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The Impact of the Convention on the Rights of the Child on Child Labor Levels in Spain

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ABSTRACT

The crucial adoption of the Convention on the Rights of the Child (CRC) internationally sparked a revolution focused on protecting children and their rights. Spain's adoption of the CRC in January 1990 signified its support to ensure that children's rights are upheld and supported, ensuring that children have the ability to reach their full potential without the threat of vulnerability and danger. Within this thesis, the passage of the CRC in Spain and its effects are investigated to find the extent of its impact on child labor levels. To do so, labor and education reforms that were passed before the CRC are analyzed, child advocacy groups focused on bettering children's positions in society are examined, systematic reviews highlighting the success and concerns regarding children's vulnerability are presented, and longitudinal studies of education rates and poverty levels in Spain are compared. Limitations of the study and the potential for more research to occur in the future also is present within this thesis, ultimately culminating to find the lasting impacts of the CRC on child labor levels in Spain.

TABLE OF CONTENTS

LIST OF FIGURES	iii
ACKNOWLEDGEMENTS	v
Chapter 1 Preface	1
Chapter 2 Introduction	3
Chapter 3 Historical Impacts	6
Chapter 4 Child Advocacy Groups	14
Chapter 5 Status of Children in Spain.....	19
Chapter 6 Education Levels and Poverty Rates	26
Chapter 7 Conclusion: The Impact of the CRC in Spain.....	36
BIBLIOGRAPHY	41
ACADEMIC VITA.....	45

LIST OF FIGURES

Figure 1 Petrongolo & San Segundo, 2002	29
Figure 2 Petrongolo & San Segundo, 2002	30
Figure 3 Felgueroso et al., 2014	31
Figure 4 Romero Sánchez & Hernández Pedreño, 2019	32
Figure 5 Ayllón, 2009	34

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Chapter 1

Preface

Spain was the focus of my thesis because I had the opportunity to study and live in Granada, Spain for four months. I was able to dive into the culture, the language, and the way of life while attending the University of Granada and living with a Spanish family. This opportunity allowed me to expand my horizons and learn in depth about Spanish society, history, and customs, while also furthering my understanding of the Spanish language. I was able to communicate with many different types of people with different backgrounds, creating a rich cultural experience that changed my life. Since studying abroad, I have become determined to return to Spain. After graduation, I will be teaching English to children ages 6-12 in Barcelona, allowing me to continue to learn more about Spain from every interaction. I also will be able to further my language abilities, with the goal of being fluent from continued immersion.

Due to my experience in Spain, I knew that I wanted to expand my knowledge, which is why I decided to focus on the evolution of child labor in Spain instead of any other Spanish-speaking countries. While it is a developed, Western country it is still important to focus on children's rights and their position within society. Oftentimes, these countries are forgotten, and it is assumed that the Convention on the Rights of the Child only impacts the poorest countries, but it has played an important role since its passage in January 1990 in Spain. I wanted to learn about the history and reform movements that occurred in response to the CRC, and how Spain became a successful model.

Throughout my work on this thesis, I have had the ability to dive deeper into research about Spain, learning more about the history and presence of child labor throughout the country. Coupled with my experience in Spain as well as my interest on the long-lasting impacts of the CRC, Spain became the focus of my research. I was able to analyze education rates and poverty levels, explore the creation of influential programs and activist groups, and learn about the history of education and labor reforms. I also had the ability to practice Spanish with the use of Spanish sources, allowing me to gain valuable information without the fear of anything being lost in translation. This thesis has been instrumental in expanding my understanding of Spain as a whole, while giving me a unique and focused perspective on children. I hope to continue to expand my knowledge upon returning to Spain.

Chapter 2

Introduction

In Spain, as elsewhere since the 20th century, the basic rights of children internationally have been constantly evolving throughout history. An important culmination occurred with the approval of the United Nations Convention on the Rights of the Child (CRC) in 1989. This treaty approval articulated the universal necessity for children to be able to develop and grow in a safe environment, where they will not be exposed to dangerous conditions or exploited. Consequently, it was ratified by 140 signatories, including Spain (United Nations, 1989). Spain signed the Convention on the Rights of the Child on January 26, 1990 and ratified it on December 6, 1990 (United Nations, 1989). By signing the Convention, Spain exhibited their agreement towards working to ensure that its children are protected and that their rights are upheld to the highest standard possible.

Within the rest of this thesis, I will analyze how Spain's ratification of the CRC affected child labor levels within the country and provided a platform in which children garnered more support in various levels throughout their lives. I will discuss what actions Spain took regarding the implementation of laws and the allocation of resources to support children, analyzing the historical evolution of these policies, ultimately resulting in decreased levels of violence towards children.

The creation of a global code was dependent on defining what constitutes being a child, due to the difficulty of implementing rights for children when childhood differs in varying cultural contexts (Grau-Grau et al., 2021). According to Article 1 of the CRC, a child is "every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier," (United Nations, 1989, p. 2). While this is the universal law, it is not

uncommon for childhood to be broken down into two different categories: children (ages 0-12) and adolescents (ages 12-18) (Boniotti, et al., 2002).

The ratification of article 32 within the CRC was an important global action in ensuring that children can grow up safely, without fear of exploitation or exposure to dangerous and harmful working environments (United Nations, 1989). Article 32 specifically states in the CRC treaty (1989) that:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular»
 - (a) Provide for a minimum age or minimum ages for admission to employment

 - (b) Provide for appropriate regulation of the hours and conditions of employment

 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article. (p. 14)

When states parties ratify the CRC, all of the parties agreed to put children first, ensuring that children have the right to grow up in as safe of an environment as possible. As we will see below in this thesis, Spain exhibited support of these policies, through the creation of new

platforms and programs to support children, but also through reinforcement of policies that were previously implemented to aid children.

Child labor is a direct violation of the CRC, because it has extremely negative impacts on the children subjected to this form of labor (Ochaíta et al., 2000). According to the International Labor Organization (n.d.), child labor can be defined as:

Work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. It refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; and/or interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work. (*What is Child Labour, IPEC*, para 2)

This ideal of ensuring that children have a period of life that is devoted to education and growth is not a new concept. There have been records dating back to 1919 referencing this idea, but it has not been universally accepted. There are many cultural differences that have hindered the creation of a sole, universal law that can be implemented, due to cultural differences and a lack of continuum between high-risk work categorized as “child labor” and acceptable work that promotes growth, which is defined as “child growth” (Ochaíta et al., 2000). This variation of the politics of what constitutes childhood creates the need for multi-level approaches and analyses to ensure that children’s rights are sufficiently protected as much as possible.

Chapter 3

Historical Impacts

Child labor is a clear violation of the CRC, and has extreme negative impacts on physical, social, and cognitive development of the children participating (Ochaíta et al., 2000). There has been controversy surrounding the proper ways of eliminating child labor, such as whether it should be prohibited or whether children should be given the agency to decide what they choose to do. It is nearly impossible to abolish child labor when high levels of poverty are present and putting stressors on family financial situations (Ochaíta et al., 2000). This makes it necessary to identify the structural roots which allow child labor to occur. In this chapter, I will review the different policies that have been present in Spain, both prior and post- adoption of the CRC, and show the impacts that stem from these changes.

Evolution of Policies Prior to the Ratification of the Convention on the Rights of the Child

In 1944, the statutory working age in Spain was set to 14 years old, but this regulation was lightly enforced (González Chapala et al., 2021). Under the *Ley General de Educación* (“General Education Law”), which was implemented during the 1970-1971 school year, Spanish children had flexibility with choosing their future after completing compulsory primary schooling between the ages of 6 and 14 (González Chapala et al., 2021). These basic policies were the starting point for the implementation of stricter laws regarding education and working ages, with a focus on the International Labor Organization C138- Minimum Age Convention being signed by Spain in 1977 and the 1980 *Estatuto de los Trabajadores*.

International Labor Organization C138 - Minimum Age Convention (1973)

Spain's ratification of the Minimum Age Convention on May 16, 1973 highlighted its allegiance to the International Labor Organization (ILO) and Spain's support for creating national policies "designed to ensure the effective abolition of child labor and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons," as stated in Article 1 (International Labor Organization, 1973). This ratification raised the minimum working age in Spain to 16 years old, making it above the minimum age for compulsory education (International Labor Organization, 1973). Additionally, this convention elaborated on the different types of working conditions that are acceptable for children to participate in depending on their age. This includes their ability to perform non-hazardous educational and vocational jobs between the ages of 13-15, as long as it does not interfere with their well-being and their schooling (International Labor Organization, 1973). This convention was one of the baselines for which the CRC was adopted from, and to create updated proposals and articles regarding international child labor, in hopes to mitigate these levels.

Estatuto de los Trabajadores (March 1980) "Workers' Statute"

The passage of the *Estatuto de los Trabajadores* in Spain during March 1980 was a radical reform movement aimed at targeting working child populations. While the ratification of the ILO C138 raised the minimum working age in Spain to 16, it wasn't formally and fully implemented until the passage of this statute, which worked in compliance with the 1970 General Education law. This general education law established a minimum of eight years of compulsory education for every child, essentially mandating that children are in school between

ages 6 through 14 (Del Rey et al., 2018). Before the implementation of this reform, compulsory education ended at 14, which was the same age at which children could legally enter the Spanish work force. Before the reform, children legally could leave school and enter the work force immediately after turning 14, regardless of whether they finished the school year. This contributed to high levels of dropouts throughout the nation (González Chapala et al, 2021).

To rectify this contradiction and decrease the number of children who left school early, new labor regulations were implemented through *the Estatuto de los Trabajadores* which prohibited child labor for those under the age of 16, especially targeting those born after 1967, as they were the population who turned 14 following the passage of this act (González Chapala et al., 2021). This change increased school attendance through the elimination of the incentive to drop out and enter the labor force early. Additionally, this labor reform movement created positive, long-term impacts on the working conditions in Spain. By increasing the minimum age for work, laborers had more education through the completion of education through the age of 14. The reform additionally led to more children completing post-compulsory education (Del Rey et al., 2018). This led to an increase in more skilled workers, who qualified for better jobs, higher wages, and it decreased accounts of suffering from workplace injury.

Evolution of Policies Following the Ratification of the Convention on the Rights of the Child

Following the Spanish ratification of the CRC, new policies were implemented through the adoption of laws by the Spanish government. More focus was placed on the well-being of children, ensuring that they would be able to grow and develop without interference of their schooling nor exposure to hazardous, exploitative conditions. To ensure this, Spain began to ratify more ILO conventions, create new acts, and create higher standards for education to

eliminate child labor. These included the passage of the *Leyes Organicas*, the ratification of C182- Worst Forms of Child Labor Convention, and the development of a Spanish National Action Plan in response to the European Child Guarantee of the European Union. While these are not the only policies that Spain has enacted and implemented following the ratification of the CRC, they are some of the most influential, and have been thoroughly impacting children and their rights throughout Spain since their passages.

Leyes Organicas “Organic Laws”

Within the Spanish legal system, there are different levels of jurisdiction in which laws pass within Congress. *Leyes Organicas* (Organic Laws) are different from other forms of legislation in two different ways:

1. The matter of the regulation. Exercise of fundamental rights and public liberties, Statutes of Autonomy, the general electoral system and others provided for in the Constitution must be issued by an organic law (art. 81.1 SC). The matters provided for in the SC include: ombudsman (*Defensor del Pueblo*, art. 54 SC); Council of State (*Consejo de Estado*, art. 107 SC); Constitutional Court (*Tribunal Constitucional*, art. 165 SC) and popular legislative initiative (art. 87.3 SC)
2. The requirements for their approval, modification or repeal. Organic laws require an absolute majority of the Congress in a final vote of the entire bill (art. 81.2 SC). (Cabrero, 2002, sec 3.2.1).

These laws are the highest level of jurisdiction, and therefore are extremely influential with the passage and implementation of laws.

On January 15, 1996, the *Ley Organica* 1/1996 was approved by the Spanish Parliament and was used to modify the civil code and ensure legal protection of children (Boniotti et al., 2002). Spain enacted and approved this law following the passage of the CRC, in which greater concern and attention was placed upon children's rights and their roles in societies. Children began to play a much larger role in society, therefore garnering more support from the Spanish legal systems (Boniotti et al., 2002). This led to many social transitions, especially regarding the status of those under the age of 18 (Ministerio de Justicia, 2018). They were given rights and the ability to participate more fully in the legislation that affects them. Within these law codes, children received many rights, such as the right to information, basic rights and freedoms, rights for intervention and protection from risky, negligent, or harmful situations (Ministerio de Justicia, 2018).

Additionally, there were other *Organic Acts* that have been implemented to provide more rights and agency to children. These include (Ministerio de Justicia, 2018):

1. 5 Ley Organica 4/1992 was adopted on June 5 to reform the “Ley Reguladora de la competencia y el Procedimiento de los Juzgados de Menores.” This focused on the reformation of the juvenile court system, affecting how minors were charged, processed, and prosecuted.
2. 6 Ley Organica 5/2000 was adopted on January 12 to regulate “la responsabilidad penal de los menores.” This regulated the penal system and it's responsibility of minors.

Finally, through the 1996 adoption of the “Ley de Garantias de los Derechos de la Infancia y Adolescencia, Comunidad de Madrid”, a “Defensor del Minor” was established. This position

worked closely with children to prevent any violations of their rights from occurring (Ministerio de Justicia, 2018).

International Labor Organization C182 – Worst Forms of Child Labor Convention (1999)

Spain ratified the ILO C182 on April 2, 2001, promising to harmonize its laws regarding child labor. This convention pushed for the elimination of the worst forms of child labor, as well as making it a priority throughout the world requiring international cooperation (International Labor Organization, 1999). Some of the worst forms of child labor were deemed in Article 3 as:

All forms of slavery or practices similar to slavery; the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. (International Labor Organization, 1999, Article 3)

It was imperative that states adopt laws and policies to protect children from these horrific violations of their rights and was a call to action for more policies to be enacted.

European Child Guarantee (ECG) – National Action Plan for the implementation of ECG in Spain

The European Child Guarantee (ECG) was created to prevent and aid children who are suffering from poverty and social exclusion by targeting five support areas: early childhood education and care, education, health, nutrition, and housing (Moreno-Fuentes et al., 2021).

While this is a policy implemented throughout the European Union, Spain has its own unique National Action Plan (NAP) in place to aid vulnerable populations of children. Within Spain, vulnerable populations have been defined as children and adolescents in precarious family situations, those belonging to the Roma minority, those with a certificate of disability, those of migrant origin, those with irregular or deprived housing, and those in alternative care (Moreno Fuentes, 2021). To target and aid these vulnerable populations, Spain has proposed and allocated resources for investing in children, through educational manners, health care and nutritional aid, and housing (Moreno-Fuentes et al., 2021).

Law on the Comprehensive Protection of Children and Adolescents from Violence

On May 20, 2021, the Spanish Parliament passed the *Law on the Comprehensive Protection of Children and Adolescents from Violence* (Moreno-Fuentes & Rodríguez-Cabrero, 2021). This law created a broad definition of all concepts of violence against children, and guarantees that children are entitled to their rights, which are to be protected at all costs. Additionally, it focused on creating increased cooperation throughout Spanish society in these fights. It is imperative that governments, NGOs, private sectors, and civil service organizations are all functioning and acting on the same principles of beliefs regarding the protection of children from violence (Moreno-Fuentes & Rodríguez-Cabrero, 2021). It mandated all adults, regardless of their status or position, to report any instances of violence against children that they experience (Moreno-Fuentes & Rodríguez-Cabrero, 2021). This law was enacted in response to a report by *Save the Children* in 2020, which uncovered that a quarter of Spanish minors under the age of 17 have suffered from violence in their households (Moreno-Fuentes & Rodríguez-Cabrero, 2021). It aims to spark a societal change resulting in not only the creation of more

legislation to protect children but also develop more awareness of the institutional violence faced by minors (Moreno-Fuentes & Rodríguez-Cabrero, 2021).

Chapter 4

Child Advocacy Groups

Following the passage of the CRC, many different platforms and interest groups were developed to focus and facilitate the implementation of children's rights. Regional, national, and international legislation were thought by these groups to be for children's rights movements and projects. Their ultimate goal was to create structural changes throughout the nation (Grau-Grau et al., 2021). To do so, short-term and long-term movements and organizations have developed, such as the Plataforma de Infancia, FEDAIA, FICE Spain, and Save the Children. The success of these programs and the implementation of the CRC within Spain has also been analyzed through multiple reports and analyses conducted, as will be described below.

1. Program Implementation

Plataforma de Infancia (Childhood Platform)

The creation of the non-profit NGO Plataforma de Infancia in 1997 was sparked by Spain's ratification of the CRC. It aimed to facilitate the implementation protective measures, as well as promoting change (*Plataforma de Organizaciones de Infancia, 2022*). The Plataforma explained its birth and purpose in the following way:

Nacimos en el año 1997 con la misión de aunar los esfuerzos de organizaciones de ámbito estatal que trabajan en el ámbito de la infancia y de crear un espacio de coordinación que defienda, promueva y proteja los derechos de los niños, niñas y adolescentes en España conforme a la Convención sobre los Derechos del Niño.

(*Plataforma de Organizaciones de Infancia, 2022, para 3*).

This platform established a network of separate entities from different backgrounds who have united to prioritize and fight for children's rights. This cooperation is critical and evident in their vision statement, which fights for equality for all to protect, promote, and defend the rights of the children in Spain (Plataforma de Infancia, 2021). These entities constructed a General Assembly within the Plataforma, including but not limited to companies and organizations such as: Accem, Acción Familiar, Aldeas Infantiles sos España, Cáritas, La Salle Coordinadors Obras Socioeducativas, Cruz Roja Juventud, Didania, Ayuda en Acción, YMCA, and many more (*Plataforma de Organizaciones de Infancia*, 2022). Together, they create policies and budgets, promote the defense of children's rights, and facilitate action plans that are executed through other bodies of the organization, such as the Board of Directors and the different working groups. The Board is constructed from representatives of the entities who act as a management group, ensuring that all bodies of the entity are functioning fluidly and cohesively (Plataforma de Infancia, 2021). Additionally, the working groups are comprised of technical individuals who address specialized concerns regarding children's rights issues (Plataforma de Infancia, 2021).

While there are complexities of different organizations functioning and working together to create this program, the Plataforma de Infancia has a unique focus and role within the children's rights activist groups, due to its direct work with children. They have created spaces in which children are able to directly participate and ensure that their opinions are not discarded. This political advocacy is imperative in order for children to be respected by society and lawmakers. Without this political initiative, children wouldn't have as much agency. This further ensures that the policies of the CRC are implemented and known by all of society, not strictly the lawmakers (Plataforma de Infancia, 2021).

Through the efforts of the Plataforma de Infancia, the Spanish cabinet approved in June 2020 the implementation of the SOS Children's Villages program, a way to provide alternative care for all children who are unable to live with their families. This is another method introduced by the Plataforma to protect children, who not only have a right to protection and to be save but also to not suffer from abuse, exploitation, neglect, or violation of a child's privacy (SOS Children's Villages, 2020). These villages function as parts of legislation created and implemented to truly create structural change, providing a comprehensive solution. Pedro Puig, previous president of SOS Children's Villages, stated that:

It covers all areas of the child's life - family, education, health, justice administration, sports and technology - and involves all citizens in the task of protecting children from violence... Child protection is not just a political and social responsibility, but also a moral obligation and, once this law is approved, it will also be a legal requirement. (SOS Children's Villages, 2020, para 5)

Federation of Care and Education Institutions for Children and Adolescents

The Federation of Care and Education Institutions for Children and Adolescents (FEDAIA) is a Spanish organization based in Catalonia that is focused on creating community solutions for vulnerable children, rather than institutional solutions (*European Social Network*, 2017). This transition allows for faster implementation, as well as being able to work more directly with children and families. FEDAIA also has worked closely with other networks in the European Union, such as participating in the Eurochild's "Opening Doors for Europe's Children Campaign" (*European Social Network*, 2017). This collaboration worked to create community-based services directly integrating programs into the communities who need them.

International Federation of Educational Communities- Spanish branch (FICE Spain)

The FEDAIA also worked together with the Spanish branch of the International Federation of Educational Communities (FICE), which focused on the international aid that Spain can receive from the European Union. This can provide more tools and aid on a larger scale than Spain could provide individually (*European Social Network, 2017*). President David Astiz of FICE Spain emphasized, “To see the change in a model of care for children, we must evolve and respond to society’s changing needs. To make this transition, we must ensure a range of high-quality community services are in place, both in terms of prevention, intervention, and support. We must train professionals who can make this community work and ensure efficient monitoring and evaluation,” (*Spain advocates for a change, n.d., para 5*). He argued that by incorporating alternative measures into the community that are based off of the interests of children stated in the CRC, there will be better outcomes overall (*European Social Network, 2017*).

Save the Children

Save the Children is an international campaign that focuses on investing in education to fight against child poverty, and has programs in Andalucía, Catalonia, Valencia, Madrid, and Basque Country throughout Spain (Asseigo & Ubrich, 2015). The foundation of this campaign is that “la educación tiene una fuerza extraordinaria para compensar la pobreza y la desigualdad... Invertir en educación es luchar contra la pobreza infantil,” (Asseigo & Ubrich, 2015, p. 9). They have two focuses within Spain: the current connections between the right to education and equity within inequality and poverty and creating an equity index calculating the varying levels of educational equity present (Assieigo & Ubrich, 2015). Focusing on education levels, *Save the*

Children calculated the connection between dropout rates, employment rates, and the poverty gap, reaching the conclusion that, “Cuando la brecha de la pobreza aumenta también lo hace la brecha educative y los niños procedentes de familias con un nivel socioeconómico más bajo -o que viven en zonas donde hay más desventaja social- tienen más probabilidades de asistir con menor regularidad a la escuela o de hacerlo en condiciones de mayor precariedad,” (Assiego & Ubrich, 2015, p. 23). This explains the importance of societal and structural factors that affect school attendance, and those of lower socioeconomic classes tend to attend school less regularly (Assiego & Ulbrich, 2015).

Chapter 5

Status of Children in Spain

The *Inspección General de Trabajo* (General Inspectorate of Work) calculated that Spain had approximately 75,000-150,000 child workers, without taking into consideration other types of work, such as domestic work, sexual labor, and crime (Ochaíta et al., 2000). This calculation from 1997 is skewed, and in actuality, child labor levels are likely to be at least 200,000 (Ochaíta et al., 2000). While this study aimed to elaborate on child labor levels and highlight different types of work that children do in Spain, it was found that many children primarily participate in domestic work with their families, rather than entering the work force (Ochaíta et al., 2000). This domestic work is often viewed as helping their families, and children have a positive attitude towards working around the house, as opposed to negatively perceiving child labor and exploitation outside of the household (Ochaíta et al., 2000).

The impact of the CRC can be seen through periodic reviews conducted by the United Nations, specifically the Committee on the Rights of the Child. In these reviews Spain has the ability to reflect, analyze and declare what actions have been taken to further implement and be in accordance with the CRC's principles. Through this reporting procedure, all measures, laws, and changes that have occurred are presented to the board, which focuses on their success and lasting impacts (*Universal Periodic Review*, n.d.). These reviews not only monitor Spain's progress, but provide the baseline for further advancements to occur, facilitating the passage of new laws and the implementation of government and non-governmental programs to aid the children (*Universal Periodic Review*, n.d.). Oftentimes, these implemented nation-wide strategies are updates to create an acceptable, modern application of the CRC within Spain. By analyzing modern trends, raising concerns, and applying feedback, Spain, and its respective NGOs and

interest groups, constructively alter law codes, budget allocations, and support that children and families receive, to cooperate with the international standards in place.

The reporting process for these periodic reviews follow strict guidelines created by the United Nations. These guidelines ensure that human rights issues are universally addressed with the same standards. These reports are due every five years, and they are submitted to the United Nations committee which includes 18 individual experts, who raise their concerns about implementation practices, provide advice for future efforts, and expose any violations of the CRC that they find (*Universal Periodic Review*, n.d.). These experts are elected for terms of four years by countries who have ratified the CRC and are people who are qualified and competent within the specific field and those who have been deemed to have a high moral character (*Universal Periodic Review*, n.d.). These responses are compiled into “concluding observations” by the Committee, which are then conveyed to each country, elaborating on strategies and steps that will be taken to ensure responses are addressed and implemented. In the next section, I will show how the criticisms from Spain’s periodic reviews are the reason for the advancements made throughout the country, and how these positive responses aid in the protection of children’s rights throughout the nation.

Committee on the Rights of the Child Periodic Reviews - Spain

The Committee periodically evaluates the application and adherence to the CRC’s principles. Through the Committee’s reviews, it documents Spain’s efforts and actions, categorizing successes, violations, and hazards. In the third and fourth report concerning the implementation of the CRC in Spain from 2010, it was found that legislative efforts have incorporated the CRC judicially through their law system (Escorial Senante et al., 2010). This

allowed Spain to further join the global community in establishing programs and organizations to aid in ensuring children's rights are met. This includes the Plan Estratégico Nacional de Infancia y Adolescencia (PENIA) "National Strategic Plan for Childhood and Adolescence," national public organizations, and coordinating between levels of administration to ensure that measures are implemented at local levels (Escorial Senante et al., 2010). Additionally, regarding civil rights and freedoms that are protected with the CRC, it was recommended to increase children's participation and agency, allowing larger populations to be positively impacted through the passage of the CRC. This occurred with increased knowledge of the CRC and rights of children throughout Spain, as well as more communication with affected populations (Escorial Senante et al., 2010).

This review also focused on environments and the welfare of children in Spain, concerning the levels of care one deserves to receive. It explained the importance of a stable familial environment which ensures that all services can be provided to children, including the possibility for alternative care methods if needs are not met (Escorial Senante et al., 2010). With poverty levels and social exclusion impacts threatening the basic health, wellness, and rights of children, increased resources and support from the Spanish government for families and children is crucial to fight childhood poverty (Escorial Senante et al., 2010). Multifaceted healthcare reform focused on children within the health systems was implemented. This aided in earlier recognition, detection, and prevention of behavioral and mental health problems, as well as the implementation of specialized practices (Escorial Senante et al., 2010).

These changes, which have occurred since the previous periodic reports, have positively affected children and their position regarding rights, status, and support in Spain. But there are still many concerns, especially concerning resource allocation. Throughout Spain, depending on

the location and demographics, the distribution of funds, programs, and resources is unequal, further inhibiting populations of children (Escorial Senante et al., 2010). These concerns were addressed within the fifth and sixth periodic review, focusing on policy implementation efforts.

The fifth and sixth periodic review of Spain's implementation of the CRC is the most recent, dating back to 2015. With minors making up about 18% of the Spanish population, the committee focused on the importance of supporting this generation with policies that will allow them to succeed with a functional foundation as the next generation (United Nations, 2017). The recent reviews found advancements since the prior reviews, and found Spain had taken past recommendations, such as the 2015 adoption of 2 laws, Organization Act No. 8/2015 and Act No. 26/2015. These laws ensure minors receive better legal protection, as well as having the ability to be active participants (United Nations, 2017). Additionally, education dropout rates decreased by 50% in the past ten years, through the enforcement of the right to education of all educational cycles (United Nations, 2017).

Within the Spanish government, the Ministry of Foreign Affairs and Cooperation and the Ministry of Health, Social Services and Equality are the main actors highlighted in this report. They have worked to implement the CRC through cooperation and dissemination within all regions of Spain (CRC5-6). These ministries work in cooperation with NGOs and public organizations to implement the reviews and suggestions created by the review Committee.

These advancements and program implementations have had positive impacts throughout Spain. However, UN Committee experts still expressed concerns, including by Ann Marie Skelton, Olga Khazova, and others (*Committee on the Rights of the Child Examines Report of Spain, 2018*). Ann Marie Skelton, committee expert and head of Spanish task force, focused on the issues of child poverty. She raised questions regarding the hidden costs to education and the

vulnerability of children, wondering what actions have been taken and what plans are being formulated for the future (*Committee on the Rights of the Child Examines Report of Spain, 2018*). Olga Khazova, another committee expert and rapporteur for Spain, also raised similar questions, focusing on how poverty levels affect children's education. Khazova's responsibility was to report on all proceedings and meeting events occurring in the Committee on the Rights of the Child.

In response, Mario Garcés Sanagustín, Secretary of State for Social Services and Equality of Spain, explained how the government began to invest in children's plans, with increasing the budgetary allocations since 2015 (*Committee on the Rights of the Child Examines Report of Spain, 2018*). He also explained the CRC was more well-known throughout the country, with lawyers and judges required to take a course on it, and children learning about their rights in primary and secondary school through courses on civic and ethical values (*Committee on the Rights of the Child Examines Report of Spain, 2018*). Attendance in schools also increased since the previous periodic review. Roma children increased their school attendance and rates of completion throughout the country, which could be attributed to the Ministry of Education working to make education more affordable (*Committee on the Rights of the Child Examines Report of Spain, 2018*). This was achieved in 2014, with the Ministry developing a plan for all regions of Spain to implement to reduce dropout rates. This program focused on social integration through education to act as a stimulus and was reinforced by the Ministry in all regions (*Committee on the Rights of the Child Examines Report of Spain, 2018*). Hidden schooling costs were also addressed through the allocation of funds to provide transportation to school and aid in the purchase of books and supplies (*Committee on the Rights of the Child Examines Report of Spain, 2018*).

Department of State Reviews

In 2018 the United States Department of State published a country report on Spain, analyzing human rights practices and child employment and labor levels throughout the country in Section 7: Workers Rights (*2018 Country Reports*, 2018). In Section 7 Part B, the Department of State analyzes the Spanish enforcement of the prohibition of compulsory labor, including that done by children. The analysis found that this law was effectively enforced, with a focus on eliminating forced prostitution, and 358 more labor inspectors were hired in 2017 and 2018 (*2018 Country Reports*, 2018). Section C focused on the prohibition of child labor and minimum employment ages, in which Spain's Ministry of Employment, Migration, and Social Security oversee and enforce the minimum age law of sixteen years old. While this was more easily enforced in the industries and service sectors, it was difficult to enforce in a more domestic sphere. The report states:

The ministry had difficulty enforcing the law on small farms and in family-owned businesses, where child labor persisted. The government effectively enforced laws prohibiting child labor in the special economic zones. In 2016, the most recent year for which data were available, the Ministry of Employment, Migration, and Social Security detected 15 violations of child labor laws that involved 20 minors younger than age 16 and 29 other violations that involved 34 minors between ages 16 and 18 for working in prohibited fields of work. The fines amounted to more than 295,000 euros (\$339,000). In 2016 there were 31 violations related to the safety and health of working minors, involving 38 minors, with penalties of more than 357,000 euros (\$411,000). The penalties for violating child labor laws included imprisonment for six to 10 years and were sufficient to deter violations. (*2018 Country Reports*, 2018, p. 20).

The lack of statistics within these recent reports are not uncommon. It was difficult to find statistics on child labor levels in Spain, especially because these estimates often are hidden within 'invisible work' (Ochaíta et al., 2000). Additionally, with legislation making child labor illegal in Spain, as well as many parts of the world, data is difficult to acquire due to the secrecy of those participating (Ochaíta et al., 2000). While specific statistics were hard to find, child labor levels still can be analyzed through the study of indirect indicators such as poverty and education levels throughout Spain.

Chapter 6

Education Levels and Poverty Rates

To study the success of the implementation of the CRC in Spain, poverty levels and education rates are two important indicators that can aid in the analysis of child labor levels. Both are indirect evidence of Spanish children's well-being, as economic status and educational levels are extremely important factors in the vulnerability of a child. It is important to track these factors because they serve as indirect indicators of unreported child labor, given that direct measures of child labor rates are not recorded, and no official statistics are kept for workers under the age of 16.

Education Levels

Education levels are an important indicator regarding that status of children in Spain. The passage of education reforms, such as the implementation of a minimum compulsory education age of 14 as the basis in 1970 and raising it to the age of 16 in the 1980s aided in the decrease in dropout rates (Peraita & Pastor, 2000). Additionally, the universal access to public school in Spain helped to facilitate these trends in dropout rates and time spent in education. It is important to note that this universal access aided all demographics of children, not just those of the higher classes (Peraita & Pastor, 2000). This historically led to an increase in school attendance for children in primary school during the 1980s and 1990s (Peraita & Pastor, 2000). It is important to analyze dropout rates with child labor, due to the interdependence of education to provide the basic skills and knowledge needed by workers (Peraita & Pastor, 2000). By analyzing these trends, I can hypothesize that a decrease in the school dropout levels for Spanish children will directly lead to a decrease in child labor within Spain.

Historically, Spanish workers have been stuck within a vicious cycle within the labor force. Those who complete higher education have the ability to maintain more skilled jobs. Consequently, they enter the workforce later than unskilled children, who have dropped out of school. This creates a destructive pattern, in which wage gaps have widened between those who have had the ability to receive higher forms of education and those who had been forced to dropout (Peraita & Pastor, 2000). This divide has led to the creation of vulnerable populations who continue to get poorer, due the contradiction of their need to enter the workforce early to survive, which ultimately is failing them due to their minimum wages. The economy of Spain in the 1980s and 1990s has greatly affected education levels, giving us the ability to conclude that the socio-economic status of families impacts the vulnerability of children and the duration of schooling they are able to acquire (Peraita & Pastor, 2000).

In terms of education levels, since the 1970s we can find trends affecting child labor levels. We also can see there are many factors that have led to the implementation of better education, culminating with an increase in education levels. Compulsory education was enacted in the 1970s, following the recognition of educational disconnects that were present prior with the lack of opportunities for different social classes and demographics of people (McNair, 1981). It was reported that in 1971, out of the 4.7 million school-aged children in Spain, there were half a million who were not receiving education (McNair, 1981). This can be attributed to the inaccessibility of education for all, whether it was the lack of physical schools, the inability of children to get to school, or the costs of schooling. Children who were unable to reach the next school levels, whether it was due to their inability to afford to pay for school or meet the standards expected, contributed to a direct entry into employment. Rural children were

disproportionately affected within the population of those who did not complete schooling after primary school (McNair, 1981).

Following the educational reforms of 1970 with the General Education Act, new school systems were implemented. Children now have the ability to choose between entering two different tracks: the academic track and the vocational track. These tracks provide the option for students to continue their education in different manners, both of which provide forms of education to better prepare them for eventually entering the workforce with proper skills needed to receive livable wages (Lacuesta et al., 2012). This occurred through the integration a dual school system concerning Educación General Básica (Basic General Education) for those ages 6 to 14. Following this basic education, they had the opportunity to choose between entering Bachillerato (secondary education) or Formación Profesional (junior technical education) to prepare for the work force (McNair, 1981). The academic track allows for students to continue receiving education similar to ‘high school’ in the United States, culminating in the opportunity to test into higher education and attending university (Lacuesta et al., 2012). If the vocational track is chosen, students complete different levels of modules to receive higher training that is more focused on entering the work force (Lacuesta et al., 2012).

This Act aimed to “provide an integrated education, basically equal for all and adapted as far as possible, to the aptitudes and capacities of each individual,” and since its implementation school attendance for those ages 6-14 increased from 4,204,800 to 5,554,600 pupils, or 31% in by 1978 (McNair, 1981). While these are positive results, as of 1978 students were still directly entering employment at the age of 14 following the completion of their Educación General Básica (McNair, 1981).

From the 1970s to the 1990s, Spanish improvements in education had been monitored, as these investments in the younger generation is used to create the future foundation of the country. According to the organization for Economic Cooperation and Development (OECD), “although educational investment has been more spectacular in Spain than in any other OECD country over the past two decades, the proportion of Spanish youngsters who stay in school at ages 16-18 is still, by OECD standards, fairly low,” (Petrongolo & San Segundo, 2002, p. 353). This affects youth unemployment rates, which could negatively contribute to unemployment rates and family economic situations (Petrongolo & San Segundo, 2002). This was highlighted through the labor and employment statistics of sixteen-year-olds. As seen in Figures 1 and 2, we can see how enrollment rates of sixteen-year-old and seventeen-year-old Spanish students had increased from 1980 to 1995, regardless of the economic conditions (Petrongolo & San Segundo, 2002). These increases were similar in both male and female populations.

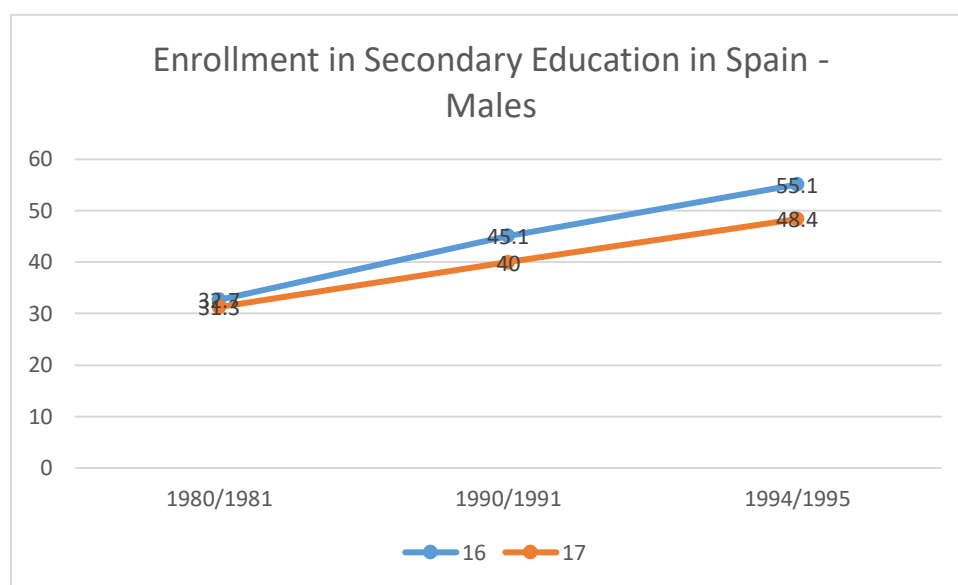


Figure 1 Petrongolo & San Segundo, 2002

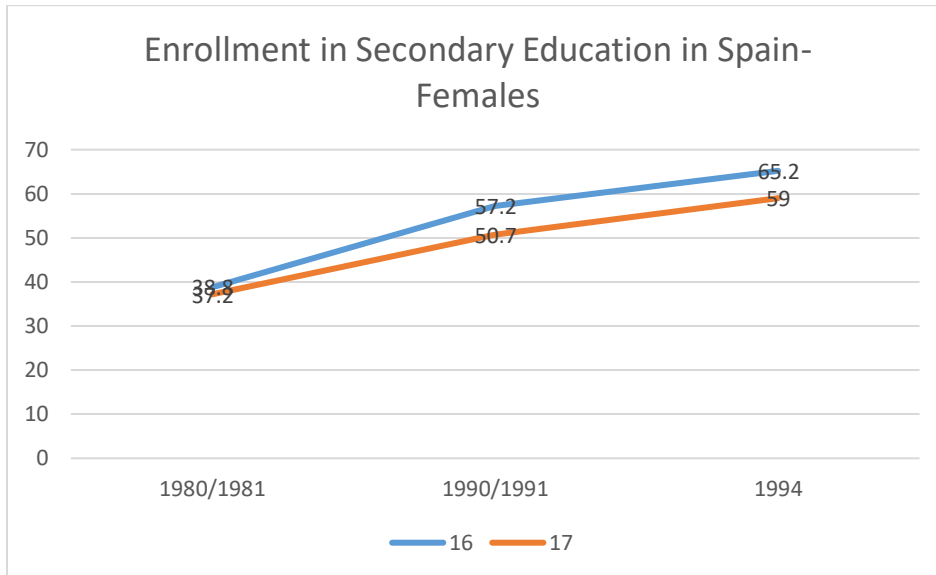
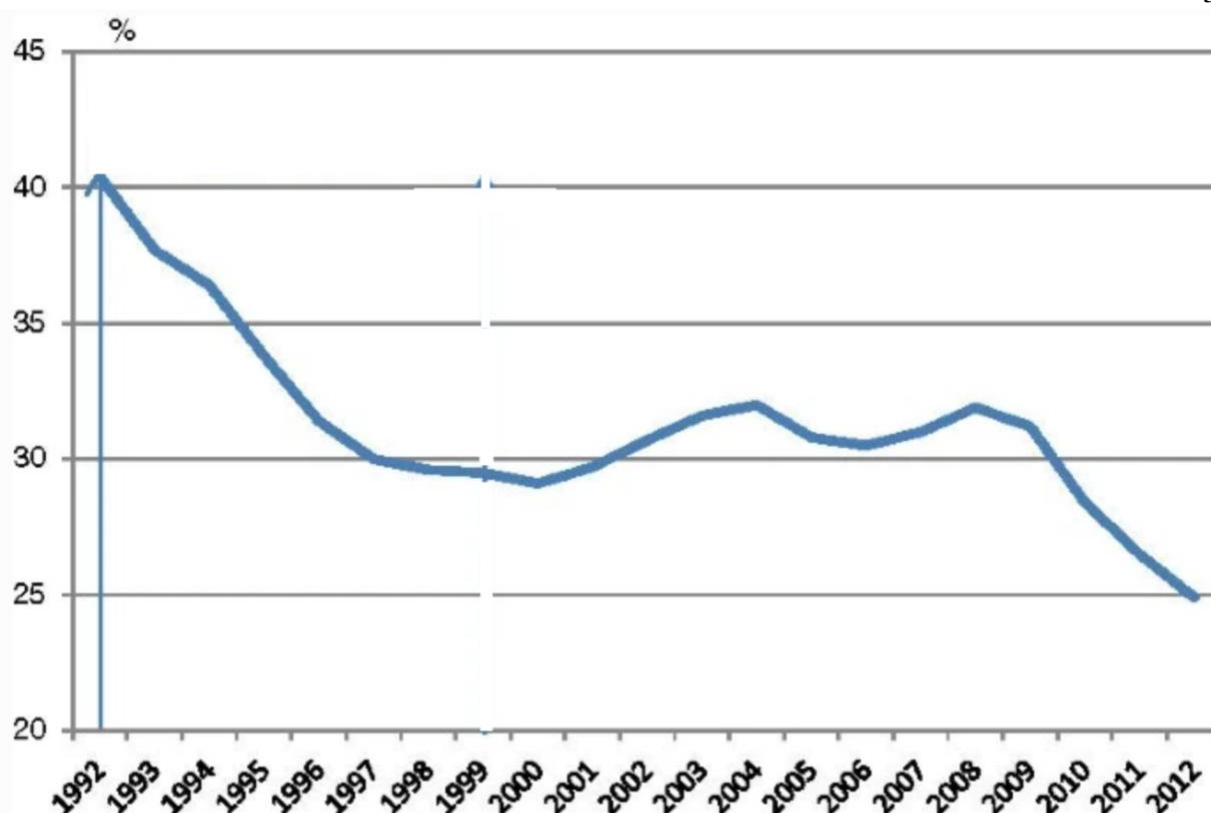


Figure 2 Petrongolo & San Segundo, 2002

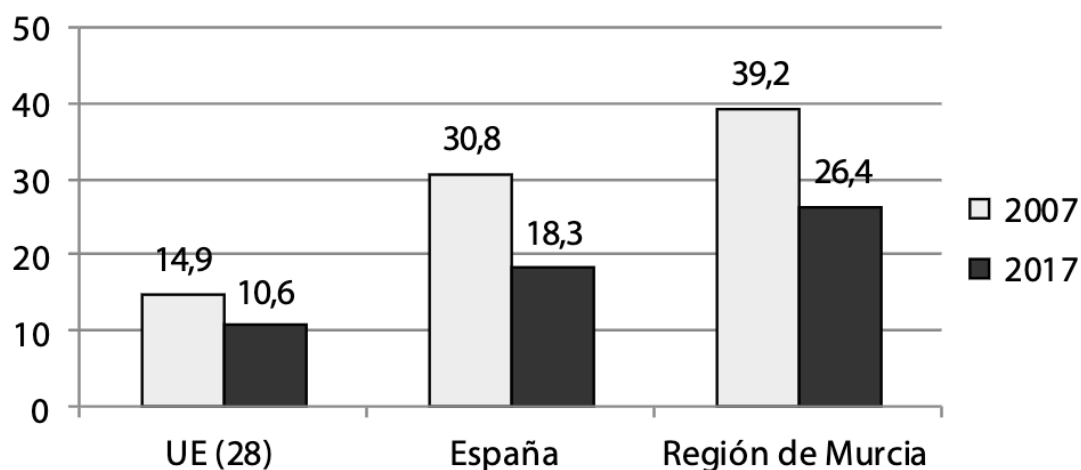
Following the implementation of these different schooling techniques, as well as the educational reforms mentioned prior, we can analyze changes in education levels and dropout rates. Spain's dropout levels have been a point of concern for the European Union, as well as the Committee of the Rights of the Child. According to the European Labor Force Survey, statistics show declining dropout rates from 1992, following the implementation of the CRC and the adopted principles. These dropout rates in Figure 3 have steadily decreased over the span of 20 years, resulting in rates reducing from 40% to 15%.



Evolution of school dropouts in Spain. 1992-2011. Source: European Labour Force Survey (Eurostat).

Figure 3 Felgueroso et al., 2014

According to Spanish authors Romero Sánchez and Hernández Pedreño (2019) and as seen in Figure 4, “La tasa de AET (abandono escolar temprano) preocupa especialmente a la Comisión Europea, tal y como refleja la Estrategia Europa 2020, que establece unos objetivos para reducir el abandono escolar temprano a tasas por debajo del 10%. Las últimas cifras ofrecidas por Eurostat (2017) sitúan a España en un índice alarmante del 18,3%,” (pp. 266-267). Early dropout rates worried the European Commission, which expanded upon measures to reduce these levels in their 2020 European Strategy.



Nota 1: El dato de la Región de Murcia es el de 2016, último disponible.

Fuente: Eurostat e INE.

Gráfico 1. Tasa de abandono escolar temprano (18-24 años), UE-28, España y Región de Murcia¹, 2007-2017

Figure 4 Romero Sánchez & Hernández Pedreño, 2019

While these levels are still much higher than the average in the European Union and the goal for the European Commission, early school dropout rates in Spain have been steadily decreasing since the implementation of school reforms beginning in the 1980s. In 2021, Spain's early school dropout levels were down to 11.4%, which is still above the European Union average and the 2020 goal of the European Commission of 10% but is continuing to decline (Berral-Ortiz et al., 2022). We can conclude that these efforts in decreasing dropout rates were due to the increased support given to vulnerable children and families, especially those of lower socio-economic classes. This ensures that they are reaching sufficient education levels, and indirectly reflect Spain's cooperation with the implementation of the CRC.

Poverty Rates

Children are extremely vulnerable populations with regards to poverty levels. They are reliant on the financial situations of their parents but are often subjected to the long-term consequences associated with those in poverty. Following 1975, “average welfare levels as measured by real per capita household income showed a net increase of 35 percent between 1973 and 1989...Public expenditure on social protection also rose, from 12.3 percent of GDP in 1973 to 24.8 percent in 1992, reflecting the consolidation of the Spanish welfare state,” (Cantó Sanchez & Mercader-Prats, 2002, p. 544). While the poverty rate was fluctuating in general, children living in large households between 1973 and 1990 experienced higher levels of poverty which were increasing through 1990, and ultimately made up about 64% of Spanish children in poverty (Cantó Sanchez & Mercader-Prats, 2002).

Child poverty in Spain until the 1990s was dangerous for those populations who were suffering. It creates long-lasting implications which threaten the development of children, especially because children are unable to remove themselves individually from their situation. This led to the necessary creation of public action and aid to be given to children (Cantó Sanchez & Mercader-Prats, 2002). Additionally, child poverty often leads to many negative implications in which children suffer, such as receiving insufficient education (Cantó Sanchez & Mercader-Prats, 2002). The child poverty rates until the 1990s really highlight how vulnerable child populations are in Spain, especially because these levels were not changing rapidly enough to enact change. It can be concluded that these rates can be one contributing factor to the necessary implementation of the CRC in Spain.

Following these conditions through the 1990s, child poverty rates can be analyzed after the passage and implementation of the CRC. With the passage of education and labor reforms,

the labor market of Spain changed. Spain experienced economic growth, with “55% of young people between 25 and 29 years of age were employed in 1994. That percentage increased to 75% in 2005,” (Ayllón, 2009, p. 407). Wages increased for workers aged 25 to 29, aiding their entry to the work force and supporting laborers in Spain (Ayllón, 2009). These employment levels can be seen in Figure 5, highlighting the percent of young people employed by age group. This figure shows the consistent increase in employment levels following the passage and implementation of the CRC, highlighting how important these levels are in decreasing poverty levels, especially in children (Ayllón, 2009).

Percentage of young people employed in Spain by age group, 1977-2007

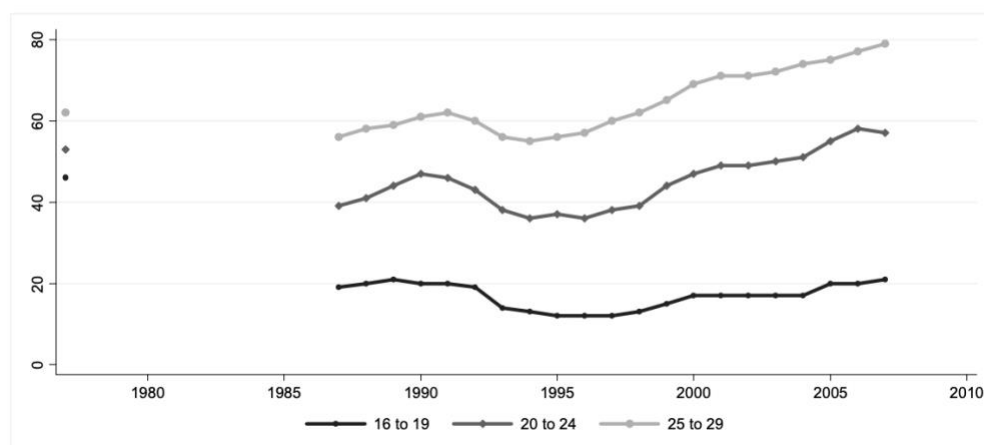


Figure 5 Ayllón, 2009

While poverty levels have not been completely sustainable since the passage of the CRC, with a slight deterioration in the 1990s, it has become more stable from 1999 to 2005 (Ayllón, 2009). This trend is influenced by the participation in the labor market as well as salaries, which had increased since 1990 and the passage of the CRC (Ayllón, 2009). Additionally, the labor

force participation rate of those ages 15 – 24 has also decreased since 1990 and the passage of the CRC (*Spain labor force participation rate 1990-2023*, 2023). While it has not been a completely linear decline, the overall participation since 1990 has decreased from 47.04% in 1990 to 31.36% currently in 2021 (*Spain labor force participation rate 1990-2023*, 2023).

Chapter 7

Conclusion: The Impact of the CRC in Spain

Following the approval and implementation of the CRC in Spain in January 1990, many positive strides and efforts have been made to support and aid children, ultimately leading to a decrease in child labor laws. This passage showed Spain's agreement to uphold children's rights to the highest standard and ensure that they are protected. With the help of child advocacy groups working to create structural changes, Spain increased its education rates, decreased poverty levels, and passed new laws that focus on children.

There were education and labor reforms that occurred before the passage of the CRC, such as the ILO C138 Minimum Age Convention, ratified in 1973, which raised the minimum working age in Spain to 16 years old (International Labor Organization, 1973). This labor reform began to ensure that children were not placed into vulnerable working conditions and outlined suitable jobs (International Labor Organization, 1973). Additionally, the *Estatuto de los Trabajadores* in March of 1980 mandated that children receive eight years of compulsory education, which began to work to reduce dropout rates while improving labor conditions in general (González Chapala et al, 2021).

The laws and actions that emerged in Spain following the passage of the CRC made drastic changes to the vulnerable conditions of children and furthered the labor and educational changes sparked by previous reforms. By implementing new *Leyes Organicas*, the Spanish civil code was adapted, ensuring that children were able to have protected rights and support in society (Boniotti et al., 2002). These laws had the support of an absolute majority of Spain's Congress, showing how important and radical they truly are in reinforcing the ideas and components of the CRC. Additionally, by ratifying the ILO C182 in April of 2001, Spain also

promised to eliminate the worst forms of child labor to ensure that children are protected from dangerous and horrible violations of their rights (International Labor Organization, 1999). The European Child Guarantee was implemented within Spain, focusing on vulnerable child populations who are suffering from poverty and social exclusion (Moreno-Fuentes et al., 2021). Most recently, the Law on the Comprehensive Protection of Children and Adolescents from Violence was passed by the Spanish Parliament in May 2021, defining the violence that children face, guaranteeing that they are entitled to their rights, and ensuring that all violence against children is properly reported (Moreno-Fuentes & Rodríguez-Cabrero, 2021).

These laws focused on creating structural changes within Spanish society to continue protecting children's rights in accordance with the principles of the CRC. By using the CRC as a baseline for children's rights, Spain continued to make strides forward by passing these laws. While the passage of these laws is the first step, they were further enforced and implemented with the aid of child advocacy groups, who worked to facilitate the day-to-day practices of supporting children. Platforms such as the *Plataforma de Infancia* and the Federation of Care and Education Institutions for Children and Adolescents (FEDAIA), the International Federation of Educational Communities (FICE Spain), and Save the Children all work to sustain the ideas of the CRC and ensure that children are being protected. While these platforms all work on separate projects with children as their priority. They focus on the poverty gaps, education levels, and community collaboration in unique ways to protect, promote, and defend children's rights.

The progress of these laws and interest groups have been analyzed as indicators of Spain's success in the implementation of the CRC. The United Nations has played a key role in ensuring that guidelines are met and universally addressed. Specifically, the Committee on the Rights of the Child conducts periodic reviews addressing progress and concerns

(*Universal Periodic Review*). Spain's efforts and actions that have been taken since 1990 highlight the positive implementations that have supported children since the passage of the CRC. Levels of child vulnerability were managed locally, highlighting the importance and necessity of community actions to truly implement the CRC, but there are still many concerns and room for growth in the future (Escorial Senante et al., 2010). Committee experts are still worried about the vulnerability of children and education levels, which Spain is currently targeting to have positive progress for the next review (*Committee on the Rights of the Child Examines Report of Spain, 2018*). The US Department of State also conducts its own reviews of Spanish enforcement of labor laws and analyzing child labor legislation (*2018 Country Reports, 2018*).

We can conclude that Spain's passage of the CRC in 1990 positively affect children, reduced their vulnerability, and improved their positions in society. The CRC brought awareness and forced Spain to acknowledge that necessary structural changes needed to be implemented to protect children. The CRC sparked the creation of many reform movements and activist groups dedicated to bettering the treatment of children and protecting their rights. This implementation can be seen through indicators of education levels and poverty rates. Since the passage of the CRC in Spain, early school dropout levels have dramatically decreased and are continuing to drop today (Berral-Ortiz et al., 2022). Universal access to compulsory education through the age of 16 was another extremely important adjustment contributing to the protection of children (Peraita & Pastor, 2000). In conclusion, the increased levels of education for children since the passage of the CRC indirectly reflect the success and positive influence this convention has had on Spanish children.

In my thesis research, I found limitations in the current literature and a lack of reporting on younger children. Regarding child labor levels, it was difficult to find labor rates for those under the age of 16 because Spain does not collect this information. Because Spain collects no labor information for those under 16, it does not publish or contribute to reporting any data of the potential presence of child labor. These statistics are unavailable, even within sources such as the ILO, World Bank, and the Ministerio de Trabajo where these reports should be available. It's concerning that these levels are being unreported and hidden due to the illegality of child labor, and without proper documentation there is a misrepresentation of child labor levels. Given this lack of information, it was hard to prove a causal relation between the CRC and child labor levels. In an attempt to explain and analyze the success of the CRC's implementation, rates of education and poverty levels were analyzed, as both are indicating factors of the vulnerability of children.

Additionally, there were limitations within my own research as well. Within my studies, I focused generally on the population of children in Spain, rather than diving into particular demographic groups, such as the Roma population, differences in gender, and minority populations. These demographics may offer different results than what I have concluded, but it can be assumed that they generally follow the same trends following the implementation of the CRC.

Ultimately, this thesis examined the impact of the Convention on the Rights of the Child on child labor levels in Spain. While it was hard to prove causality due to the lack of concrete child labor statistics and the lack of reporting, one can conclude that there has been an increase in education rates and school attendance and a decrease in poverty level. Concomitantly, child labor had to decrease throughout the country. Additionally, the Convention on the Rights of the Child

sparked revolutionary structural changes throughout Spain, by focusing attention on the rights of children and their general vulnerability and well-being. The Convention on the Rights of the Child continues to have lasting implications on Spain today, and it has paved the way for political platforms and other legislation to improve the status of children throughout the nation.

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ACADEMIC VITA

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WORK EXPERIENCE

SEPTEMBER 2022 – PRESENT

MOOD OF THE NATION POLL CODER, MCCOURTNEY INSTITUTE OF DEMOCRACY- PENN STATE UNIVERSITY

Categorized open-ended national poll responses through coding analysis.

MAY 2021 – JULY 2021

POLICY AND REFORM INTERN, UNITE AMERICA

Developed research and communication skills through writing memos and analyzing data on political reform movements.

MAY 2021 – AUGUST 2021

EVENTS AND PROMOTIONS, EQUITY COMMUNICATIONS

Helped plan, advertise, and execute events for six different radio stations under Equity Communications.

JUNE 2019 – AUGUST 2020

COUNSELOR, YMCA

Responsible for kids ages 6-15 and for planning events as a summer camp counselor at the Tri-Valley YMCA in Berks County.

EDUCATION

2019-2023 PENNSYLVANIA STATE UNIVERSITY

GLOBAL AND INTERNATIONAL STUDIES, B.A.

SPANISH, B.A.

COLLEGE OF LIBERAL ARTS

SCHREYER HONORS COLLEGE

SKILLS

- Flexibility
- Time Management
- Cooperation
- Problem Solving
- Communication
- Adaptability
- Attention to Detail
- Certified in Microsoft Office Specialist-Excel, Word, PowerPoint

ACTIVITIES

- Member of Penn State Women's Rugby Team; Leadership positions: Sophomore class captain, Secretary, Captain
- Involved in THON family organization
- Member of THON 2021 Merchandise Committee- Family Relations Liaison
- Member of Phi Eta Sigma Honors Society
- 2021 Nevins Fellow
- Intern at Unite America
- Paterno Fellows Member
- Member of Spanish Club at Penn State University