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Migration and child labour: Interactions and vulnerability of migrant children

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By

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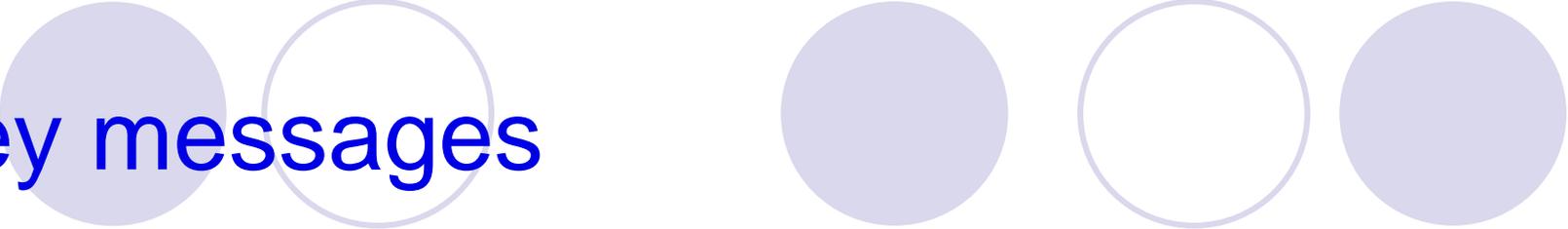
A Noite ou de dia... No Rio ou em São Paulo... No Brasil e no Mundo Garotas Menores de idade Trocam os Livros por uma Noite de Prostituição! Deixam de ser crianças... "trabalhando" para sobreviver.

Letícia, 15, Brazil



Structure of presentation

- Key messages
- Definitions and categories
- Internal and international migration and migrant children
- Migrant children and child labour
- Policy directions



Key messages

- In an era of globalization and transnationalism, ‘mobility’ is a better term than ‘migration’.
- Children have a right to mobility in conditions of dignity, justice, equity and security.
- Undue attention on trafficking and irregular migration have placed children in precarious and vulnerable situations in immigration policies.
- Current emphasis on temporary migration and circular migration will exacerbate the problem of left behind children.
- The way forward in addressing child labour and its worst forms depends on effective partnerships for the decent work agenda.



*“For your country,
If you plan for a year – plant rice
If you plan for a decade – plant trees
If you plan for a lifetime – educate children.*

(Old Chinese Proverb)

“Child labour is a fundamental abuse of human rights. It denies girls and boys the right to be a child, to access quality education, and to hope for the future”.

Statement by Guy Ryder, ILO Director-General on the occasion of the World Day against Child Labour

“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”

- Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, Outcome Document: The Hague Global Child Labour Conference 2010

Categories of migrants and children in migration

- Migration categories by:
 - **Destination:** Internal and International; South-North and South-South; **Gender** – Male and female; **Agency:** Forced and voluntary; **Purpose:** for employment or fleeing from persecution, etc; **Skill profile-** Skilled and low skilled; **Duration** – temporary stay and permanent stay; **Migration status-** Regular and irregular migration .
- Child migration (Internal or international):
 - Migrating with family; Independently migrating or unaccompanied children; Children left behind by migrant parents – migrants' children - not migrants but affected by migration context; Purpose: education, employment, better life, etc.
 - Children born to immigrant parents in host country; (not counted as migrants but of immigrant origin)
- **The bulk of mobility is within countries for both adults and children,** eg: rural to urban.
 - Internal migrants estimated at 740 mn (Bell & Muhidin 2009 for UN HDR 2009) and global migrants in 2013 at 232 million (UN Population (Division)).

Definitions of children and youth

- Children: 0-17 years (UN definition)
- Youth 15-24 years; extended definition: 18-29 years
- Minimum age of employment (in different countries) from 15-17 or 18 years.
- Overlapping ages and categories; youth and working children
- Population census data at 5-year age intervals; cannot capture 15-17 or 15-18 group.
- OECD – children of immigrants in labour market defined as 20-29 years: they are youth.

Young migrants account for small share of all international migrants

- Global level (2013):(UN Population Division data)
 - Young migrants (below 20 years) are 35 million or 15% of all international migrants
 - Young persons (below 20 years) – 35% of the global population
 - No. of young international migrants – South - 22 million; North - 13 million
- Share of young migrants in total migrant stock shows declining trend
 - 1990 – 21% ; 2000 – 18%; 2010 - 15%; 2013 – 15%
 - Developing regions (23 %); developed regions (below 10 %)
 - Sub-Saharan Africa highest at 30%
 - Migrants aged 20 to 34 represent 28% of all international migrants, equivalent to 65 million people
- Global child labour (5-17 year old) also shows declining trend (ILO 2013 report). 168 million child labourers, and 85 million in hazardous work in 2012. 11% of all children in age group.

Children in global migrant stock (2013)

World	Age group in years						
	0-4	5-9	10-14	15-19	0-19	15-24 (youth)	Total
Total (000s)	6,832	7,718	8,895	11,339	34,784	28,189	231,522
Male (000s)	3,575	4,043	4,660	6,034	18,312	15,094	120,328
Female (000s)	3,257	3,675	4,235	5,305	16,471	13,095	111,194
	% of total migrants in group						
Total	3.0	3.3	3.8	4.9	15.0	12.2	100
Male	3.0	3.4	3.9	5.0	15.2	12.5	100
Female	2.9	3.3	3.8	4.8	14.8	11.8	100

Source: Compiled from UN Population Division, Trends in International Migrant Stock: The 2013 Revision

Children migrating with families

- Children may migrate with parents or extended family or adults in mixed migration situations.
- Skilled migrants normally move with families, and their children are well-integrated in education and labour markets.
- Rural-urban migration – some move with families, but low skilled may have problems finding good housing and schools for children. China – 35.8 million migrant children in cities in 2010 (All China Women's Federation Survey) - 28.8 million from rural families.
- Asylum seekers and refugees – move with families but endure numerous hardships and precarious status for children as well.; long periods in detention or in legal limbo.
 - In 2013 – total global refugees only 15.7 mil. – 7% of total migrants. 87% hosted by developing countries. In 2012, 479,300 asylum claims registered in 44 industrialized countries. Number of children not known.
- The bulk of families migrate for employment with their children. No information on child labour of this category.

Children migrating independently

- No reliable data available on numbers: mixed category.
- Motives & types:
 - Employment, education, better life, family support, peer influence, survival strategy, fleeing persecution, or displaced by natural disasters or armed conflict
 - First step may be rural to urban migration
 - Status – minors may migrate in irregular situations since there are few opportunities for regular migration open to them.
 - Gender: girl children more vulnerable. They represent a large share.
- While there are positive benefits, as international migrants, they could fall prey to organized crime and exploitation including smuggling, trafficking and slavery during transit and at destination. Discrimination and denial of rights, such as arbitrary deprivation of liberty and limited or no access to health-care services and education.
 - States should recognize that migrant children, especially those unaccompanied, are most exposed to the worst forms of child labour (Special Rapporteur on human rights of migrants' report 2009).

Independent migrant children: Some country level data

Country	Independent child migrants (000s)	Independent child migrants as % of all children	Girls as % of independent child migrants
Vietnam	70	0.5	60.6
Philippines	89	0.6	66.7
Ecuador	45	2.1	59.1
Brazil	315	1.1	67.6
South Africa	58	0.7	51.2
Mexico	162	0.9	62.9

Source: Bryant, J. (undated). Independent child migrants: Some basic information and how to find out more, Institute for Population and Social Research, Mahidol University, Bangkok, Thailand: Estimate based on Integrated Public Use Microdata Series (IPUMS). Applicable year not indicated in source document.

Sectors of child labour by migrants

- 2012 ILO global estimate of child labour: Agriculture 60%; Industry 7%; Services – 25.6% out of which 4.9% is domestic labour (7% not known). But the options for migrant children may not be the same:
- Not much difference between internal and international migration
- ILO - two out of every three children engaged in domestic work outside home, are working below the legal minimum age or in hazardous conditions. The majority are girls and some subject to forced labour and trafficking.
- At the end of value chains – manufacturing.
- Unaccompanied children more likely in precarious work and WFCL.
- Helpline case study records of 437 children in Peru, Kenya and Nepal concluded (ILO and CHI 2012):
 - In particular with regards to working hours, pay , exposure to work hazards , exposure to violence including being denied food, exposure to bondage, living conditions and access to education migrant children in child labour appear to be worse off compared to local children in child labour.

Children left behind - 1

- Reasons for leaving children behind
 - Rural migrants cannot afford housing and other facilities in urban areas to bring children.
 - State restrictions: e.g. China Hukou or urban registration system is a major deterrent to family migration.
 - Temporary cross-border migration- Many destination countries do not allow family unification for low skilled migrants: e.g. GCC countries;
 - Low income workers cannot afford to bring families;
 - Income thresholds for family unification – e.g. UK



Children left behind - 2

- 61 million children left behind by migrant parents in rural areas in China (2010) – 38% of all rural children. 3% living on their own.
- Children left behind (UNICEF estimate):
Philippines: 3-6 million (10-20%) Indonesia:
1 million (2-3%); Thailand: 0.5 million (2-3%)
- Kerala State of India: One million Gulf Wives and even a greater number of children left behind by husbands in Kerala.

Left behind and links with child labour

- Remittances could promote education of children, especially girls, reducing child labour.
- But work burdens can also increase
 - Family farm work: Bangladesh study finds additional rural migrant in a household increases the probability of a child worker by 51%.
 - Looking after siblings and other household work in the absence of mother
 - Implications of migrant debt for children's work
- Social costs.

“... it's better to lose 100 fathers than a single mother.”
(Anthony, 17 year old boy from Cavite, Philippines (Scalabrini Migration Centre study, Manila)

Children in undocumented/irregular situations

- Migration status (parents or own in case of independent migration) crucial for enjoyment of rights in destination
- Irregular status - Criminalization of irregular migration and detention and deportation of entire families.
- Large gaps children's human rights norms and their actual implementation in access to birth registration, education, health care and housing.
- UK study: NO WAY OUT, NO WAY IN: Irregular migrant children and families in the UK, Research Report, (Sigona & Hughes) - Compas, Oxford, May 2012

Undocumented migrant children in Britain

120,000 undocumented migrant children in the UK = 0.9 % UK's under 18

Large majority live with family or close relatives; most experience poverty and destitution

visibility and invisibility

65,000 born in the UK to undocumented parents

UK--born children de facto non--deportable and are eligible for British citizenship after ten years of continuous residence, but only 3,727 (3,280) applied in 2000s.

From: N. Sigona, What future for undocumented migrant children in the UK?, Oxford University.

Governance issues in child migration

- Origin countries: Recruitment agencies malpractices
 - Misleading information
 - Age falsification: high profile case - Rizana Nafeek executed in Saudi Arabia
- Labour laws often exclude major sectors of child labour: agriculture, domestic work, informal economy.
- Most immigration laws have no child rights perspective.
- Detention of children: violation of child rights
 - Deportation of parents/guardians and breaking up families. From January to June 2011, US Immigration removed 46,486 undocumented parents who claimed to have at least one child who is an American citizen.
 - UK Supreme court decision *ZH (Tanzania) v Secretary of State for the Home Department (2011)* reaffirmed the priority of the best interests of the child over immigration status considerations.
- Value chains and subcontractors, and break of employment relationship

Relevant instruments

- UN Convention of the Rights of the Child - widely ratified
- Minimum Age Convention, 1973 (No. 138) – 166 ratifications
- Worst Forms of Child Labour Convention, 1999 (No. 182) – 177 ratifications
- ILO Domestic Workers Convention, 2011 (No.189), Art. 4. (10 ratifications)
 1. Each Member shall set a minimum age for domestic workers
 2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.
- ILO Social Protection Floor recommendation, 2012 (No.202).
 - 5(b) basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
- ILO Multilateral Framework on Labour Migration - a toolkit to develop or improve rights based migration policies at national and other levels.

Policy directions - 1

- A world without child labour is possible with the right priorities and policies: quality education, opportunities for young people, decent work for parents, a basic social protection floor for all. (Juan Somavia - former ILO DG)
- Four threads of action (III Global Conference on Child Labour Base Document):
 - Social protection for children and their families;
 - Expansion of mandatory, full-time and high-quality education;
 - Specific legislation and inspection for addressing child labour
 - Labour and employment policies that provide additional protection for children and decent work opportunities for adult workers.

Policy directions



- Promote rights based approach; governance of migration that respects children's rights irrespective of migration status.
- Ratify relevant international instruments, modify legislation accordingly, enforce their provisions and ensure access to justice to cover migrant children rights and workplace protection.
- Decent work opportunities for parents
- Provide for migration in conditions of dignity, equity, justice and security for youth of working age
- Social dialogue and partnerships to address different types of child migration
- Address knowledge gaps on international and international migration of children

Partnerships for effective action for advancing rights of migrant children

- Social partners
 - Employers' organizations; corporate social responsibility; address child labour in value chains
 - Workers' Organizations; advocacy of child rights and abolition of migrant child labour; improving outreach into sectors with child labour;
- Civil society: advocacy, pilot projects; education
- Mass media: more balanced portrayal of migrants and children; highlight discrimination & abusive practices against migrant children
- International organizations: improve knowledge base; coordinated inter-agency action; technical assistance to stakeholders;
- Governments: work with national stakeholders and cooperate at bilateral, regional and international levels.

- What guidance on migration policies and children from the UN High Level Dialogue on International Migration & Development, 3-4 October 2013 and the Post-2015 Development Agenda?