

Independent Child Migrants: Policy Debates and Dilemmas

September 12th 2007

Issues and Context

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Guide to Presentation

- What is the day about
- Widening the Policy Space
- Victims or Heroes – thinking about agency
- Child Migrants: Producing and Reducing Vulnerability
- Recap: aims of the day and future

What is the day about

Covering a wide geographic range of migration flows of children moving without parents

- within developing countries
- from South to South Countries
- from South to North Countries through intermediary South countries
- and a variety of migratory movements into EU countries.

Comparisons will help establish more comprehensive framework for understanding to and responding to independent movement of children/young people

The processes of children's migration and its impacts on them

Key questions:

- What is known about children's motives and reasons for migrating?
- What is known about the experiences of migrant children?
- What do we know about which factors may increase vulnerabilities and harm to migrant children and which factors affect positive outcomes?

Small Scale Qualitative studies tell us

- Decision making about a child's migration is complex, usually involving children and parents (and others)
- Steps are taken to make journey safe
- Children have many motives – work, education, social
- Continuum of experience from good to very bad

Widening the Policy Space

The policy terrain for child migrants is structured by

- The 1989 United Nations Convention on the Rights of the Child
- A range of ILO conventions: inc. Minimum Age Convention 138 (1973), and Convention Worst Forms of Child Labour Convention 182, (1999)
- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

Convention on the Rights of the Child

- establishes a legal definition of over what ages a person should be regarded as a child
- establishes the rights of children to exercise life choices
- establishes that actions concerning children should have their best interests as their *primary* concern.

Child Labour conventions

- were agreed after long debate about the relationships between childhood and work
- define the age below which children should not be working,
- the kinds of work that children of particular ages should do
- the degrees and intensity of the harmfulness of different kinds of work for children
- seek to raise successively the age children go into work.

Trafficking Protocol

- the trafficking protocol had little in depth expertise with respect to children
- Straightforwardly uses under 18 as child definition
- removes 'coercive means and deception' for moving children: children's consent irrelevant
- ambiguous notion of exploitative work becomes key to defining a trafficked child
- measures punish traffickers and repatriate or return the children.

Where trafficking protocol dominates

- ‘Child migrants’ become ‘trafficked children’
- Issue of how to make work less exploitative is not addressed
- Little attention given to the needs of child MIGRANTS?

Victims or Heroes – how to think about children's agency

Views on children's agency and capacities affect

- How we describe children's migrations (independent? unaccompanied? voluntary?)
- how we understand a child's own engagement in the decisions about his or her migration
- how we evaluate the risks involved in children moving out of a parental family setting

Agency and Age

Has legal, developmental and social dimensions

- States and international bodies routinely use age as definer of legal capacities e.g. criminal responsibility
- Negative developmental impacts linked to timing of family migration w/r to child's age
- Social research stresses age appropriate activities vary and develop over time – household chores + formal or informal education + some kinds of work

Some Reported Childrens' Views

Huisman: Laotian migrants to Thailand understand they are being exploited, but this does not prevent them from preferring migration.

Klocker: Tanzania migrant domestic workers "understand and actively negotiate the expectations and power relations that surround them while making decisions aimed at improving their own lives and those of their families."

The limits of Agency

- Not all children have room to make life choices
- Some have to give up ambitions
- Some have shortened, hard and desperate lives
- Is it meaningful to talk about agency in this context?
- ‘thin’ agency

Producing and Reducing Vulnerability

Three strands of factors affect a child's vulnerability in migration contexts

- Migration status/ migration regime
- Features of the sending or home community
- Factors specific to individual children at their destinations

If these are addressed can mitigate risks and increase likelihood of positive outcomes

Poverty and Child Migration

- Difficult to research
- Very little known
- Poorly Understood
- When is it the poorest children that migrate and when not?
- What is it about poor areas that leads children to migrate?

Child Related Vulnerability Factors

- Age
- Social Capital
- Work destination

Aims of the day

To share information and expertise in the three main themes

- Migration Projects: Children on the Move for Work and Education
- Migration and Trafficking
- Legal Issues and Criminalisation

So as to

- To identify gaps in evidence required to formulate policies
- To prioritise future policy related research efforts
- To better understand challenges to undertaking such research