MIGRATION AND CHILD LABOUR – ESSENTIALS



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An estimated 214 million persons worldwide are *international* migrants,[1] and 740 million persons are *internal* migrants.[2] According to the World Bank, about a third of the migrant flow from all developing countries is youth aged 12 to 24 years of age.[3] This includes millions of children under the age of 18 who either migrate independently or together with their parents.

These numbers are likely going to rise further in the years ahead, driven by population dynamics in combination with the lack of development and employment opportunities, in particular in rural areas.

Environmental change is also affecting migration patterns; by 2050 there will be an estimated 200 million "climate refugees",[4] including children.

Given its young[5] and rapidly growing population, Africa will be affected particularly: Statistics by the UN suggest that in the period 2010-2020, the children in the age bracket of 10 to 14 years of age alone will grow by 27 million children. Given current patterns, many of these children will grow up in rural areas and as teenagers would want to migrate in search of opportunities elsewhere.

More often than not, when child migrants travel across borders, they do so illegally without proper documentation and identification. This limits their ability to access basic social services such as education and healthcare and makes them vulnerable to child labour and other forms of exploitation, in particular when they migrate independently. Though some children who migrate voluntarily may become trafficked in the process of migration, there are many who are not.

RELEVANT HIGHLIGHTS FROM INTERNATIONAL LEGAL FRAMEWORKS

"Every child without discrimination of any kind, irrespective of the child's or his/her parents or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status is born with the same rights" (Article 2.1, UN Convention on the Rights of the Child), including the right to be free from child labour (Article 32, UN CRC).

"Governments should consider ways to address the potential vulnerability of children to, in particular the worst forms of child labour in the context of migratory flows" (Article 5, Roadmap for achieving the elimination of the worst forms of child labour (adopted in The Hague Global Child Labour Conference, 2010)).

*"Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned" (*Article 30, UN Convention on the protection of the rights of all migrant workers and members of their families).

[1] UN, S. Zukang: *International Migration Trends*, Population Division, Geneva, 2009.
[2] UNDP: *Overcoming barriers: Human mobility and development, Human Development Report 2009*, New York, 2009.
[3] World Bank: *Development and the Next Generation, World Development Report 2007,* Washington, 2006.
[4] World Bank: *Development and Climate Change, World Development Report 2010,* Washington, 2009.
[5] In 2006, 44% of its population of Africa was younger than 15 years of age; See Population Reference Bureau: *Africa's youthful population; risk or opportunity?*, Lori S. Ashford, p. 2, 2006.

Despite the magnitude of migration of children and the link with child labour, child migrants are largely invisible in debates about migration, child protection and child labour. The result is that policy responses to date are fragmented at best, and often fail to protect child migrants and offer them development opportunities. And yet it is governments who are responsible for the protection of all children, including migrant children.

WHAT IS A CHILD MIGRANT?*

Child migrant — Person under the age of 18 who changes residence to a different administrative territory, within or across national boundaries.

HOW DO CHILDREN MIGRATE?

Internally — Change of residence to a different administrative territory within national boundaries, such as between states, provinces, cities, or municipalities. This includes internally displaced persons (IDP's) and victims of internal trafficking.

Internationally — Change of residence over national boundaries into a different country. International migrants are further classified as regular immigrants, irregular immigrants including victims of trafficking, and refugees. Regular immigrants are those who moved with the legal permission of the receiver nation; Irregular immigrants are those who moved without legal permission or were forced to move; and refugees are those who crossed an international boundary to escape persecution. This group also includes unaccompanied minors.

DO CHILDREN MIGRATE INDEPENDENTLY OR WITH FAMILY?

Family migration — Most children move with their family often in search of a better life. This includes seasonal migrants such as migrant parents who work for land-owners and who bring their children along.

Independent child migration — A significant number of children move independently by themselves. Girls are slightly more likely to migrate independently compared to boys and the likelihood that a child will migrate independently increases substantially with age.[6]

* There are also children that are left behind by migrating parents; Though an important topic, it is not included in this brief. "Children on the move" is a slightly broader term than child migrants, and also includes street children.

Why do children migrate?

The driving factors behind child migration are multi-faceted and differ from place to place and for internal and international migration. Migration can be triggered by economic factors (e.g. unemployment in rural areas, poverty), cultural factors (e.g. gender discrimination, history of migration, conflict, threat of marriage at an early age), personal factors (e.g. peer pressure, domestic violence, HIV/AIDS), and external factors (e.g. climate change, natural disasters, seasonal flooding).

Opportunities and threats, including child labour

Many children voluntarily choose to leave, often rural areas, in the hope of gaining more opportunities in a city environment. While several threats do exist, migration can also offer opportunities for education and employment. The aim is not to stop voluntary migration, but rather prevent child trafficking and child labour that can occur as a result of migration, while also creating an environment that protects children and helps them have a positive experience.

Studies have shown that girls are much more likely to migrate internally, while boys tend to migrate internationally.[7] Whether migration is internal or international, the threat of exploitation is even higher when the migration is done independently. Children who migrate without their parents are especially vulnerable to exploitation, coercion, deception, and violence — particularly if they are below the minimum age of employment, cross a border illegally and do not speak the language of their destination.

Child migrants have a double vulnerability, as both underage persons and migrants. The level of preparedness and information (on work and destination) prior to departure also has an impact on their level of vulnerability. Risks exist both in transit and at the destination. Also, what starts as voluntary migration can turn into trafficking in the process of movement. However, not all child migrants are trafficked into child labour; many move voluntarily and without an intermediary. Those that end up in child labour tend to work in domestic work, agriculture and the urban informal economy, often in hazardous conditions and exposed to the risk of exploitation and abuse.[8] Migrant girls generally end up working as domestic workers.

Many migrant children, in particular those without legal status, are denied access to basic social services (education, healthcare) and have difficulties obtaining legal assistance, which in turn adds to their vulnerability

[6] IPEC, Van de Glind, H.: *Migration and child labour - Exploring child migrant vulnerabilities and those of children left behind*, Geneva, ILO, 2010, p. 5. Available at: www.ilo.org/ipecinfo/product/download.do?type=document&id=14313.
[7] Ibid, p. 6.
[8] Ibid, p. 16.

and increases the likelihood of them ending up, or staying in child labour. Without any means of support, child migrants need to work in order to survive.

Child labour and maltreatment

Evidence from various studies has shown that migrant child workers are vulnerable to exploitation by unscrupulous employers and others. They often experience maltreatment — including suffering from isolation, violence, sub standard working conditions, non-payment of wages, unfair work practices in terms of hours of work, rest periods and overtime, and the threat of being reported to the authorities. Other more extreme practices include withholding the passports of migrant domestic workers to ensure they do not try to leave the household.[9]

Migrant children worse off compared to local child labourers

Evidence suggests further that migrant child labourers often receive less pay,[10] work longer hours[11] less often attend school[12] and face higher death rates at work in comparison to local child labourers.[13]

Way forward & suggested interventions

Governance of migration — and the development opportunities it provides — is a key policy challenge. Governments' migration policies need to be balanced with their obligations under the UN Convention on the Rights of the Child and the ILO Convention No. 138 on the Minimum Age for Employment (1973) and ILO Convention No. 182 on the Worst Forms of Child Labour (1999). When dealing with children — whatever their migration status — States are obliged to ensure the protection of all children, including migrant children. Governments should thus ensure that migration does not harm children regardless of the legal status of their parents, and does not contribute to child labour, and instead paves the way for productive employment for youth of working age.

Pointers for action in further developing effective migration and child labour policies that address the plight of child migrants:

- Laws and policies in the fields of migration, children's rights, education, health care and child labour should pay specific attention to both internal and international child migrants.
- Broader migration and children's rights policies should recognize that it is legitimate for children of working age to seek employment opportunities elsewhere if decent work is not available at their places of origin.[14] These children — and the ones below the minimum working age on the move — should be recognized as especially vulnerable to exploitation and child labour, in particular when they migrate

[9] IPEC: *Interregional Workshop on child domestic labour and trade unions: Report*, Geneva, 1 to 3 February. Geneva, ILO, 2006, p. 33. Available at: www.ilo.org/ipecinfo/product/viewProduct.do?productId=4627.

[10] In the tobacco industry in Kazakhstan, migrants often earned 1.5-2 times less than local workers. See IPEC: *Child labour in tobacco and cotton growing in Kazakhstan: rapid assessment report*, Geneva, ILO, 2006, p. 12. Available at: www.ilo.org/ipecinfo/product/viewProduct.do?productId=8150.

[11] In the cotton sector in India, local children generally worked between nine and 12 hours a day, while migrant children generally worked at least four hours longer per day. See IPEC: *Hazardous child labour in agriculture, cotton sector*, "Safety and health", Geneva, ILO, 2004, p. 2. Available at: www.ilo.org/ipecinfo/product/viewProduct.do?productId=5709. Also, in the tobacco industry in Kazakhstan, local children only worked 5 hours a day because they also attended school, while migrant children worked twice as long. See IPEC: *Child labour in tobacco and cotton growing in Kazakhstan: rapid assessment report*, Geneva, ILO, 2006, p. 12. Available at: www.ilo.org/ipecinfo/product/viewProduct.do?productId=8150.

[12] In West Africa, the school enrolment rate of children of immigrant farmers was only 33%, compared with 71% for children of local farmers. See IPEC: *Rooting out child labour from cocoa farms - Paper No. 4 - Child labour monitoring - A partnership of communities and government*, Geneva, ILO, 2007, p. 14. Available at: www.ilo.org/ipecinfo/product/viewProduct.do?productId=6447.

[13] CDC: "Occupational injuries and deaths among younger workers – United States, 1998–2007", in *Morbidity and Mortality Weekly Report* (MMWR) (23 April 2010), Vol. 59, No. 15, pp. 449–455.

[14] According to ILO Convention No. 138 and national law in many countries, children can work (performing non-hazardous tasks in non-hazardous conditions) starting from the age of 15 (14 in some countries).

across national borders. Programmatic responses — beyond those that focus on child trafficking — need to reach out to and protect this group.

- Migration governance should focus on ensuring safe — where possible internal — migration for decent work for youth of working age, rather than halting it. Affordable, fast and transparent job placement and migration services are crucial.
- Exploitation among migrant children can be more easily countered if efforts are made to regularize the informal economy, in particular in migrant sensitive sectors such as agriculture and domestic work.
- Systems should be put in place to monitor recruitment agencies and labour inspection mechanisms should be sensitised on child migrants and issues concerning child labour, especially at destination in types of work where migrants predominate.
- Clarity regarding the division of law enforcement roles and responsibilities in the informal economy should be enhanced, along with clarity on the complementary roles that the police, labour inspectorates, social workers and civil society can play in protecting young migrant workers.



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- Allowing migrant children of working age to access, join, or associate with trade unions, is another tool that can be used to ensure protection.
- Where migration is across national borders it is crucial that sending and receiving countries coordinate their joint governance of migration.
- Businesses' corporate social responsibility policies should ensure that migrant children do not feature as child labourers in their supply chains.
- Access to free, quality education, and opportunities for youth employment would provide children with appealing alternate opportunities to migration.
- To reduce social exclusion and thus improve access to basic services it is important to address the lack of birth registration of the estimated 51 million currently unregistered children who are by default vulnerable to exploitation, in particular if they migrate (see Article 7 of the UN CRC and paragraph 16 (a) of ILO Recommendation No. 146).
- As a means of addressing child labour that results from natural disaster and conflict, child migration and child labour should be included in disaster response plans.
- Further research and analysis needs to be conducted regarding the correlation between migration and child labour. Research standards need to incorporate attention to child participation and methods that make migrant children (disaggregated by age and sex) and the potential exploitation of migrant boys and girls more visible in data gathering exercises (i.e. incorporate a focus on child migration in MICS data gathering and national surveys on child labour, poverty, IDPs, fertility, etc.).
- Finally, those shaping migration policy should take into consideration the views of children, in particular of those children who experienced migration.