

# **Independent Child Migrants: Policy Debates and Dilemmas**

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## **Issues and Context**

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# Guide to Presentation

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- 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

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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

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## 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

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- 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

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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

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- 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

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- 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

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- 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

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- ‘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

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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

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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

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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

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- 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

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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

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- 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

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- Age
- Social Capital
- Work destination

# Aims of the day

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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