



Migration and children

An outline of international standards, regional trends and good practices

An estimated 214 million people worldwide are international migrants, along with an estimated 740 million internal migrants. Youth account for a large share – about a third of migrants from all developing countries are aged 12 to 24. This includes millions of children under the age of 18 who migrate internally or across national borders, with or without their parents. More often than not, when child migrants travel across borders they do so irregularly without proper documentation and identification. Migrant children also includes those born in host countries to migrant parents.

Child migrants have an increased vulnerability, as both underage persons and migrants. In South-East Asia, children accompanying migrant workers and, even more so, children who migrate independently are sometimes vulnerable to the worst forms of child labour, including trafficking, debt bondage, sexual exploitation, illicit activities (for example begging), and work in hazardous conditions that puts them at great risk of danger, violence and abuse. In South-East Asia child migrants also suffer as their ability to access basic social services such as education, housing and healthcare is limited. They may be separated from their regular family and community structures of care and support, and cannot be easily reached by existing protection and service mechanisms as they are often hidden from view, do not know their rights, and are afraid to reach out to authorities.

In developing effective policies and programmes to protect children the focus should not be upon the prevention of voluntary migration – migration can offer better prospects for development, education, and eventually, employment. Governments should ensure that, regardless of the legal status of their parents, migration does not harm children, does not contribute to child labour, and that migration instead paves the way for productive employment for youth of working age.¹

¹ ILO, Migration and Child Labour – Essentials. Available at: http://ilo.org/ipec/informationresources/WCMS_IPEC_PUB_16975/lang--en/index.htm

Children and statelessness

Statelessness is the condition of not having the nationality or citizenship of any State. Nationality is a form of legal identity and the primary link between the individual and the State. States reserve the sovereign right to define eligibility for nationality and create nationality laws. The legal bond of citizenship serves as the basis for the exercise and enjoyment of numerous human rights such as education, healthcare, employment, participation in political processes, equality before the law and freedom of movement.

According to the Office of the UN High Commissioner for Refugees (UNHCR) there are about 12 million stateless people globally, of which half are believed to be children. Within Asia, the primary avenues through which children may be stateless are as a result of their parents' stateless status, because their birth was never registered, or because they are from a social or minority group that faces discrimination in access to nationality, such as migrants and irregular migrants in particular. UNICEF has noted that tackling barriers to birth registration and documentation are key in addressing the vulnerability of stateless children.

International Labour Organization instruments

The **Worst Forms of Child Labour Convention, 1999 (No. 182)** defines the worst forms of child labour as practices such as child slavery, forced labour, debt bondage, trafficking, serfdom, prostitution, pornography, and various forms of work that are hazardous to a child's health, safety and morals. States should identify and reach out to children at special risk, including migrant children. The Convention has been ratified by 179 out of 185 ILO member states.

The **Minimum Age Convention, 1973 (No. 138)** requires States to pursue national policies that will effectively abolish child labour. The Convention sets the minimum age for admission to employment as no less than the age of completion of compulsory schooling and, in any case not less than 15 years. The minimum age for admission to any type of employment or work which is likely to jeopardise the health, safety or morals of young persons should not be less than 18 years.

The **Minimum Age Recommendation, 1973 (No. 146)** makes specific reference to the issue of children on the move, and states that particular account should be taken of the needs of children and young persons who do not have families or do not live with their own families, and of migrant children and young persons who live and travel with their families.

United Nations Conventions

The **Convention on the Rights of the Child (1989)** applies to each child within a States' jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Some of the important rights covered by the Convention include non-discrimination, survival and development, the right to live with parents, respect for the views of the child, social security, education, protection from all forms of violence, and freedom from child labour and exploitation.

The **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)** outlines the following rights for children:

- Each child of a migrant worker shall have the right to a name, to registration of birth, to a nationality, and a basic right of access to education on the basis of equality of treatment with nationals of the State concerned.
- Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.
- States of employment shall pursue a policy aimed at facilitating the integration of children of migrant workers in the local school system.
- States of employment shall also endeavor to facilitate for the children of migrant workers, the teaching of their mother tongue and culture.



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Good practices

Thailand's education laws provide for universal access to education for Thai and non-Thai children until the age of 15. The right to formal schooling for all children regardless of legal status or lack of identity documents was extended by the **Cabinet Resolution on Education for Unregistered Persons (2005)**. Children without legal status or documentation can enroll at public schools certified by the Ministry of Education.

Children of migrant workers in the fishing and seafood processing communities of Samut Prakan, Thailand are often left without parental care, have poor access to education and health services, and are at risk of being subjected to forced labour. To address this, the Foundation for Child Development (FCD) and the ILO-IPEC project supported the establishment of a "Creative Space for Children" which services approximately 500 migrant households with 300 youth and children. The space includes play areas and a library that can be used as a non-formal education classroom. The centre also serves as a venue for holding important child development activities including health and child care.

Regional instruments

ASEAN Human Rights Declaration (2012)

- The rights of children and vulnerable and marginalized groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms.
- No child or any young person shall be subjected to economic and social exploitation.
- ASEAN Member States should also set age limits below which the paid employment of child labour should be prohibited and punished by law.

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