

CHILDREN ON THE MOVE: CHILD LABOUR AND THE CHALLENGE OF CHILD MIGRATION

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Introduction

An estimated 250-310 million people are predicted to become urban dwellers between 2005 and 2015 as a result of migration or the reclassification of rural areas into urban areas. As a result of this huge migratory flow and the natural increase of the urban population itself, two thirds of the population of the developing world will eventually be based in towns and cities by 2050 – compared with 44% today¹.

Many millions of these migrants will be children – most moving voluntarily but many displaced by conflict, natural disaster or environmental change²; many moving with parents or other kin, but many moving independently. The variety of circumstances, the different directions of flow, the range of reasons and purpose for migration, and the diversity of childhoods, produces a varying range of experiences in children's migrations. Children's migration is also dynamic, in that children migrate at different ages for different reasons, and children may migrate several times during the period of their childhood. These diversities, coupled with the range of places to which children migrate, the work and activities they do, and the variety of problems children face, mean that responses to ensure protection and develop other services must be based on principles, but also be flexible and adaptive to local circumstances.

This paper considers some of the implications of this trend to increasing child migration for the design and implementation of policies designed to reduce and ultimately eliminate child labour. In particular it looks at the need to take much greater account of the rights and situation of independent child migrants, moving primarily for work, who make up a growing share of the large scale population flows to urban areas³. Compared with the past many more of these children will be moving to urban rather than rural locations and will become permanent urban residents rather than returning to their home communities⁴. Their movement is often motivated and facilitated by the forces of globalisation – increasing market penetration, improved and cheaper communications, consumerism and the greater availability of information.

The paper asks a series of questions about policies towards child migrants and in particular towards those children who move for work (or who may have other reasons for moving but who require work in order to survive):

- What do we really know about their experiences and needs?
- Are policies towards them based on sound assumptions?
- What more could be done to protect *and* support migrant child labourers?

The premise of this paper is that child migrants moving for employment are a diverse group urgently needing greater and more positive attention from national and international policymakers. At present, for various reasons, they remain largely invisible - too little is known about them and their circumstances, and about the kinds of support that they need. They suffer from a host of negative views – about the very fact of their movement, about the intermediaries that they may use to assist them, about the level of risks that they face, and about their futures in their places of destination. Policies that have been introduced to

¹ For more background on the urbanisation of the developing world see UNFPA 2007 and *World Population Monitoring, focusing on population distribution, urbanisation, internal migration and development* report of the Secretary General to the 41st session of the Commission on Population and Development April 2008 E/CN.9/2008/3

² On the likely impact of climate change on migration see IOM 2008

³ The main focus of this paper is on independent child migrants moving for employment within their own countries or across relatively porous borders.

⁴ Migrant children have long been an established feature of societies in the developing world but in the past their movements have been much more likely to have been a) rural-to-rural b) seasonal or relatively short-term and c) in the company of adult family members during migration and/or at the point of arrival.

protect them – notably anti-trafficking initiatives – have sometimes made their lives more difficult and have created a perception that all independent child migration is dangerous, illegal and should be deterred rather than supported. One result of this has been an unwillingness to listen to children’s own views and to understand their agency – meaning that policies fail to take these into account, often leading to inappropriate and potentially damaging, unintended consequences. For instance, the very fact that under child labour laws, children may be criminalised by the mere fact of their working, constrains children’s ability to negotiate better pay and conditions.

All this testifies to the fact that migrant child labourers sit at the centre of a nexus of inter-connected policy areas that share some sense of ambiguity about the goals to be attained. Child labour and migration policies in particular are very often caught between a desire to deter or even stop these phenomena and the reality of the ongoing existence of millions of working children and millions of internal and international migrants. In a similar way those developing child protection policies can feel very uncomfortable when confronted with the wishes and opinions of those that they seek to protect. It is in this clash of individual aspirations with broader social and public policy goals that the discussion of child migrants takes place – or is noticeable by its absence. Finally, the areas of trafficking and child migration as the subjects of policy-making have become confused and elided with the result that ‘migrant children’ are all too often labelled as ‘trafficked children’.

This paper is based on Save the Children’s programme experience as well as specially commissioned research at country, regional and international levels designed to better understand the situation of independent migratory child labour⁵.

SECTION I – THE CHARACTERISTICS OF MIGRANT CHILDREN

The numbers of households and individuals involved in all forms of global migration is unknown. The reasons why this is the case includes:

- Estimating the number of migrants is intrinsically difficult due to the variety of migration flows, complexities in identifying who are migrants and the ‘illegal’ or undocumented nature of some movements;
- There are many different ways in which to arrive at national migration rates
- Routine national statistics do not identify households with one or more members away on migration.
- Methodological and official attention has been focused on international migration to the neglect of the much larger volumes of internal migration

These difficulties are compounded in the case of children, where variable age definitions, lack of attention, and problems of terminology and methodology all serve to make migrant children statistically invisible. Estimates of variable reliability exist for particular sub-groups or related groups that have been the focus of attention by the international community (e.g. trafficked children, refugee children and street children). However, one consequence of the attention given to these groups has been to reinforce the invisibility of the majority of child migrants who do not fall into these categories. As a result there are few estimates as to how many other children are moving, for what reasons and, of course, the relation between

⁵ See for example I Hashim *Children on the Move: a background paper on protection issues for migrant children* forthcoming, Save the Children UK.; A West *Diversities, Exploitation, Participation and Protection in the Greater Mekong Sub-region of South-East Asia* Save the Children UK, unpublished, 2008, *Our Broken Dreams: child migration in Southern Africa 2008*, Save the Children UK and Norway; and *Children on the Move: protecting unaccompanied migrant children in South Africa and the region 2007*, Save the Children UK. The paper also draws on the excellent work carried out on child migrants by the Development Research Centre on Migration, Globalisation and Poverty based at the University of Sussex.

hazardous child migration and more benign forms⁶.

The partial and unsystematic information that we do have however suggests that children's movement, including their independent movement, is a fairly normal experience in many contexts that is becoming even more common. The evidence of this comes from a range of local and national surveys, small-scale ethnographic research, situation analyses, and other studies. For example:

- A study of Burkinabe children estimated that 165,000 children aged 6-17 years of age live away from their parents and have migrated to work (Keilland and Sanogo 2002)
- An ILO survey in 2005 found that 42% of migrants across the Cambodian-Thai border were aged under 18 years (ILO 2005). Similarly a survey of migration in Myanmar in 2005-06 found relatively large groups of 15-18 year olds involved in migration, notably to Thailand (West 2007).
- A study conducted over three months at five checkpoints on the Nepal-India border counted over 25,000 children migrating with or without their parents (Central Child Welfare Board and Save the Children 2005)
- A large scale survey of labour migration in Lao PDR in 2003 found that approximately a fifth of all migrants were under 18 years of age.

WHY DO CHILDREN MOVE?

A wide range of explanations is given in the literature for why children move. Unfortunately relatively few ask child migrants themselves about their reasons for migration - with a profound effect on the findings.

The most common triggers for movement are listed below:

- poverty
- as part of a rite of passage or transition to adulthood
- a desire for an escape to the 'bright lights' of urban areas
- because of family breakdown, orphanhood, or violence and abuse
- to escape political unrest or armed conflict or environmental degradation
- to access and/or pay for education (sometimes in combination with work)
- to remit money to their family and/or to relieve them of the expenses of their care
- to gain status among their peers
- to access consumer goods unavailable in communities of origin

It is often assumed that it is the very poor who migrate but some studies, however, suggest that although migrants may come from poorer families, they do not necessarily represent the poorest. One study of rural Burkina Faso, for instance, found by comparing the households of child migrants with those that stayed, that poverty was a much weaker factor than anticipated. Instead, it was found that there is a culture of migration where children were thought to gain emancipation and maturity through migration⁷. Another study found that the expenses associated with migration may be beyond the reach of the very poor and the risk of not finding work also may discourage movement⁸.

These examples alert us to the fact that migration is not always a desperate last resort. Rather, those who migrate from difficult circumstances may be those who are the least

⁶ For more detailed discussion of this issue see A Whitehead and I Hashim 2005, pp. 18-23

⁷ Keilland and Sanogo 2002, p. 4.

⁸ Save the Children UK 2005a, p. 30

disadvantaged, at least in relative terms⁹. Many choose to migrate to escape settings in which they are already subject to a variety of rights violations, and those that children experience at home may be equally or more serious than those they experience at the point of destination¹⁰.

Differences in context, therefore appear to have a bearing on who migrates and why. A study in Ghana, for instance, finds children move for five reasons: for work or reasons of poverty, for education, to help a relative, for health reasons or because of familial abuse¹¹. Furthermore, being an orphan or losing one's father featured highly among all the categories. In Bolivia, children were found to move for work and for education, as well as because of the desire of young people to have new experiences¹². Studies note that AIDS orphans in Africa contribute to 'street children' in towns and cities in countries such as Zambia and Uganda¹³, while a detailed study of young AIDS migrants in Southern Africa suggests that they migrate as a response to a number of difficulties, such as treatment by the foster family, rivalry between children and disrupted schooling¹⁴. In a study on independent child migrants in Bangladesh, poverty is given as the major reason why children move, but maltreatment at home also appears to be one of the many implications such impoverishment carries for children¹⁵.

Some studies report that child migrants are influenced to move by returning migrants, who inspire others to leave with their stories of adventures in other places and with the consumer items with which they return¹⁶. Unsurprisingly, many studies find that children migrate from districts where there are currently and have been historically high rates of adult migration¹⁷. These districts often are poor compared to neighbouring or other regions and areas, where economic opportunities are better¹⁸. Studies sometimes find that parents actively encourage or support the migration of their children, often seeing it as opening opportunities for a better future to them or as a way of contributing to family income and diversifying the risks facing the family¹⁹. They also find that children sometimes migrate against the wishes of their parents, on occasion by running away²⁰.

In summary, children's decisions to migrate are the outcome of an extremely complex interplay between macro-level structures, micro-level institutions and individual agency. Broader social, economic and political structures provide the context in which individuals and groups must decide whether or not to migrate. Their decisions, however, are strongly influenced by their own personal histories, identities and resources; their connections with social networks in a destination country; and by the extent to which out-migration from their area is established.

Whatever the reasons for migration, of course, the children involved need a livelihood and/or income to survive away from their family and home community. Even those who migrate to help a family relative will of course mainly do so by assisting them with domestic work or some other form of employment.

⁹ O'Connell Davidson and Farrow 2007, p. 25

¹⁰ Ibid. p. 11.

¹¹ Hashim 2005

¹² Punch 2002

¹³ Andvig 2000

¹⁴ Ansell and Young 2002

¹⁵ Khair 2005

¹⁶ Castle and Diarra 2003, Hashim 2005, Thorsen 2007

¹⁷ Castle and Diarra 2003, Hashim 2005, Punch 2002

¹⁸ Whitehead and Hashim 2005, p. 25

¹⁹ Hashim 2005, Khair 2005

²⁰ Hashim 2005, Khair 2005, Thorsen 2007

Travelling Conditions

The triggers for migration frequently affect the conditions under which the movement occurs. For instance, the long established migration pattern of movement for work in Ghana means that the conditions under which children travel are relatively benign, with children frequently travelling with or to friends or relatives, who they either then subsequently live with or who assist them in finding what they deem acceptable working conditions²¹. By contrast, when the trigger is conflict, the conditions under which travel may need to occur, such as through hazardous environments may undermine the very right to life.

Other factors influence travelling conditions, one of the most important being whether international borders are crossed and whether those moving are seen to be legally entitled to cross them. An illegal migration status leaves individuals vulnerable to a range of harms. For instance, abusive and hazardous conditions were reported in a Save the Children report on children migrating into South Africa, which found that girls were forced to have sex with border guards to secure entry, while boys exposed themselves to danger by swimming across rivers²². There have also been reports of children drowning while crossing the Bight of Benin when travelling from Benin and Togo to Gabon²³. Even if journeys are successfully negotiated, if identified as an 'illegal migrant' or 'failed asylum seeker', children might be subjected to criminal prosecution, detention or unsafe repatriation²⁴.

However, the porous nature of some borders and the fact that groups of people sharing ethnic identity, nationality and language can straddle several borders with individuals having extended family or friends on either side of a border²⁵ means that it cannot be assumed that migrating through irregular channels necessarily implies vulnerability to harm. Nevertheless, the absence of opportunities for children to move safely or through regular channels represents a serious problem.

Intermediaries

Given the emphasis on trafficking in the literature on migrating children, the role of unscrupulous intermediaries has received a huge amount of attention. They are seen as criminals preying upon ignorant or desperate individuals, extracting exorbitant fees, coercing them into debt bondage in payment for transportation and/or job placement fees, or deceiving them about the nature of the employment that awaits them. However, intermediaries may be brokers, recruiting agents, smugglers, or friends and relatives. In other words, intermediaries that facilitate children's migration need not necessarily be abusive or exploitative, and may even offer the child protection from exploitation and harm²⁶. The construction of all intermediaries as traffickers is in danger of criminalising individuals who, in fact, have the best interests of children at heart or, at the very least, who have no intention of exploiting children. On the other hand, according to many sources, trafficking in children is a highly lucrative activity, attracting organised crime syndicates. Children rarely travel and seek work alone. Consequently, as shall be discussed more fully in the section on protection mechanisms, it is vitally important to distinguish between unscrupulous intermediaries and those who are benign or who may even play a protective role.

Working Conditions

Despite the fact that children's work is seen to be a significant source of children's vulnerabilities, direct material on the kind of work child migrants do is relatively thin, the

²¹ Hashim 2005

²² Save the Children UK 2007b

²³ Personal communication, Mike Dottridge, 22 February 2008

²⁴ Save the Children UK 2007a, p. 4; Wenke 2007, p. 4-5

²⁵ Save the Children UK 2007b, p. 12

²⁶ Whitehead and Hashim 2005, pp. 4, 35

literature being skewed to those who work in the more harmful and abusive situations²⁷. What is available suggests that children work in a variety of sectors. In Africa these include in agriculture, fishing, in the informal economy of urban areas as shoe shiners, porters, assistants to urban market women, in restaurants and in the commercial sex industry²⁸. In the Greater Mekong region girls are reported to work in factories, shops and restaurants, in sex work, directly or indirectly in the entertainment industry or as domestic workers, and boys in the fishing industry, as manual day labourers, or in construction work or agriculture²⁹. In Argentina, boys work in agriculture or girls in domestic service³⁰. A study on children migrating into Dhaka from other areas of Bangladesh found them to be working principally in the informal sector, including in small-scale business enterprises, street vending, brick chipping, rag-picking and *bidi* making. Boys predominated in certain occupations like workshops, while girls feature prominently in domestic service³¹.

In sum, what we know of child migrants' work suggest that the range of jobs children participate in involves a wide variety and degree of harms, from the benign to the highly hazardous and abusive³². This is well illustrated by considering one sector alone, that of domestic work, which receives a great deal of attention in the literature. It is generally believed that child domestic workers are vulnerable to a range of harms and abuses, including low pay, not enough rest, inadequate food, and physical and sexual abuse. In addition, they are often believed to be required to work too hard, or to perform tasks that they are too young to safely undertake³³.

However, the market for domestic workers is incredibly diverse. They can be employed in a range of households, from the super-rich to the very poor. Their labour can cover a wide range of tasks, including care of the sick and elderly, cooking, cleaning, childcare, companionship, and so on. A domestic worker may work for a single employer or for several. They may be self-employed, work for an agency or be employed by an individual³⁴. Again, the point is that one cannot assume that domestic workers are necessarily exposed to abusive or exploitative working conditions and/or that child migrants working as domestics are necessarily more vulnerable³⁵. For example, data on internal child trafficking for domestic work in Jakarta found that these children rarely experienced any extreme forms of exploitation³⁶. Moreover, the few studies that have listened to child domestic workers themselves find them much more positive about their experiences.

Another area of considerable concern when it comes to children's vulnerabilities is work that is illegal, especially if it involves organised criminal activity. The area that receives a great deal of attention in this regard is the drug trade, and the use of children as drug mules. However, children also are involved in other areas of criminal activity. For example, cattle rustling and smuggling clothing and fuel across borders are reported in one Save the Children study³⁷. In such cases, rather than being identified as a child migrant or a victim of trafficking, and consequently a child who is entitled to receiving assistance, the child becomes

²⁷ Whitehead and Hashim 2005, p. 29

²⁸ Beauchemin 1998, Castle and Diarra 2003, Hashim 2004, Save the Children Canada 2003, Thorsen 2007.

²⁹ Caoette 2001

³⁰ Punch 2002

³¹ Khair 2005 Khair 2005

³² Whitehead and Hashim 2005, p. 30

³³ Kelly 2005, p. 244, O'Connell Davidson and Farrow 2007, p.32

³⁴ Anderson and O'Connell Davidson 2004, p. 35

³⁵ Nonetheless, this area of work is one where the conditions of work do make it possible for children, especially girls who dominate the sector, to be abused. The privatized context domestic work takes place in, as well as the isolated nature of the work means that child domestic workers are especially vulnerable. Moreover, it is rarely recognised as a form of labour, consequently it is also often explicitly exempted from labour and other legislation. Even when domestic workers are covered by labour legislation, there are very real problems with implementation because of the hidden nature of the work.

³⁶ Piper 2005, p. 214

³⁷ Save the Children UK nd, p. 9

identified as a criminal and might be subjected to prosecution.

The impact of being without legal migration status already has been touched upon in a number of the sections above. Such a status also has implications for children when it comes to their working conditions because of the implications of being illegally employed. It has to be said, of course, that legal entry into a state also may be followed by an experience of exploitation and abuse, while 'illegal' migration can represent a means through which a child secures rights and freedoms. However, individuals who are without legal status have no recourse to the law if employers withhold wages. They have fewer options of work available to them and, consequently, often work long hours for low wages in unhealthy and sometimes dangerous conditions. Of particular significance is the degree of coercion an employer can exert on a child if they are aware of the child's 'illegal' status. For example, this is reported as a tactic used for securing children's compliance in the sex-trade in Thailand³⁸. Indeed, unscrupulous individuals may seek out children who are vulnerable in this way precisely because they are more easily manipulated, due to their lack of alternatives.

Living Circumstances

Migrant children's living conditions vary enormously and depend on a range of factors. For example, if detained because of some form of 'illegal' entry into a country or administrative area, or because children living on their own are regarded as either at risk or a threat to public order, children may be housed in detention centres or other institutions that are often reported as being unsuitable, unsafe or unhealthy for children³⁹. Poor conditions in such places mean that children frequently prefer living on the streets⁴⁰.

Bad living circumstances are not confined to detention centres or living on the streets, however. Migrant child labourers may be living in substandard accommodation, renting in overcrowded rooms or living in shacks or in informal settlement⁴¹. Children working in markets and for blacksmiths in Lomé or Cotonou, for example, report uncomfortable and unsanitary living conditions⁴². Unaccompanied children, however, are reported to have found ingenious methods to support and protect themselves and one another. Girl migrants in Accra, for example, were found to pay a small sum to a shop owner who allowed them to sleep in the shop after working hours, giving them shelter against the elements and the safety in numbers that protected them from theft or sexual violence⁴³. Other children migrate to join kin households (e.g. for fostering, education, domestic work or apprenticeships) and their living conditions may be more or less satisfactory, depending on the quality of care offered by relatives⁴⁴.

Differences in the tone and tenor of the different types of literature make it difficult to evaluate the extent to which migrant children are vulnerability to hazards and harms arising from their living circumstances. Living circumstances cannot be read off from where or with whom a child migrant lives, but rather may depend on the circumstances under which their movement occurs and in which they, consequently, find themselves. For example, street children are most likely to be portrayed as vulnerable and at risk in a wide range of ways. Yet, others argue that the portrayal of street children as vulnerable, incompetent and relatively powerless in society does not recognize their ingenuity in coping with difficult circumstances or the relative adequacy of their incomes⁴⁵

³⁸ Personal communication, Edelweiss F. Silan, SC Thailand, 11 March 2008

³⁹ Human Rights Watch 2002

⁴⁰ Save the Children UK 2007a, p. 116

⁴¹ SC UK 2007b, p. 16

⁴² Anarfi et al 2007, p. 16

⁴³ Ibid.

⁴⁴ It is unrealistic, however, to assume that children living with relatives are necessarily better treated and safer.

⁴⁵ Panter-Brick 2002, p. 156

SECTION 2 - PROTECTION MECHANISMS

'...all child migrants, whether or not their migration is linked to child specific exploitation, by virtue of their minority require special protection, either by family, other private entities, or state authorities' ⁴⁶

The available research indicates that children's migration is not a single process. Many of its effects do not arise from the fact of migration itself, but depend on what triggers movement, what kinds of circumstances migrants move to and the extent to which children's individual characteristics impact on their risks and resiliency⁴⁷ This complexity means it is extremely difficult to single out a direct causal link between any one factor and a vulnerability to which children on the move may be exposed. This suggests there is no simple cause and effect equation that can be applied when attempting to identify the risks and vulnerabilities children are exposed to when on the move. Consequently, when thinking about protection mechanisms, there is no simple 'one size fits all' solution. This is especially so as the circumstances of particular localities along with culturally diverse attitudes to age, gender and so on, means that contextually specificity is necessary. This means that a variety of measures are required to respond to children's mobility and provide real protection, and that, to some extent, these may be country- and issue-specific⁴⁸. It should be noted, too, that this list of measures is by no means comprehensive, but consists more of strategies that have been singled out in literature as being effective.

Prevention

Work to prevent migration should be seen in a positive light as a way of reducing the need for migration and enlarging children's choices *in situ*. As discussed below this includes tackling some of the triggers of migration, for example, by family strengthening; improving access to and the quality of education; and preventing abuse, violence and exploitation in the home, school and other parts of the home community. Children can participate in a variety of ways, including identifying problems and through peer education and training others. Prevention work needs to be enhanced through an understanding of local circumstances, actual experiences of children and the reasons for children's migration.

Conflict, Family Abuse, and Orphanhood

Three triggers in particular are stressed in the literature as increasing children's vulnerability to risky independent migration – family abuse, becoming an orphan and conflict. In the case of civil unrest and conflict, out-migration may indeed be the most appropriate response. However, in the case of the others, triggers can be addressed in ways that encourage children not to move by putting in place alternatives measures to ensure children's protection.

One of the causes of violence and/or abuse against children relates to the hierarchies around age and the inter-generational conflicts that encourage adolescents, in particular, to take what is often presented as risk-taking behaviour, but what may be a rational response to inequalities⁴⁹. This is where it becomes important to undertake activities around children's value and their rights, both to empower children and enable them to assert their rights, and to project a view of children as equally worthy members of society, with rights to be

⁴⁶ J Bhabha *Children, Migration and International Norms* p.203 in T A Aleinkoff & V Chetail *Migration and International Norms* 2003, Cambridge University Press

⁴⁷ Save the Children 2007a, p. 12

⁴⁸ Personal communication Salma Majeed Jaffar, SC UK, Pakistan, 4 March 2008

⁴⁹ Save the Children 2007a, p. 26

respected and promoted. In this regard, one Save the Children programme reports particular successes with child peer educators⁵⁰.

In terms of protection mechanisms for orphans, there is a role for long-standing protection mechanisms to be supported. For example, in many African societies, the extended family network traditionally absorbs crises, such as the death of a parent, and the fostering of children is one risk-coping mechanism that responds to these negative transitory, exogenous shocks⁵¹. There is evidence that these family networks do still secure children's welfare. However, research indicates, too, that in some cases families cannot adequately absorb these shocks, with the result that children are often forced to fend for themselves or are so neglected by the households that do foster them that they end up migrating in search of better opportunities. A significant reason for the breakdown of these safety mechanisms is the increasing impoverishment of areas and regions and the stresses placed on them because of the other factor frequently identified as a negative trigger for children's migration, the impact of HIV/AIDS.

Poverty

Poverty-reduction interventions (such as income-generation and micro-credit schemes) have come to be seen as an important if uncertain strategy for discouraging both child labour and/or child migration. Poverty is certainly a key influence in the material reality of children's lives and wider economic conditions are a primary factor in motivations for migration. However, it is also clear from what migrant children themselves tell us about their movement, that 'successful' migration is often identified through return migrants' acquisition of material goods and consumer items, even if this involves hardships such as separation from family and/or difficult working conditions, and is at some considerable cost to their own welfare⁵². Even where success rates are as low as one in ten, children seem to be willing to take the risk of being vulnerable to economic and sexual exploitation, because their home environments provides so few opportunities⁵³.

Education

Children migrate for economic reasons, but also for other reasons to do with the impoverishment of their environments in terms of the educational provision they provide⁵⁴. As a deterrent to migration, the importance of both formal and community schooling cannot be over-emphasised. The provision of education does not necessarily guarantee a reduction in the incidence of migration, since this is dependent on perceptions of the benefits of education compared with other available opportunities, as well as on the confidence that education will guarantee an alternative or viable livelihood. Similarly, the provision of education may only delay migration. Nonetheless, children's testimonies consistently reiterate that pupils have long-term goals and seemed less susceptible to peer-pressure to obtain material items than their uneducated counterparts. Moreover, withdrawing from education creates vulnerabilities as children are denied the potentially protective and empowering influence of school. Thus, continued investment in education is a priority, both to develop the intellectual capacity of young people, and as a strategy to retain them and so that their skills can be used to strengthen their home communities

Safe Migration

The previous subsection focussed especially, although not exclusively, on mechanisms which might prevent migration through the provision of protections and/or services that might

⁵⁰ Save the Children UK 2006, p. 19

⁵¹ Akresh 2003

⁵² West 2008

⁵³ Personal communication, Edelweiss F. Silan, Save the Children UK, Thailand, 11 March 2008

⁵⁴ Save the Children UK n.d., p. 2, Save the Children UK 2007b, p. 12

dispel the need for movement. It has been noted, though, how migration, sometimes, is in the best interest of a child. Migration has economic and social motivations. Policy makers need to recognise that the strength of these motivations means that seeking to stop migration will simply cause migrants to leave in a clandestine and potentially more dangerous manner. Thus, in the debate on children's movement, the objective cannot be either to prevent or to encourage migration categorically, but to create legitimate opportunities for safe migration for young people and their families⁵⁵. Consequently, one priority should be to make migration itself as safe as possible. Young people in the Mekong sub-region, themselves, identified this as one of four things they needed most to make them less vulnerable⁵⁶.

Safe migration projects and practices include life skills and other training; awareness-raising on migration, safe villages, and mechanisms to identify traffickers; and establishing practices to leave a record of routes and people with whom children are migrating, contact details, transport plans and the intended destination.

Information Campaigns

The term safe migration is primarily used to define a process by which future migrants are made aware of factors that might expose them to risks, exploitation or abuse prior to, during and after the migration process, generally through informing potential migrants about destination countries, labour-related issues and migrants' rights⁵⁷.

One Save the Children project in China reports successes (albeit limited) in its safe migration programme. Its activities consisted of educating potential migrants on their rights and relevant laws, such as labour law and contract law, and, at destination points, providing training on labour law and children's rights to both migrants and employers⁵⁸. This suggests that one strategy might be to run, along with the awareness-raising activities discussed earlier concerned with improving the status of children, campaigns that provide information about migrant rights and the conditions in places to which they intend to migrate⁵⁹. This is especially important given that Save the Children reports often refer to young people complaining about a lack of access to information⁶⁰. It is also important because most young people do not have a realistic image of living and working as a migrant, particularly as research has shown that returnees tend to stress or overstate their positive experiences while remaining silent about their negative experiences⁶¹.

Awareness-raising activities of this kind, however, should be part of a broader strategy rather than ends in themselves, since it is not necessarily a lack of knowledge that puts those on the move at risk but rather a lack of legitimate opportunities for safe migration and a lack of protection mechanisms at places of destination⁶².

Travelling Conditions

The dangerous conditions many migrants face when travelling suggest that there is huge scope to provide protective measures for children while they are in transit⁶³. However, the difficulties here are twofold. Firstly, unsafe movement is often associated with 'illegal' migration, which by its nature encourages the involvement of criminal elements, thereby

⁵⁵ Bemak and Chi-Ying Chung 2007, p. 3; Save the Children 2004, p. 59; Wenke 2007, 5; West 2008

⁵⁶ Save the Children UK 2006, p. 34

⁵⁷ West 2008

⁵⁸ Save the Children UK 2006, p. 34-8

⁵⁹ Save the Children UK 2005a, p. 34.

⁶⁰ Save the Children 2007a

⁶¹ Castle and Diarra 2003; Save the Children UK 2005a, p. 63

⁶² Save the Children UK 2005a, p. 59

⁶³ Personal communication, Mike Dottridge, 22 February 2008

making access to those moving in this manner. Attempts to track routes, moreover, tend to result in even more treacherous routes being taken in the attempt to evade detection, with the result that children are exposed to even harsher travelling conditions, inadequate shelter, food and rest en route⁶⁴. Secondly, even if criminal elements are not involved, if migrants are not entitled to enter a country legally it is difficult to provide protection mechanisms while remaining within the law⁶⁵. This is where the role of intermediaries and the obligations and role of receiving states become especially important.

Intermediaries

Intermediaries are not necessarily abusive and exploitative and, indeed, may offer children on the move protection from exploitation and harm. In this context, notions of 'illegality' and criminality aimed at reducing 'trafficking' and protecting children may actually increase vulnerabilities⁶⁶. The introduction of tighter travel restrictions may discourage good intermediaries for fear of being labelled traffickers while simultaneously encouraging the emergence of a growing market for clandestine migration services. What this implies is that further research is necessary, as well as clear training and awareness-raising regarding the positive and negative roles of intermediaries. Regulatory frameworks for intermediaries and middlemen, which do not regard them automatically as traffickers, might be one method by which the positive role of intermediaries in safeguarding children is enhanced and individuals monitored.

State Obligations

The extent to which migrants have to take risks when migrating through irregular channels is partly dependent on a country's migration and immigration regimes and the controls they enact. Consequently, the role of States in discouraging unsafe migration is significant.

For one, although within the limits of this paper it is not possible to go into the debates around the free movement of workers, there is much to suggest that restrictive migration and immigration policies contribute to migrants' vulnerabilities at destination. For example, as one Save the Children report notes, despite migration being a normal and long-standing tradition between Laos and Thailand, under the current immigration regime, migrants are breaking the law in Thailand and upon their return to Laos. It is this fact more than any other that accounts for migrants' vulnerabilities. It recommends, therefore, a bilateral agreement between Laos and Thailand to legalise workers migration⁶⁷.

Measures that States could enact to protect children on the move are not restricted to those related to their legal or administrative status. Evidence suggests that the implementation of certain migration laws and the type and quality of services available for migrating children in countries do not always give due consideration to the best interests of the child and can in fact lead to violations of children's rights and perpetuate their risk of exploitation⁶⁸. Examples of this include where children are repatriated on the basis that it is in the best interest of the child to be in the community or country of origin, when in fact children do not wish to return. Similarly, one Save the Children report notes that sufficient policies to protect these children are in place, but they seem infrequently applied because of xenophobia, lack of awareness or lack of capacity⁶⁹. One Save the Children report goes so far as to conclude that the hazards and harms children on the move are exposed to are less related to their movement as they are to the lack of political will to protect the rights of those who move. The prioritising of migration control over the protection of the human and child rights of migrants especially is noted. Consequently, it is important that States, as the

⁶⁴ Personal communication Edelweiss F. Silan, Save the Children UK, Thailand, 11 March 2008

⁶⁵ Personal communication, Mike Dottridge, 22 February 2008

⁶⁶ Castle and Diarra 2003, see also Busza et al 2004; Caouette 2001

⁶⁷ Save the Children 2006, p. 53

⁶⁸ Wenke 2007, p. 5

⁶⁹ Save the Children UK 2007b, p. 5

primary duty bearers, are called upon to ensure that procedures in countries of origin and destination place human rights and the best interests of the child at the centre of any decisions⁷⁰. Referring to national and international legislative frameworks is one way through which pressure can be brought to bear.

Legal Mechanisms

Many countries have enabling legislation; however it is rarely acted upon, often because of a lack of resources⁷¹. Nonetheless, legal mechanisms can be drawn upon to enhance protection measures available to those concerned with children's welfare. In addition, while many legislative frameworks that exist do not deal directly with the issue of child migrants, a number are directly or indirectly relevant to children's accompanied and unaccompanied, forced or voluntary movement, and others have relevance for what children might be doing once they have moved and the type of treatment to which they may be subjected. There also may be regional, bilateral and/or national legislation, charters and/or agreements that can be drawn upon, which, even if not legally binding, may act as powerful advocacy tools. These instruments are summarised in the table below.

Table 1 - Relevant Legislative Frameworks and Guidelines

Area Framework Related To	Instrument
Children's welfare in general	UN Convention on the Rights of the Child African Charter on the Rights and the Welfare of the Child Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia.
Protection of children from exploitation and/or harmful work	ILO Convention 29 Forced Labour Convention (1930) ILO Convention 105 Abolition of Forced Labour Convention (1957) ILO Convention 138 Minimum Age Convention (1973) ILO Convention 182 Worst Forms of Child Labour Convention (1999)
Refugees	Convention Relating to the Status of Refugees (1951) Protocol Relating to the Status of Refugees (1967) Treatment of Unaccompanied and Separated Children Outside their Country of Origin General Comment No. 6 (2005)
Migrant Workers	ILO Convention 92 Migration for Employment Convention (1952) ILO Convention 143 Migrant Workers Convention (1975) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
Trafficking and slavery	The Universal Declaration of Human Rights (1948) International Covenant on Civil and Political Rights (1976) UN Convention on Slavery (1926) UN Additional Convention on the Abolition of Slavery, Slave-trade and Institutions and Practices Alike (1956) Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949) European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) Inter-American Convention on International Traffic in Minors (1994) Protocol to Prevent Suppress and Punish Trafficking in Persons

⁷⁰ Save the Children 2004, p. 120

⁷¹ Whitehead and Hashim 2005, p. 1

	<p>Especially Women and Children (2000)</p> <p>Protocol against the Smuggling of Migrants by Land Sea and Air (2000)</p> <p>SAARC Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution (2002)</p>
Other	<p>Convention on the Elimination of all Forms of Racial Discrimination (1965)</p> <p>Convention on the Elimination of all Forms of Discrimination against Women (1979)</p> <p>Convention on the Promotion of Rights of Persons with Disabilities</p>

Working Conditions

One issue that is most visible through its absence in the literature is protection mechanisms related to children's working conditions. This, no doubt, reflects the complex issue of policy interventions around child labour, especially for children outside their families, and relates to the obligations under the CRC and other international protocols that commit governments to the view that child work is unacceptable and to put in place age-specific prohibitions. However, it is the case that a central motivation for children to migrate is their need and especially their *desire* for income. Stopping those below age 18 from leaving without parental permission is not realistic in settings where such young people can be highly productive and gain both financial remuneration and important life-skills away from home⁷². A more flexible and realistic approach to labour migration among young people is required. Thus, essential is the fostering of national debates within press and other national media and in government and civil society to establish what is locally acceptable and unacceptable child labour, and mobilising discussions about young people's working conditions and rights as well as of the causes of child work and migration. This would also enable a definition of exploitation in national legislation, important since there is no consensus regarding the definition of exploitation, despite this being a central component in identifying child trafficking under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Crucially, though, these debates need to incorporate young people's own views. Research which actually involves listening to what children say, repeatedly reflects children's wish not that they do not work but that their work be accorded due respect and that they be adequately compensated for it⁷³. Attention thus, needs to be paid to putting in place protective measures that ensure children who move for work are paid for the work that they do, that they are protected from any hazards the work may be exposed to in the course of their work and that the hours that they work are not excessive⁷⁴. There is a need to encourage and support children-run organisations of working children, such as those in countries such as India, the Child Watch Clubs in Cambodia that aim to monitor and report on child domestic workers⁷⁵ and participatory movements for child workers such as *Enfant Jeune Travailleur* in Côte d'Ivoire and Senegal⁷⁶.

Where children are working and laws are being contravened, abusive employers need to be brought to account. Better enforcement of labour legislation can play an important role in protecting and promoting the rights of migrant workers in general and thus improve the situation of children on the move, since migrant children are not merely affected by their own poor working conditions, but those of their families, if they move with them.

⁷² Whitehead and Hashim 2005, p. 46

⁷³ Camacho 1999; Hashim 2005; Jacquemin 2004

⁷⁴ Save the Children UK 2007b, p. 19

⁷⁵ West 2008

⁷⁶ Ketel 2002

Undocumented workers, however, do not necessarily benefit from stricter enforcement of labour laws and may even be harmed by it. Moreover, as has been discussed, they are more likely to suffer poorer working conditions. More ingenious protection mechanisms are necessary for them. One Save the Children report, for instance, recommends providing 'illegal' migrants with temporary work permits on the basis that this alone would play an important role in preventing employers from not paying children who are working illegally⁷⁷.

Living Circumstances

Ensuring that child labour migrants and/or their adult carers are less likely to suffer economically exploitative working conditions will go some way to assist with issues related to living conditions. However, other protection mechanisms can also address the vulnerabilities arising from inadequate conditions. One report suggests, for example, that strategies might include building shelters in which unaccompanied migrant children can sleep and obtain meals⁷⁸. Since many studies on street children suggest that children living on the streets do not necessarily wish to be institutionalised, a better use of resources might be to provide a place where street children may talk to a health worker and/or a social worker about any problems. Such places may simply act as a safe space where children are able to store possessions, wash themselves and their clothing, or just retreat from the streets for a while.

Access to other essential services, such as health, that improve living circumstances need also to be secured. In the Mekong, for instance, migrants are issued with cards that entitle them to access government health insurance programmes⁷⁹. In some countries 'illegality' may not prevent some children from getting access to health care, as is reported for Zimbabwean children in South Africa⁸⁰. However, for the most part it seems that being politically constructed as 'illegal' makes it much harder to access health services, education, justice and social protection⁸¹. Under such circumstances, child rights agencies should consider promoting access to alternative social services, health care and education for undocumented migrant children⁸². Children's rights agencies can also play a role in ensuring that undocumented migrant children are not denied access to education and health care because of uncertainty among public service providers as to what the law allows them to do for this group of children

Education

Especially important is children's right to education at destination points. For a variety of reasons, children at destination are unable to access formal or vocational education. In South Africa, for example, child migrants may not be attending school because they do not have enough money for fees, uniforms and materials, because schools are overcrowded, because children are mistakenly denied a place owing to their nationality, or even because they do not make themselves known to school authorities for fear of deportation⁸³. Language limitations and cultural differences are frequently cited as a source of difficulty for migrant children if they are able to access school, which can ultimately discourage children from attending school⁸⁴.

Education is a universal right for all children, regardless of work status and/or migrant status. Moreover, almost without exception, when children have been consulted, training or

⁷⁷ Save the Children UK 2007b, p. 19

⁷⁸ Ibid.

⁷⁹ Deshingkar and Grimm 2004, p. 34

⁸⁰ Save the Children UK 2007b, p. 10

⁸¹ O'Connell Davidson and Farrow 2007, p. 30

⁸² Ibid. p. 57

⁸³ Save the Children UK 2007b, p. 18

⁸⁴ Save the Children UK nd, p. 10

schooling ranks amongst their needs and desires, and children migrate in order to access educational opportunities, including migrating for work to earn the income by which to pay for schooling⁸⁵. Thus, in contrast to the many calls to prohibit children's work, children themselves assert the need for more flexible educational opportunities that will allow them to work and train. For example, one study on domestic workers concludes that observing the diversity of situations and hearing the maids' complaints, it seems difficult to recommend prohibition and more appropriate to discuss how to regulate working conditions and how to give these children an educational training⁸⁶.

Consequently, investment in education should be increased but in education that is flexible, relevant and of good quality and responds to the specific needs of working and migrant children⁸⁷. The success of education programmes would be dependent on whether or not the initiatives take into account the children's ongoing need to earn an income⁸⁸. Where employers are the obstacle to children's ability to access, awareness raising regarding the right and need for education can go alongside interventions that provide support for child workers, such as through drop in centres, networks and self help groups, informal education and training⁸⁹. Programmes could follow the model of earn-and-learn schools, in which children work in commercial agriculture (tea and coffee estates, for instance), which are noted as being used with some success in Zimbabwe⁹⁰. It is worth noting, too, that the most successful programmes on children's work in Africa were those that provided vocational training (which children preferred to formal education), and/or where alternative income sources were created⁹¹.

Innovative measures are required especially when child migration is associated with seasonal migration or when children's families lead a nomadic life. One successful example is found in Pakistan where permission was sought from the authorities to allow the children of seasonal migrants and nomads to rejoin school on their return and to relax age limitations since missing school meant that most children were over the set age for their prospective grade. Unfortunately the programme was unable to trace children to their destination points, to ensure their continued access to schooling. This illustrates the need for coordination between sending and receiving areas, which is raised by a number of reports as of importance in ensuring the success of protection mechanisms⁹².

Coordination

The lack of discussion and collaboration between child welfare NGOs and other stakeholders is often singled out as an area where improvements in coordination would have a marked impact on protection measures. For example, the Save the Children project mentioned earlier that operated an information campaign to encourage safe migration, stressed that the success of the programme was partly related to the coordination between points of origin and points of destination⁹³. In contrast, one report discusses how often several NGOs work with the same population of migrant workers but all working on different issues, replicating activities and wasting resources⁹⁴. This highlights the importance of coordination between different NGOs to implement more effectively programmes and policies. Also important is coordination between and with other stakeholders, such as different government agencies, state institutions, civil society, as well as international and

⁸⁵ Hashim 2007; Save the Children 2006; Save the Children UK 2007b; Save the Children UK nd

⁸⁶ Jacquemin 2004, p. 395

⁸⁷ Save the Children/SCEP 2007, p. 19.

⁸⁸ Save the Children UK 2007b, p. 18

⁸⁹ Whitehead and Hashim 2005, p. 47

⁹⁰ Bourdillon 2001, p. 3

⁹¹ Whitehead and Hashim 2005, p. 48

⁹² Save the Children UK 2006, p. 58, 118; Save the Children 2007a, p. 17; Save the Children UK 2007b, p. 24; Save the Children UK n.d., p. 12.

⁹³ Save the Children UK 2006, p. 34-8

⁹⁴ Rushing 2006, p. 490

national policy makers in order to harmonise interventions, formulate guidelines for policy and practice, and develop joint programmes⁹⁵. Given migration involves international as well as internal movement, cross-border cooperation is also frequently necessary.

Lack of coordination or the will to collaborate appears to partly arise from competition for funds, services and interventions, and from the dilemmas that arise when child protection priorities come into conflict with the other priorities of potential allies. For example, governments' concerns for reducing migrant numbers and/or the other priorities of officials and service providers such as social workers, police and so on, may conflict with the best interests of the child. This is especially so where countries are poor and resources are tight, such that there is no protection system for local children. In such instances, protective mechanisms cannot be exclusive to migrant children.

Support Mechanisms

In the same manner in which little attention is given to addressing the issue of working conditions for children, little attention appears to be directed towards support mechanisms that children on the move might benefit from. The lack of attention to support mechanisms probably accounts for why, according to one Save the Children report, there are very few examples of successful migrant support programmes. One well-known example in India involves the use of an informal system of identity cards for migrants, which protects them from official harassment. The same project runs migrant resource centres that provide information on job availability, wage rates and rights⁹⁶.

Drop-in centres have been used with some success, with reports that they have been very effective for isolated young workers, such as domestic workers enabling girls to network, to have external support, some fun and access to literacy and healthcare⁹⁷. Although the role of social networks in adult migration has long been acknowledged, attention to the part this plays in children's migration is only just beginning to be recognised. Children have a natural mutual affinity and use informal networks to support and assist each other⁹⁸. The supportive role of such social networks is increasingly being seen to be a source of providing child migrants with self-esteem, security, and knowledge⁹⁹. There is a role for strengthening informal linkages between new migrants and more established counterparts in their chosen destination¹⁰⁰.

Children's Participation

Children's participation means children being able to express opinions and ideas, being listened to by service providers, organisations and government, being involved in making decisions and being involved in taking action. Many migrant children face discrimination and exclusion, and find they are stigmatised. Children's participation is vital in their protection and their ability to challenge such exclusion.

Children's participation brings individual benefits in promoting resilience, and providing a means of psycho-social support. Evidence from a variety of projects all point to the importance of children's participation if interventions are to be successful and have an impact. While research has recognised children's agency as an important aspect of children's migration, equally as important is their involvement in services to realise their rights. This is an important aspect of creating responsive interventions in order to deal with the complexity of problems.

⁹⁵ SC 2004, p. 199; Anderson and O'Connell Davidson 2004, p. 41

⁹⁶ Deshingkar and Grimm 2004, p. 34

⁹⁷ UNICEF Innocenti Digest 1999, Whitehead and Hashim 2005, p. 47

⁹⁸ Save the Children UK 2007b, p. 16

⁹⁹ DRC 2007, p. 25; Ketel 2002, p. 28, Save the Children UK 2007b, p. 16

¹⁰⁰ Whitehead and Hashim 2005, p. 47

However, while the recognition of children’s agency is vital, it is of fundamental importance not to go to the other extreme, where a child’s choice is seen to represent the choice of a self-determining individual who is able, unilaterally, to choose from a range of real options. It is also necessary to consider the constraints on children’s agency, constraints that operate at many different levels. Attention to this enables us to understand the reasons why children often choose to undertake risky migration or to remain as migrants even in situations of some hardship. These children are exercising agency to choose the least bad option.

The implications of this are twofold. Firstly, what this suggests is that important to strategies aimed at protecting children on the move is the expansion of choice and the provision of alternatives. Secondly, and related, is that the constraints on children’s agency must be considered when providing protection measures.

Discrimination

As has been discussed, gender and other individual characteristics contribute to the vulnerabilities children on the move encounter. The common factor in terms of how these attributes contribute to children’s vulnerabilities is that the meaning attached to being female or a male, being part of a particular ethnic or religious group and so on, may lead to discrimination. Save the Children defines discrimination as practices that involve powerful groups treating those who are different and have less power in an unfavourable and unfair manner.

The result is that different categories of migrants experience specific types of vulnerabilities arising from attitudes to their personal characteristics and attention needs to be paid to these. For instance, generally speaking, girl migrants often are undocumented, isolated, not easily accessible and less likely to be able to access education and/or to be exploited due to the lack of sensitivities to their particular situations, needs and rights. As mentioned above, drop-in centres have been noted as being of a particular source of support for them. Other practical measures might include the sorts of empowerment and awareness-raising strategies discussed earlier, which challenge the systematic undervaluing of particular personal attributes, such as gender, age or ethnicity. However, effective approaches do not just change attitudes but also change practices and policies, systems and outcomes¹⁰¹. For example, with regard to the social exclusion of children because of ‘foreignness’, racism or ethnic discrimination, one report recommends that migrant children not be dealt with in parallel interventions, but rather integrated into existing infrastructures and frameworks for all vulnerable children, as this will reduce levels of stigmatisation and xenophobia attached to some migrant children¹⁰².

Table 2 - Summary of Protection Mechanisms

Preventing Migration	Safer Migration	Better Conditions at Destination
<p>Empowerment and awareness-raising strategies to:</p> <ul style="list-style-type: none"> - improve status of children to reduce domestic abuse and inter-generational conflict - highlight the right to education. <p>Support for existing</p>	<p>Information campaigns on:</p> <ul style="list-style-type: none"> - conditions at destination - labour rights - migrants’ rights <p>Research and training on the positive and negative roles of intermediaries</p> <p>Regulatory frameworks for intermediaries</p> <p>Addressing illegal status</p>	<p>Enforcement of labour legislation</p> <ul style="list-style-type: none"> - protective measures for potentially hazardous work - hours of work - pay <p>Trade unions support for working children</p> <p>Support for children’s</p>

¹⁰¹ Save the Children UK 2005b

¹⁰² Save the Children UK 2007b, p. 24

<p>protection measures that absorb family crisis Poverty reduction and income-generating activities Increase funding for and access to formal and community or vocational education</p>	<p>through:</p> <ul style="list-style-type: none"> - temporary work permits - temporary migration schemes - registration and citizenship rights for children born in-country 	<p>(working) organisations Advocacy around child workers right to educational opportunities Provision/encouragement of:</p> <ul style="list-style-type: none"> - vocational training - earn-and-learn schools <p>Shelters and food provision Card schemes for government health insurance programmes NGO-provided alternative social services, healthcare and education Provision of drop-in centres Coordination between NGOs, IGOs, government agencies, and civil society Empowerment and awareness raising strategies to challenge discrimination Legal mechanisms</p>
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SECTION 3 – CONCLUSIONS

Sections 1 and 2 of this paper have looked at the characteristics of child migrants and at a variety of protective mechanisms that could reduce their vulnerability and enhance the success of their movement. This final section summarises some of the key approaches and principles that should inform a more realistic, rights-based, and child-centred approach to policy-making for children migrating for work:

- Independent child migration for work is a fact that needs to be acknowledged, understood and integrated into migration, child labour, poverty reduction and child protection policies.
- Care should be taken to avoid biases resulting from assumptions that independent child migration for work is pathological, transgressive, immoral or ‘out of place’.
- Research and data collection is needed to understand the extent and nature of child migration, the decision-making processes underlying it, the relevance of local constructions of childhood and children’s role, the degree of children’s agency, the kinds of support that would strengthen the protective environment around the child, etc..
- The protection of migrant children moving for employment should be a priority given their invisibility, the dangers of inappropriate policy-making, and the risks that such children face. Gaps in knowledge, law and provision should be identified and addressed.
- While child migration can be exploitative and abusive it is not always or necessarily so. It includes both positive outcomes (e.g. acquiring skills, a new identity, economic independence or consumer goods) and negative experiences. Policies need to reflect the range of circumstances and experiences and to offer support as well as protection. Migration may offer children higher returns for their labour, greater lifetime opportunities, and better access to education and other services.
- Even where exploitation is present and understood as such by children themselves there may be cases where it is a ‘better’ option than the highly constrained alternatives.

- Children's role in migration decision-making should be understood as ranging widely - from it being active, participative and highly influenced by their own aspirations to it being largely passive, determined by others and lacking in agency. Children are rarely simply 'victims'. They negotiate with adults (e.g. parents or employers) even if from a very poor negotiating position.
- Responses to children's migration need to take much greater account of their evolving capacities (which are age-related but not age-determined) and the appropriate balance between protection and guidance on the one hand and support to independence and responsibility on the other.
- Children's decision-making should often be placed within a context of an environment of chronic poverty and limited choices in which children's roles – and particularly their participation in work – are part of individual and family coping and survival strategies.
- Policies intended to prevent or control child migration can have unintended negative consequences for children, putting them into even more vulnerable situations and/or further constraining their already limited choices and opportunities.
- Child migrants are children first and migrants or workers second. Under the Convention on the Rights of the Child they are entitled to all their rights without discrimination. Policies that deprive them of support or services because of their migrant or work status violate those rights and may be an obstacle to successful settlement and assimilation.
- The category 'migrant children' is broad, and includes children often classified in a number of other ways, such as street children, working children, trafficked children, child domestic workers, who have been the subject of interventions for some time. Many of these initiatives that are successful in reaching and having a positive effect on the lives of a range of children include migrant children. It may not be so necessary to invent new services, but rather to ensure a holistic approach that includes all children on the move, and which can affect all aspects of their lives.
- However, the various terms and categories used to describe child migrants need to be critically evaluated to ensure that they reflect the reality of children's lives and do not create unhelpful biases in the development of policy responses (e.g. 'exploited', 'trafficked' and 'unaccompanied').
- Policies towards children migrating for employment should be evidence-based and subject to a best interests determination that reflects children's own views and opinions. At present there are many gaps in our knowledge and understanding of the circumstances and outcomes of children's migration e.g. the social networks they can rely upon, the interplay between children's and family decision-making, the behaviour of intermediaries, and the impact on their overall well-being.
- Legal responses should be much more carefully balanced between penalising and criminalising exploitative adult practices and offering meaningful protection to children. At present the former dominate¹⁰³ and are often responsible for placing barriers in the way of child migrants, increasing their vulnerability and forcing their unwilling return to communities of origin.
- Migration, development, poverty-reduction, economic growth, urbanisation and child protection policies need to be consistently aligned to support and protect children migrating for work¹⁰⁴. Safe child migration, for example, has the potential to make a contribution to poverty reduction yet government attention is disproportionately focused on the negative aspects of it.

¹⁰³ The most well known example of this is the Palermo Protocol which states that children, unlike adults, can never consent to exploitative migration. As a result a 17 year old boy seeking employment in a town and agreeing to go with an agent for work in an exploitative situation becomes a 'trafficking victim'.

¹⁰⁴ See R Black 2008. For the perspective of a bilateral donor on the links between migration, development and poverty reduction policies see DFID 2007

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