buglé, Panama, July 31st, 2013

The Ngäbe-Buglé tend to drop out of school earlier than other indigenous peoples of Panama,<sup>37</sup> particularly adolescents and girls.<sup>38</sup> The Panamanian government tries to assist poor children in schools by providing a free meal, usually a cream.<sup>39</sup> Children abandoning school early are drawn to child labor and the cycle of poverty'.<sup>40</sup> Many girls do not finish school due to gender expectations, gender violence and the denial of their sexual and reproductive rights; pregnancies and marriage amongst twelve year-old girls is not unknown.<sup>41</sup> They cannot be expelled from school anymore but tend to drop out or discontinue their schooling.<sup>42</sup>

Sex education is not taught in Panamanian schools. 32.4% of Panama's (rural) indigenous girls between 15 and 19 years old are mothers (or pregnant), whilst only 16% of urban girls succumb.<sup>43</sup>

Bilingual and multicultural education remains a challenge, as many of the professors in the comarca are non-indigenous and do not speak Ngäbere.<sup>44</sup> In general, facilities and materials lack.<sup>45</sup> Two national universities (the Autonomous University of Chiriquí and the University of the Americas) offer degree courses in the comarca, via regional offices.<sup>46</sup> Lectures happen on Friday afternoons and on Saturdays, in secondary school buildings.

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<sup>37</sup> UN Committee on the Rights of the Child (2011), Third and Fourth Consolidated Report: Concluding Observations, para. 62-63.

<sup>38</sup> ILO/IPEC (2006), p. 21.

<sup>39</sup> Inchauste, G. & Cancho, C. (2010), p. 17.

<sup>40</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.3.

<sup>41</sup> UN OHCHR Regional Office for Central America (2013), Vol. II, p. 444.

<sup>42</sup> There is a law now, the director and sub director of a primary and secondary school in the comarca, Petita Santo, told me. They referred to Law 29: República de Panamá, Asamblea Legislativa (2002), Ley No. 29 del 13 de junio de 2002, que garantiza la salud y la educación de la adolescente embarazada, Gaceta Oficial No. 24,575, 17 de junio de 2002.

<sup>43</sup> UN OHCHR Regional Office for Central America (2013), Vol. II, p. 450.

<sup>44</sup> Children and teachers alike confirmed me this, supported by my own observation and UN OHCHR Regional Office for Central America (2013), Vol. II, p. 441.

<sup>45</sup> UN OHCHR Regional Office for Central America (2013), Vol. II, p. 441 and 444; UN Committee on the Rights of the Child (2011), Third and Fourth Consolidated Report: Concluding Observations, para 62-63.

<sup>46</sup> La Universidad Autónoma de Chiriqui and la Universidad de las Americas (UDELAS).

The results in this comarca are the lowest in the entire country.<sup>47</sup> Ngäbe–Buglé often are schooled little, presenting one of the main root causes of their social exclusion.<sup>48</sup> Explanations for their low performance in education range from poverty, malnutrition,<sup>49</sup> a lack of parental guidance<sup>50</sup> to temporary migration.<sup>51</sup>

*“They are losing the language a lot. There is a law that says that education should be in Ngäbere, but a lot of teachers are not Ngäbes and don’t speak Ngäbere.”*

*“There is no television, radio is nearly always there. Little news gets here. So we all end up the same. They don’t see another horizon.”*

Aquilina, female Ngäbe, Chorchá, Comarca Ngäbe–Buglé, Panama, June 21st, 2013

Low attendance rates are not only explained by the temporary migration and (gender) expectations, but a lack of services in the communities, the financial burden and the perceived (ir)relevance (by parents) of the education to their context.<sup>52</sup> And while some say school attendance improved when government scholarships became available,<sup>53</sup> others say many children still miss classes for the Costa Rican coffee migration.<sup>54</sup>

Two graduate–teachers of the *Autonomous University of the Americas* who teach in the comarca, believe lack of services is the biggest factor in low attendance and graduation rates. The largest complication is, according to them, that children do not receive support at home because of their difficult circumstances. “The environment does not help: there is no electricity, for example.” This makes studying at home complicated. “They learn different too. Maybe a little bit slower”, they say.<sup>55</sup>

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<sup>47</sup> UN OHCHR Regional Office for Central America (2013), Vol. II, p. 442.

<sup>48</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.8.

<sup>49</sup> ILO/IPEC (2006), p. 76.

<sup>50</sup> ILO/IPEC (2006), p. 76. Parents would not find school of high importance or of relevance and/or do not help with homework, it is argued.

<sup>51</sup> Id., p. 100.

<sup>52</sup> ILO/IPEC (2006) *Trabajo infantil y pueblos indígenas, el caso de Panamá*, Geneva: ILO, p. 15. The fact that education is standardized and not appropriated to the context of indigenous children, could explain why parents would maybe not find school of such importance.

<sup>53</sup> The UN Committee on the Rights of the Child mentioned this as a positive development, see: UN Committee on the Rights of the Child (2005), par. 45–46.

<sup>54</sup> Marco Conca, L. (2011), p. 74–75.

<sup>55</sup> Lidubina and David, May 18, 2013 teachers, Universidad Autónoma de Chiriquí en Alto Caballero, Comarca Ngäbe–Buglé, Panama.



Image 7. Children at their school in Soley, comarca Ngäbe-Buglé, Panama.

Organizations work in the comarca to improve this situation. *Madres Animadoras* encourages parents to render early stimulation of children, understand children's rights; living at home together; education and health at home. They mostly work with the mothers, who bring their children to the centers. Women that migrate usually do not take part in this program.<sup>56</sup> *Nutre Hogar* is concerned with the nutrition and early childhood development, encouraging peer capacity building between the mothers. Children of under five years old attend the centre of *Nutre Hogar* from 8 AM to midday and receive a meal. *Nutre Hogar* has characteristics of a pre-school. There are twelve such centres in the comarca. Many of their clients migrate to Costa Rica, lowering attendance figures during these periods.<sup>57</sup> Panama's Ministry of

Education provides through its CEFACEI's a pre-school education program for the poorest and most excluded children of four and five years of age.<sup>58</sup> Children formerly stayed at home. More and more are now entering preschool-programmes.<sup>59</sup>

The NGO *Fé y Alegria* runs a project on intercultural, bilingual education in the comarca. They use the arts with children to teach children culture, traditions and customs of the Ngäbe-Buglé.<sup>60</sup> *Fé y Alegria* is standardizing the curriculum and trains teachers to incorporate the program throughout the comarca. The NGO *Casa Esperanza* also runs programs for children in the comarca, specifically for working children. They focus mostly on their education and health.<sup>61</sup>

<sup>56</sup> Visit *Madre Animadoras*. July 17, 2013, Hato Chami, comarca Ngäbe-Buglé, Panama.

<sup>57</sup> Visit *Nutre Hogar*, July 17, 2013, comarca Ngäbe-buglé, Panama. *Nutre Hogar* works together with the Organization of Ibero-american states (*Organización de Estados Iberoamericanos*).

<sup>58</sup> CEFACEI is short for *Centros Familiares y Comunitarios de Educación Inicial*, of the Ministry of Education of Panama

<sup>59</sup> Aurelio Perez, July 18, 2013, MEDUCA David, Chiriquí, Panama.

<sup>60</sup> Jackie Rodriguez, July 25, 2013, Fe y Alegria, Coordinación Educativa, Panama City, Panama.

<sup>61</sup> See <http://www.casaesperanza.org.pa>.

### 2.3.5 Health in the comarca

Compared to other regions of the country, health infrastructure has limited in installations, staff and safety.<sup>62</sup> In the entire comarca, there is only one office for birth registrations.<sup>63</sup> Consequently, frequently persons die from preventable diseases or causes uncommon in other parts of the country. The incidence of deadly/transmissible diseases is higher than other areas.<sup>64</sup> Snakebites are common and sometimes lead to death. Aquilina, a female Ngäbe in the comarca, told me: “People cannot get to the hospitals fast enough. Snakes even come into the houses.”<sup>65</sup> Drowning is common when people cross rivers in the rainy season.<sup>66</sup> Malnutrition is a serious threat: in 2008, 62% of the indigenous children in Panama under five suffered from chronic malnutrition.<sup>67</sup>

Fertility is high in the comarca. On average, the Ngäbes have their first-born at sixteen years old; the Buglé at 18. Ngäbe women average three children, while the Buglé 2,8.<sup>68</sup> Maternal mortality and infant mortality are also high due to unsafe pregnancies, the lack of pre- and post-natal care and inadequate birthing conditions.<sup>69</sup>

In 2009, the mortality rate of under fives in the comarca was 37.1.<sup>70</sup> Mortality for children under one is 19.2 – the highest of the country.<sup>71</sup> Nationally, the latter is 12.2.<sup>72</sup> In 2009 the national maternal mortality-rate was 42,4 per 1000 births. In the comarca this rate raised to 183,4, almost five times the national average and the highest of the country.<sup>73</sup> These rates are comparable to Sub-Saharan Africa.<sup>74</sup>

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<sup>62</sup> UNICEF Panama (2011), p. 75.

<sup>63</sup> Interview Raiza Gallardo, president of ASMUNG, a women’s organization in the comarca, Quebrada Guabo, May 18<sup>th</sup>, 2013: “There is only one [registration office] in the entire comarca, and that is here [in Quebrada Guabo]. The people come from the mountains, walk and sleep here until their child is registered. It is far and it is difficult.” But: “There are many advantages, like the ‘universal scholarship’.”

<sup>64</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.4.

<sup>65</sup> Aquilina, *female Ngäbe, Chorchá, Comarca Ngäbe-Buglé, Panama, June 21st, 2013.*

<sup>66</sup> Idiáquez, J.A. (2013), p. 101.

<sup>67</sup> In 2008, 62 % of indigenous children in Panama under five suffered from chronic malnutrition, see UNICEF Panama (2011), p. 43. I did not come across the rate for the Ngäbe-Buglé children specifically.

<sup>68</sup> IOM, UNFPA, UNICEF & UNDP (2012), p. 19. and see CGR-INEC (2010b) Censos Nacionales 2010. Resultados Finales Básicos. Mapas. See <http://estadisticas.contraloria.gob.pa/Resultados2010/mapas.aspx>.

<sup>69</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.4.

<sup>70</sup> These children deceased within five years after their birth.

<sup>71</sup> Marco Conca, L. (2011), p. 13.

<sup>72</sup> These children deceased within a year after their birth. UNICEF (2010), *La niñez indígena y el adolescente urbano: entre riesgos y vulnerabilidades*, Panama: UNICEF, p. 40.

<sup>73</sup> UNICEF Panama (2011), p. 60. In 2005, this number was still 469,1.

<sup>74</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.2, according to the rates of the World Bank.

18% of the Ngäbe-Buglé in the comarca is under four years. The national percentage of under-fours to the overall population is 9,5 %.<sup>75</sup> The comarca has a young population: 40% is below fourteen years old.<sup>76</sup> In 2010 statistics, 48,1 percent of Ngäbes were under 14 whilst 42,5% of Buglé were under 14. These figures compare unfavourable to national Panama *non-indigenous* populations, where only 27% are under 14.<sup>77</sup> In 2008, 41% of the Ngäbe-Buglé children below five years old had experienced diarrhea, compared to only 20% of non-indigenous children.<sup>78</sup>

Poor sanitation and unsafe drinking water affect health standards.<sup>79</sup> Out of every hundred houses (often shacks), seventy do not have running water and seventy-three do not have a toilet.<sup>80</sup> The services available are not culturally sensitive, resulting in the Ngäbe-Buglé do not seek health care services.<sup>81</sup> Cultural and linguistic barriers aside, costs of the services, remote localities, lack of transport and maltreatment are barriers to health care.<sup>82</sup>

The Panamanian government has initiated preventative campaigns against dengue, drugs and HIV-AIDS for the Ngäbe-Buglé and Kuna Yala peoples though they do not cover all geographic areas.<sup>83</sup> Although more people appear to have access to electricity and telecommunication, the statistics are misleading because of

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<sup>75</sup> Ministerio de Economía y Finanzas, República de Panamá (2010) *Atlas social de Panamá*, Tomo 2, Ciudad de Panamá: Ministerio de Economía y Finanzas, República de Panamá, p. 30

<sup>76</sup> While for non-indigenous population, this is 30,5 percent. See Idiáquez, J.A. (2013), p.101; see as well IOM, Caja Costarricense de Seguro Social (CCSS) & ONUSIDA (2012) *Estudio de conocimientos, actitudes y practicas en relación al VIH y sida y otras ITS de la población Ngäbe-Buglé*, San José: OIM, CCSS & ONUSIDA. This report speaks of 27% for the non-indigenous population.

<sup>77</sup> OIM, CCSS & ONUSIDA (2012) *Estudio de conocimientos, actitudes y practicas en relacion al VIH y sida y otras ITS de la poblacion Ngäbe-Buglé*, San José, Costa Rica: OIM, CCSS & ONUSIDA.

<sup>78</sup> Inchauste, G. & Cancho, C. (2010) *Inclusión Social en Panamá: La Población indígena*, Washington: Banco Inter-Americano de Desarrollo, Texas A&M University, p. 19.

<sup>79</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.4.

<sup>80</sup> Idiáquez, J.A. (2013), p. 110; IOM, UNFPA, UNICEF & UNDP (2012), p. 4. Up to 94% of pregnant women do not receive any prenatal care and 85% of children do not have growth and development check-ups.

<sup>81</sup> A/HRC/WG.6/9/PAN/3. 2010. par. 43, in UN OHCHR Regional Office for Central America (2013), Vol. II, p. 449.

<sup>82</sup> Ministerio de Salud y Organización Panamericana de Salud. Diagnóstico Situacional y Plan de Salud para los Pueblos Indígenas de Panamá 2008-2010. Pág. 43, in: UN OHCHR Regional Office for Central America (2013), Vol. II, p. 448; see as well Inchauste, G. & Cancho, C. (2010) *Inclusión Social en Panamá: La Población indígena*, Washington: Banco Inter-Americano de Desarrollo, Texas A&M University, p. 19.

<sup>83</sup> Id., p. 21.

population migration out of the comarca.<sup>84</sup> Taken together, these difficulties (access to health and educational services; the impossibility to generate income in the comarca) force the Ngäbe-Buglé to migrate.<sup>85</sup>



Image 8. Three Ngäbe girls (10, 10 and 14 years old) collecting water in Cerro Sombrero, Comarca Ngäbe-Buglé, Panama. May 18, 2013.

*“Some marry at our age and leave and do not go to school. We do go to school. We are in secondary school now.*

*Nearly everyone here is family, that is why people marry with people from outside, from Tolé, for example.”*

*Their nieces, 15 and 17 years old, are married and already have chi (a baby). These girls did not know about the migration to Costa Rica and do not know anyone who did go.*

## 2.4 Ngäbe-Bugle migration

According to the 2010 census, the Panamanian Ngäbe-Buglé number 156,747 persons.<sup>86</sup> 50% live in the comarca, the remainder migrate to Panama City, Veraguas and Bocas del Toro or Costa Rica.<sup>87</sup>

The Ngäbe-Buglé is the largest community of labour migrants.<sup>88</sup> Coming mostly from the poor remote districts of Muná and Besikó,<sup>89</sup> they predominantly travel to Coto Brus and Zona de los Santos in Costa Rica.<sup>90</sup> These peoples usually enjoy neither health nor education services in either Panama or Costa Rica.<sup>91</sup>

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<sup>84</sup> CEPAL & BID (2005), *Los pueblos indígenas de Panamá: Diagnóstico sociodemográfico a partir del censo del 2000. Proyecto Los pueblos indígenas y la población afrodescendiente en los censos*, United Nations: Santiago de Chile, p. 22.

<sup>85</sup> ILO/IPEC (2006), p. 98.

<sup>86</sup> CGR-INEC (2010b).

<sup>87</sup> IOM, UNFPA, UNICEF & UNDP (2012), p.2; Idiáquez, J.A. (2013) *En búsqueda de Esperanza. Migración ngäbe a Costa Rica y su impacto en la juventud*. Panamá: Servicio Jesuita a Refugiados – Panamá / Costa Rica: Servicio Jesuita para Migrantes – Costa Rica, p. 116.

<sup>88</sup> ILO/IPEC (2006), p. 21.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Interview with Eduardo Navarro, IOM Costa Rica, April 3, 2013, San José, Costa Rica.

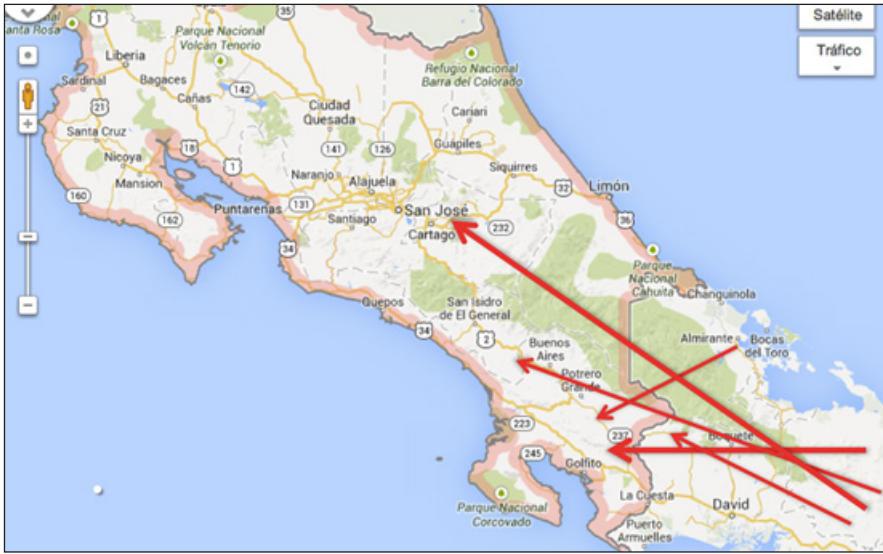


Image 9. Origin and destinations of Ngäbe migrants between Panama and Costa Rica.  
Source: Google maps and own edit.

According to female Ngäbe leader Raiza Gallardo efforts to eradicate child labour are ongoing in the area of Nidriñi. Less leave the area these days. “Those that travel, come from the remote areas, where there is no school and no road. These peoples, when they hear about the harvest, they leave everything behind and go with the entire family. [...] They come from [...] Piedras Rojas, Hacha, above the *cordillera* or mountain chain. [...] No one stays behind.”<sup>92</sup> People from the communities Cerro Balsa, Cerro Maiz, Kankintú and Piedras Rojas were often encountered crossing the border at Rio Sereno.<sup>93</sup>

This migration flux is usually assumed to be economic. Eduardo Navarro of the IOM Costa Rica believes tourism is also a factor. “Tourism is part of the adventure, the travelling”.<sup>94</sup> Jorge Sarsaneda del Cid, a former catholic priest who lived in the comarca for seventeen years, agrees: “I think that a Ngäbe likes to get to know [new places] just as any other person”, negating the theory they are inveterate nomads.<sup>95</sup> Unfortunately this adventurism does not always end as planned.

<sup>92</sup> Interview with Raiza Gallardo, President of ASMUNG, the Ngäbe-Buglé women’s organization in the comarca, May 18, 2013, Quebrado Guabo, Comarca Ngäbe-Buglé, Panama.

<sup>93</sup> Dr. Carlos Faerron, May 20, 2013, medical doctor, San Vito, Coto Brus, Costa Rica.

<sup>94</sup> Interview with Eduardo Navarro, IOM Costa Rica, April 3, 2013, San José, Costa Rica.

<sup>95</sup> Interview Jorge Sarsaneda del Cid, catholic priest and sociologist, Panama City, June 25th, 2013.

It is estimated that between 10.000 and 20.000 Ngäbes from Panama cross the border to Costa Rica every year.<sup>96</sup> They travel mostly between September and February (to the South of Costa Rica), or March (in the North, in the Los Santos – region.) Many travel in entire families, (young) children included. They carry their belongings, including small animals such as dogs and chickens.<sup>97</sup> It is unknown how many children cross the border into Costa Rica or how many actually work.<sup>98</sup> In 2006 the ILO attempted to register the age-spread of the migrants into Los Santos (the northern coffee region of Costa Rica). It shows that minors form a large part of the migration and many (between the ages of 4 and 17) actually work.<sup>99</sup>

Age	Percentage
0-4 years old	13%
5-14 years old	23%
15-34 years old	51%
35 years old	13%

*Table 2. Age structure of labour migrants in the Los Santos region in Costa Rica.  
Based on numbers of ILO/IPEC (2006), p. 86.*

From my own observation, I saw many children travelling with adult family members (not always their parents). Many harvest coffee while others stay at home to perform tasks, or do both. It is known that older children (14 upwards), more often travel unaccompanied (i.e. without their legal guardians). They more often travel with other family members, friends or acquaintances.

In Rio Sereno, Coto Brus, the southern region of Costa Rica, it is registered that for every 3 men, 1 female Ngäbe-Buglé enters Costa Rica. These females are fertile and the children that accompany them are usually under two (dependant on mothers milk) or over ten years old and apt to work. Generally, the very young and very old of age stay behind in Panama.<sup>100</sup>

<sup>96</sup> See before, as well as FLACSO Costa Rica, ILO and IOM (2012), p. 18, where numbers between 10.000 and 15.000 are mentioned, depending on the institution providing the numbers.. These are not the only coffee migrants, as Nicaraguans also and in increasing numbers travel to Costa Rica.

<sup>97</sup> This was confirmed in various interviews held; see as well FLACSO Costa Rica, ILO and IOM (2012), p. 22.

<sup>98</sup> No interviewee knew and these numbers do not seem to exist. This was confirmed as well by Noortje Denkers of the ILO/IPEC program in an interview on July 10, 2013 in San José, Costa Rica. In national reports on child labour of Panama, only those working on Panamanian territory are considered, while in the Costa Rican reports on child labour migrants are not included.

<sup>99</sup> ILO/IPEC (2006), p. 86.

<sup>100</sup> Agencia Espanola de Cooperación internacional para el Desarrollo & UNICEF Costa

The ILO indicates high levels of child labour, often its worst forms.<sup>101</sup> It deems the migration, the living and working conditions and the nature of the work, unhealthy and dangerous for the child and its development.<sup>102</sup> Moreover, the ILO deems migration to be detrimental to their education, as they often miss classes and interrupt their studies for an extended period of time.<sup>103</sup>

*"I want to study more. My dream? I want to do whatever is possible. Maybe I want to be a nurse."*

Erica, 12 years old, from Oma, Comarca Ngäbe-Buglé, Panama, August 1, 2013.

These migrants cross the border at Rio Sereno and Paso Canoas. Sometimes they cross through the mountains, irregularly. Rio Sereno is a popular way to enter Costa Rica, as it is small and quieter. Paso Canoas is situated on the Inter American Highway and all trucks pass that way. In Rio Sereno, registration is weak and manual, allowing easy access. It is rumoured many Ngäbes cross irregularly through the mountains. Valentín Gonzalez Palacio, a cultural assessor in the Coto Brus region, says people cross the border informally through the small border village Mellizas.<sup>104</sup>

This coffee migration is 'rural to rural', international and mostly seasonal or 'circular' migration, for economic motives.<sup>105</sup> Some, however, stay for longer and some never return. This number is growing. It is estimated that two thousand Ngäbe coffee migrants have settled in the Los Santos region in Costa Rica.<sup>106</sup>

Anthropologists argue that this transborder indigenous migration takes place 'within its ancestral territory that straddle international borders'.<sup>107</sup> This is an example of a community whose territory was 'transected with the establishment of modern states and the drawing of international borders [...]'.<sup>108</sup>

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Rica (2012) *Sistematización de Buenas Prácticas desarrolladas para la promoción de estilos de vida saludables y la atención de la salud materno-infantil en la población indígena Ngöbe*, San José: UNICEF Costa Rica, p. 27.

<sup>101</sup> ILO/IPEC (2006), p. 17.

<sup>102</sup> Ibid.

<sup>103</sup> Id., p. 18.

<sup>104</sup> Valentín Gonzalez Palacio, *Asesor cultural*, April 8, 2013, La Casona, Coto Brus, Costa Rica

<sup>105</sup> Indigenous migrants who go back and forth between places of origin and destination are not return migrants but circular migrants. See Trujano, C. (2008), *Indigenous Routes: A Framework for Understanding Indigenous Migration*, Geneva: International Organization for Migration, p. 35.

<sup>106</sup> Interview Victor Segura, July 6, 2013, PANI Los Santos, San José, Costa Rica. Estimates however fluctuate; see FLACSO Costa Rica, ILO & IOM (2012), p. 20, indicating that some 1,000 have settled in Los Santos.

<sup>107</sup> Id., p. 15.

<sup>108</sup> Id., p. 39.

## 2.5 Concluding remarks

This chapter elucidated the context, characteristics and difficulties of migratory Ngäbe-Buglé people. This is central to my concern on children, child migration and children's work. The two following chapters present relevant insights and current debates on the phenomenon of indigenous migrant (working) children in Central America from the disciplines of childhood studies and migration theory.

### Field note of a visit to Dominga Acacio Salin , May 18, 2013 Cerro Sombrero, Comarca Ngäbe-Buglé, Panama

We encounter Dominga in her house, made of wood and corrugated metal. Chickens and dogs run around, as well as her children, grandchildren and mother. They used to have a store, a *pulperia*, but recently it closed down, as Dominga is ill. She sows *yucca* and has a little bit of rice and corn. This is to sustain them, but sometimes they sell some to the neighbours. They were forced to eat their cow.



Image 10. House in the comarca Ngäbe'Buglé Panama, May 2013.

*But if there is no rice or yucca and no work, do people leave?*

“No, we don't leave. We endure hunger, find other ways to survive. [...] Yes, we are all like that, we all stay at home. Sometimes some go to Panama or David. I have a daughter in Panama and she left already years ago and I do not know where she is. She is working. This is her baby. When she is working, the child stays with me. I am also raising these two, my grandchildren. They go to school. Sometimes they get lunch, a cream and sometimes not.

We talk about the Ngäbe language and Dominga immediately says: “Nowadays they [the children] do not want to talk Ngäbere, only Spanish. They understand it but do not want to speak it. They know how to read and write, but not in Ngäbere. I am sometimes mad at them, because you have to speak well here, when you go to the stores.” We ask the children why they do not want to speak their language. They shrug their shoulders, smile and do not answer.