Mike Dottridge

Kids abroad: ignore them, abuse them or protect them?

Lessons on how to protect children on the move from being exploited.

Terre des Hommes International Federation

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Author's Acknowledgements

Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
BBC	British Broadcasting Corporation
CPU	child protection unit
CRC	UN Convention on the Rights of the Child (1989)
EU	European Union
FGM	female genital mutilation
HIV	Human Immunodeficiency Virus
IPEC	ILO's International Programme for the Elimination of Child Labour
ILO	International Labour Organization and International Labour Office
IOM	International Organization for Migration
IPEC	The ILO's International Programme for the Elimination of Child Labour
LPN	Labour Rights Promotion Network (an NGO in Thailand)
NFE	non-formal education
ODIHR-OSCE	The Office for Democratic Institutions and Human Rights in the Organization for Security and Co-operation in Europe
NGO	non-governmental organisation
UN	United Nations
UNICEF	United Nations Children's Fund
US	United States
US$	US (United States) Dollar

Glossary

adolescent	A person between the ages of 10 and 19.
best interests of the child	"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". (Article 3 of the CRC)
child	The word child is used throughout this study in accordance with the definition contained in Article 1 of the CRC: "For the purpose of this present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier".
commercial sexual exploitation (of children)	The sexual exploitation of a child for remuneration in cash or in kind, usually but not always organised by an intermediary (parent, family member, procurer, pimp etc.), mainly for the purposes of prostitution and production of pornography.
debt bondage	Also known as bonded labour. A form of forced labour and slavery incurred when someone accepts a loan and agrees to work to pay it off, but when the value of their labour, or that of a relative who works to pay off the debt, is considerably more than the value of the loan. Debt bondage is defined and prohibited by a 1956 UN Supplementary Convention on Slavery.

dhaba	Eating place, café or local restaurant in India.
exploitation	The UN Trafficking Protocol adopted in 2000 states that the forms of exploitation associated with human trafficking include, "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." The CRC requires States which have ratified it (i.e., every State in the world except two) to take "legislative, administrative, social and educational measures" to ensure "the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development" (article 32). The CRC also requires States "to protect the child from all forms of sexual exploitation and sexual abuse" (article 34), in particular measures to prevent: a. The inducement or coercion of a child to engage in any unlawful sexual activity; b. The exploitative use of children in prostitution or other unlawful sexual practices; c. The exploitative use of children in pornographic performances and materials. Finally, the CRC also requires States to "protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare" (article 35).
immigration official	Includes border police and others involved in processing new arrivals at airports, ports and other frontier crossing points.
landlords	Individuals based in West African cities who offer temporary accommodation to migrants arriving from the same ethnic group or home area. In the case of children, they find them jobs and sometimes provide them with other services.
law enforcement official	Police officer or other officials responsible for enforcing the law.
National Referral Mechanism	Title used for procedure designed by ODIHR-OSCE for ensuring coordination between ministries, NGOs and others involved in caring for victims of trafficking and making decisions about them.
protection	The notion of protection reflects all the concrete measures that enable individuals at risk to enjoy the rights and assistance foreseen for them by international conventions. Protecting means recognising that individuals have rights and that the authorities who exercise power over them have obligations.
separated child	Separated children are children who have been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may therefore include children accompanied by other adult family members.
trafficker	A person who engages in trafficking in persons (as defined by the UN Trafficking Protocol)

Trafficking in persons (or trafficking in human beings)	The recruitment, transport, transfer, accommodation or receipt of persons (adults or children or both);
	> in the case of adults, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
	> in the case of children, it refers to the recruitment, transport, transfer, accommodation or receipt of children, whether or not these means are used.
	In both cases (of adults and children), it is for the purpose of exploitation, which includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
Trafficking Protocol	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, linked to the UN Convention against Transnational Organized Crime (2000). This Protocol is sometimes referred to as the 'Palermo Protocol'.
unaccompanied child	Unaccompanied children (also called unaccompanied minors) are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.
worst forms of child labour	Defined by article 3 of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) to comprise:
	"a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
	b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
	c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
	d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."
young person	Refers to both children (under 18) and young adults who are now 18 or up to the age of 23. In this study the term 'young people' is used in particular to refer to those who have not yet reached 18.
zari	Embroidery of clothing in India.

Executive Summary

This study focuses on the experience of young people who leave home or travel abroad to seek work or a better life and also on children who are sent away from home by their parents. It explores initiatives which have had the effect of reducing the likelihood that such children will be subjected to economic or sexual exploitation. It sets out to go beyond identifying the vulnerable situations faced by such children, by examining what techniques have proved helpful to children who move away from their families.

Over the past two decades, the media and organisations based in Europe and North America have focused attention on various forms of abuse suffered by this group of children (such as sexual abuse and child trafficking) or on specific sub-sets of children who have left home, such as street children and unaccompanied children who go abroad to seek asylum. By focusing on children who have had a particular experience or suffered a specific form of abuse, however, the methods that can be used for preventing abuse that have come under the spotlight have also been narrow and specific. As a result, the more general methods that serve to protect children in general from abuse, or ALL young people who travel as 'separated children', have been neglected.

As a matter of public policy, most governments encourage children to attend school and to remain there, at least until they complete their primary or elementary education. However, millions do not do so and set out to 'seek their fortune' while still adolescents or even before reaching puberty. While public policy may not want to approve or encourage their actions, thousands of non-governmental organisations (NGOs) around the world are engaged in initiatives to protect and assist such children, particularly when they are far from home and seem highly vulnerable to abuse because they are cut off from the families or home communities who could be expected to look after them.

Over the past two years various organisations have started taking a more general look at the situation of children without parental care who are 'on the move', in order to see whether some child protection techniques can be used to reach children who are generally categorised as having different needs, because of the different sorts of abuse they experience or the context in which they travel. Previous studies have concentrated on understanding the reasons why children move and the ways in which they expose themselves to danger – the particular vulnerabilities of children on the move. This study is more pragmatic: it identifies methods that have been used to assist such children and to reduce the likelihood that they will be subjected to abuse.

The study consists of three separate parts. **Part 1** introduces the subject and reviews the opportunities to protect children on the move in a hypothetical way, by listing some of the risks they face and the techniques which are used to minimise such risks (Chapter 2). It reviews the responsibilities that governments have to protect children who have been separated from their parents (also in Chapter 2).

Part 2 consists of six chapters describing techniques that have been tried in six regions of the world: Central America (Chapter 3); South East Europe and the Baltic States (Chapter 4); Western Europe (Chapter 5); West Africa (Chapter 6); South Asia (Chapter 7) and South East Asia (Chapter 8). Many similarities are noted in the initiatives undertaken in different regions, as well as some notable differences. In part, the study provides an opportunity for those based in one region to read about what is being done in other parts of the world to protect children who are in similar situations.

Part 3 reviews some of the common characteristics of initiatives in the six regions (Chapter 9). The final chapter (Chapter 10) presents 10 conclusions and recommendations.

The techniques described in the six regions of the world include ones intended to enhance the capacity of an individual child to protect herself or himself, many of which require an investment in education or teaching skills before a child leaves home. They also include:

> Techniques to enable children to organise collectively to protect themselves, sometimes while still living at home, but especially once they reach the places where they are more isolated, in a town or city, trying to earn a living;

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> Techniques to influence families and to enable families to protect their children more effectively;

> Techniques which focus on the community as a whole. These techniques have a somewhat chequered record, for some 'community based techniques' turn out to be measures imposed by the government, which have not gained much popular acceptance. Communities can be mobilised relatively easily to protect their own children from danger (for example, from recruitment agents who visit villages to recruit adolescents and to traffic adolescent girls into prostitution and adolescent boys into forced sweatshop labour). However, in the towns and countries to which young people migrate, it is much more difficult to motivate the community as a whole to take action to protect (or not to abuse) children who are widely seen to be 'foreigners' or intruders.

Attention is also given to the techniques used by governments which have a legal responsibility to protect separated children, but often duck this responsibility by sending children back home.

The study recognises that plenty of contradictions and enigmas face policy-makers and organisations which want to protect children on the move and to prevent them from experiencing abuse. It reveals a dichotomy between organisations that think children should be discouraged from moving or migrating altogether and those who advocate making migration less unsafe. In reality there is no contradiction between offering children advice NOT to leave school or home prematurely and also providing them with assistance subsequently when they do leave home to try and earn a living elsewhere, even if aged only 12 or 13. However, some advocates of the first approach (discouraging children from migrating) argue that investing in the second strategy is a mistake, that providing protection along the path that children travel constitutes a sort of encouragement to young people to migrate in the first place. At the same time, some advocates of the second approach (recognising what happens in reality and responding according to the available opportunities to protect and assist children) regard the first group as idealists who are failing in their duty to protect children from harm.

Around the world, the author came across many different initiatives to tell children about the dangers they might encounter once they take to the road and seek a job away from home or in another country. However, relatively few of these initiatives give priority to explaining to young people what they should do to avoid the pitfalls: the precautions to take, which are designed to reduce the probability that they will experience abuse, but which cannot offer any absolute guarantee that they will not be abused. It seems that some organisations which speak out in favour of child rights are unwilling to give young people advice on the precautions to take when migrating for fear that they, as organisations, might subsequently be criticised if the precautions prove ineffective. While this reticence is understandable, it means that the interests of the organisations concerned take precedence over the interests of children – so the best interests of children are not really the primary consideration of the organisations which have this attitude.

The study concludes with a series of recommendations. The overall conclusion is that more effort should be made to "prevent migration being unsafe" for young people under 18. The 10 more specific conclusions and recommendations are:

1. Not enough assistance and support is provided to children who are actually in transit, moving from one place to another in search of a better future. More ideas are needed about the ways to make suitable assistance and support available.

2. Better and more imaginative use could be made of communications and information technology to protect children, notably by ensuring they can stay in contact with others while travelling and after reaching their destination.

3. Organisations engaged in efforts to stop children being abused and exploited are still not sure whether their objective should be to stop children migrating (or working) or to make it safer for them to do so.

4. While it may sometimes be appropriate to try and stop young children from moving away from home and entering the world of work prematurely, it is not appropriate to assume that young people should remain at home until they are 18.

5. It is justifiable to intercept children when there is evidence of a strong probability that they

will experience abuse if they continue on their way. The corollary is that intercepting girl and boy migrants is not justifiable as a routine technique to prevent them ending up in abuse, if there is no evidence that a large proportion do in fact end up in abuse.

6. It is vital to listen to children, as well as involving them as actors in efforts to enhance child protection.

7. In most parts of the world, particularly developing countries, making gradual changes to existing protection systems can bring definite benefits to children (so it is not appropriate to assume that meaningful change can only come about if there is a radical shift).

8. Not enough attention has been given to understanding 'indigenous' practices which have the effect of protecting children from harm, either techniques which benefit children in particular or techniques which help migrants in general.

9. Many of the forms of assistance provided to children on the move would be expensive to replicate for all such children.

10. Coordination between different agencies is vital, including organisations based in different countries.

1. Introduction

1.1 What is this study about?

This study explores initiatives which have had the effect of reducing the likelihood that 'children on the move' will be subjected to economic or sexual exploitation. The key question asked throughout is, "What can be done to protect separated or unaccompanied children[1] against harm", notably against the various forms of economic or sexual exploitation, which have received publicity over the past decade during campaigns against child labour and child trafficking.

Young people under the age of 18 (i.e., children) become separated from their parents or others who care for them in many different circumstances. Likewise, they arrive unaccompanied in countries other than their own for many reasons. The term, 'children on the move' is used in this study to refer to a wide range of children who have moved away from their parents and other family members (or been abandoned by them) and who have to manage by themselves. It refers both to children who are actually in the process of moving from one place to another ('on the move') and also to such children who have stopped travelling after reaching a permanent or temporary destination away from the rest of their family. The focus of this study is on the experience of young people who leave home or travel abroad to seek work or a better life and also on children who are sent away from home by their parents. However, children become separated from their parents in a wide range of circumstances.

The focus here on methods to prevent children from being exploited is intended to highlight the practical actions that have proved helpful to children, rather than dwelling on the shortcomings of governments or others who have a duty to protect children. The intention of citing examples is that some readers will be prompted by reading about certain techniques to try applying them in their own country – and that children might benefit as a result.

The word 'exploited' is interpreted to refer to various things in different countries. In this study it is used narrowly, with reference to the definition of 'exploitation' in a United Nations (UN) treaty on the issue of human trafficking that was adopted in 2000.[2] The UN Trafficking Protocol states that the forms of exploitation associated with human trafficking include, "at a minimum, the exploitation of the prostitution of others[3] or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." While this definition is not yet widely known or understood by public opinion, it has already been recognised by more than 115 governments that have ratified the UN Trafficking Protocol.

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1   See the definitions of the terms 'separated' and 'unaccompanied' children in the Glossary. In both cases they are based on the definitions provided in General Comment No. 6 of the Committee on the Rights of the Child, the body established to monitor the implementation of the United Nations Convention on the Rights of the Child. See General Comment No. 6, 'Treatment of unaccompanied and separated children outside their country of origin', adopted during the Committee on the Rights of the Child's 39th session, 17 May to 3 June 2005, and issued as UN document CRC/GC/2005/6.

2   The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, adopted by the UN General Assembly in November 2000. The Trafficking Protocol entered into forced on 25 December 2003.

3   'Exploitation of the prostitution of others' involves someone such as a pimp or brothel owner taking money in return for an act of commercial sex, either receiving the payment from the person involved (i.e., the prostitute or sex worker) or directly from the person who pays for commercial sex.

1.2 Moving from a focus on a single type of abuse experienced by children to abuse in general

Over the past two decades, various groups of children suffering abuse have come under the spotlight of the media and organisations based in Europe and North America, which either finance or run programmes concerned with children in developing countries. Successively, the spotlight was put on:

> Street children

> Working children or 'child labour'

> Children forced into prostitution or earning money from commercial sex

> Child soldiers

> Children in 'worst forms of child labour'

> Child domestic workers

> Trafficked children

With respect to girls, the spotlight has also been put on female genital mutilation (FGM) and early marriage.

By the beginning of the present decade, the increasing numbers of children from developing countries who were arriving in Europe and North America, alone or with other migrants rather than with their parents or close relatives, was also given increased attention. They were referred to variously as 'unaccompanied minors' (UAMs), or 'unaccompanied' or 'separated' children. More objectively, they are children who are not receiving parental care – children who have sought to migrate and build a new life in a different country or who are seeking to rejoin a parent or relative who has already migrated. As many sought to remain in industrialised countries by applying for asylum, their situation has received attention in particular from organisations specialising in refugee or asylum issues. Many of the non-governmental organisations (NGOs) based in Europe and North America, which organise initiatives to protect separated children in developing countries or even in countries in transition in Central and Eastern Europe, have not yet developed programmes to assist the separated children arriving in the countries where the NGOs are based and raise most of their income.

While putting the spotlight on groups of children who experience particularly nasty forms of abuse brought some benefits to the children concerned and the organisations providing them with assistance or services, compartmentalising children in this way has tended to hide the fact that many of the children being classified into different categories were the same – or at least share many features in common. A child who left his or her village and migrated to town could become an exploited child worker first and later, after running away, a street child who resorted to commercial sex to earn a living. Better off children who could find the resources to do so could leave their country of origin and become either an asylum-seeking unaccompanied minor or, if unlucky, a victim of traffickers.

Treating children as separate groups according to the abuse they experienced also suggests that the techniques required to protect and assist them, or to prevent them being abused in the first place, are invariably different, whereas in reality they are often very similar.

Over the past two years various organisations have started taking a more general look at the situation of children without parental care who are 'on the move', in particular those who make a journey without being accompanied by a parent or close relative. In doing so, the organisations involved are aware that the legal status of a child who moves from one country to another, whether the move is made through legal channels or not, is different to the status of a child who moves or migrates within his or her own country. However, there are enough similarities in the challenges faced by children who move within their own countries (particularly when they cross internal frontiers, either cultural or linguistic) and those who move between countries to warrant looking at the generic protection measures which can benefit such children.

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The move from focusing on specific groups of children or certain types of abuse to looking at 'mobile children' or 'child migrants' more generally seems to have been prompted by a number of considerations:

> because some children seemed to be missing out as they did not fall into one of the categories mentioned earlier;

> because some children who were labelled as 'trafficked' were found not to have been trafficked from one country or place to another, but rather to have deliberately made a journey themselves and only subsequently come under the control of a trafficker or other person who exploits them to make money;

> because some of the trends to focus funding on particular categories of abused children seem to be due to fashion rather than to substantial evidence that large numbers of children required assistance;

> and (the best reason of all) because the organisations involved suspected it would be a better use of resources to build systems for child protection to bring benefits to a wider group of children, rather than focusing their efforts narrowly on stopping just one form of child abuse. This is especially the case when the actions needed to stop a specific form of abuse form occurring are much the same as those required to stop other forms of abuse.

Among the many millions of children without parental care who are on the move, as opposed to those who spend their entire childhood with their parents or with a guardian, those who move alone pose a particular challenge to governments, who are obliged under the terms of the UN Convention on the Rights of the Child (CRC), adopted by the UN in 1989, to make special efforts to protect them. Article 20.1 of the CRC states,

"A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State".

Some of the other obligations imposed on governments by the CRC are reviewed in the next chapter.

Young people moving alone also pose a particular challenge to the organisations which try and provide them with protection or assistance, such as *Terre des Hommes*. This is not only because they are sometimes hard to reach and do not want to be treated as helpless or vulnerable, but because the governments of the countries where children move or settle, separated from their parents, often consider that such children are not entitled to be there, yet alone to receive any assistance. In such circumstances, NGOs have to assess whether the government's own child protection services are providing separated children with adequate protection and assistance (which is rarely the case) and, if not, whether they can provide any assistance to the children without breaking the law or incurring the wrath of government officials. In early 2008, for example, NGOs in South Africa were limited in what they could do to assist or protect adolescents arriving destitute from Zimbabwe because the South African government viewed the young Zimbabweans as illegal immigrants who should be caught and repatriated. Likewise, in Europe, NGOs can provide assistance and protection to children in some countries, usually with a legal obligation to inform the courts or a national child protection authority that the children are in the NGO's care, while in others the government reckons that NGOs either had no role to play, or only a limited one, such as providing particular specialised services to separated children.

Posing a problem, however, does not mean that the young people concerned are not entitled to move and seek a better life for themselves. As an earlier study about child migrants observed:

"If our primary concern is with children's rights, we cannot start from the assumption that migration is, in itself, a problem. It is vital to recognise that migration, whether through legal or irregular channels, and whether with or without parents or family, may represent a child's only or best chance of accessing basic rights set out in the CRC. We therefore need to ask which children migrate and why, when and why the process of migration puts children at risk, and when and why child migrants are vulnerable to abuse, exploitation and other rights violations in the country of destination. We should also concern ourselves with questions about the consequences of remaining at home when others migrate." [4]

As this quote suggests, a great deal of the attention given to child migrants and mobile children over the past couple of years has focused on identifying the ways in which such children are vulnerable to abuse, although there has been a gradual realisation that

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Photo 1 *Children travelling in a trailer, Moldova.*

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4   Julia O'Connell Davidson and Caitlin Farrow, *Child migration and the construction of vulnerability*, School of Sociology and Social Policy, University of Nottingham, for Save the Children Sweden, 2007, page 22.

the forms of abuse they experience are very varied, not limited to 'being trafficked' or 'becoming a street child' or whichever category of abuse happens to be in the public eye.

The particular vulnerabilities of unaccompanied and separated children have received special attention from the Committee on the Rights of the Child (the UN treaty-monitoring body established to monitor the implementation of the CRC), which has called on governments to take action to provide more appropriate protection for such children and to ensure their rights are respected. In 2005 the Committee published a General Comment (No. 6) on the 'Treatment of unaccompanied and separated children outside their country of origin'.[5] The purpose of the General Comment, the Committee said, was,

"to draw attention to the particularly vulnerable situation of unaccompanied and separated children; to outline the multifaceted challenges faced by States and other actors in ensuring that such children are able to access and enjoy their rights; and, to provide guidance on the protection, care and proper treatment of unaccompanied and separated children based on the entire legal framework provided by the Convention on the Rights of the Child (the "Convention"), with particular reference to the principles of non-discrimination, the best interests of the child and the right of the child to express his or her views freely".

The implication, of course, is that the Committee was aware than numerous governments were not protecting such children adequately or doing enough to ensure the children could exercise their rights.

This study sets out to go beyond identifying the vulnerable situations faced by separated children, by examining what techniques have proved helpful to children who move away from their families. The focus is on these children, rather than all child migrants, as they are routinely reported to be at greater risk of various forms of abuse (and are described by some as being 'more vulnerable') than migrant children who live with and are protected by their own parents or families. While children living with their families (whether they have migrated with them or not) are at risk of domestic abuse and may be pressured into starting work when they are still young and girls living at home in some cultures are at risk of early marriage, children who have moved

away from their families appear to be at markedly higher risk of economic and sexual exploitation by other people. Of course, in most circumstances they are not alone. They are with other adults and children, who may be friendly, but may have little regard for the child's best interests. Children who are alone, in the sense that they are separated from their birth families, routinely come under the control of either adults or older children in the guise of employers, police, gang leaders and members of the general public. All can help protect a child from harm, but routinely also abuse separated children, knowing that there is no-one who will object.

The abuse experienced by separated children is very varied, including racist abuse and police harassment, as well as harsh living conditions and sexual or economic exploitation. The origins of this study lie in a campaign organised by one NGO, *Terre des Hommes*, to stop child trafficking and the various forms of exploitation to which trafficked children are subjected and to find out what methods have proved effective in protecting children from such abuse. One conclusion reached by *Terre des Hommes* and other organisations specialising on child protection, including the UN agency responsible for children, UNICEF, is that the most effective initiatives to stop children being trafficked have often been those which strengthen child protection mechanisms in general, rather than focusing narrowly on how to stop children being trafficked or starting work when they are too young.[6]

The various terms mentioned in this study, such as 'trafficking' and 'exploitation', are explained in the Glossary at the beginning of this study. These two terms, in particular, have caused a great deal of confusion among organisations around the world committed to defending child rights and protecting children from abuse, with some interpreting the term 'trafficking' to refer to virtually all cases in which children are recruited to work at a young age. Other terms, such as 'separated' and 'unaccompanied' children and 'worst forms of child labour' are also explained in the Glossary rather than in the study's main text.

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5   See footnote 1.

6   See, for example, Daja Wenke, 'A Broader Perspective to Protect The Human Rights of Children on the Move – Applying Lessons Learnt From Child Trafficking Research', in Susann Swärd, and Lise Bruun (eds), *Conference Report: Focus on Children in Migration - From a European Research and Method Perspective*, Warsaw, Poland, 20-21 March 2007, Save the Children Sweden, May 2007.

1.3 Who is this study about?

The phrase 'children without parental care' refers to a wide group of children who are not living with either a parent or their legal guardian. Among these, just some are 'children on the move', that is to say, children who have left the family's home or habitual residence and have moved either a few kilometres away, or migrated to a town within their own country, or even crossed continents in order to seek a better life. In this study the phrase 'separated children' is the main one that is used, to refer to children without parental care who migrate within their own country or across an international border. Their age varies greatly. In some countries, children as young as seven are dispatched to work for other households and lose virtually all contact with their original family. In other countries, young people wait until they have finished a period of compulsory schooling before migrating at the age of 14, 15, 16 or 17.

While the journeys they make and the circumstances in which they end up vary widely, in many cases their situation has a common characteristic – they are out of contact with their usual support or protection networks. Unless they have access to other forms of support or protection, they are consequently likely to be at greater risk of abuse, particularly various forms of commercial exploitation, both economic exploitation and sexual exploitation.

While the study does not focus on children who have been trafficked or who have ended up in exploitation or in what the International Labour Organization (ILO)[7] has defined as 'worst forms of child labour', it does describe methods which can help prevent children being subjected to any of these types of abuse. It that sense, as well as suggesting ways in which children can exercise some of their human rights, it is also about methods to protect them from abuse.

1.4 Methods used to compile this study

While preparing this study, the author visited Albania, India, Nepal, Thailand and several countries in Central America, Costa Rica and Guatemala. In Albania, he visited a *Terre des Hommes* Foundation (Lausanne, Switzerland) project designed to enhance child protection in the town of Elbasan. In India *Terre des Hommes* Germany enabled him to find out about initiatives to protect separated children in a variety of places and situations. Childline India and Don Bosco also provided him with information, notably about efforts to trace missing children. In Thailand, Save the Children UK provided him with up-to-date information about its support for an NGO involved in protecting both migrant children and adults, Labour Rights Promotion Network (LPN), an NGO that the author had visited in the fishing port of Samut Sakhon in 2006. In Costa Rica *Defensa de Niñas y Niños Internacional* (DNI), Defence of Children International, provided him with information about efforts to protect child domestic workers from abuse. In Guatemala he heard about the predicament of children who had been repatriated from Mexico and also about the efforts of *Casa Alianza* (Covenant House) to reduce the abuse of street children.

In addition to meetings held while this study was being written, the author was also able to draw on the experience of visiting organisations between 2003 and 2007 in countries as diverse as Bangladesh, Burkina Faso, China, Greece, India and Moldova, all of which were involved in initiatives to protect separated children.

It was also possible to consult both published and unpublished secondary sources about child migrants. Some set out to describe the particular situations experienced by children who migrate or earn a living by themselves. Some focus on the specific ways in which separated children are more vulnerable to abuse than other children.[8] Yet others analysed the information available from projects which were already involved in providing various forms of support to children on the move.[9]

8   On the issue of the specific ways in which separated children are vulnerable to abuse, see, for example, Julia O'Connell Davidson and Caitlin Farrow, *op.cit.*

9   Such as *Children on the Move: A Discussion Paper on Protection Issues for Migrant Children,* (unpublished) prepared by Iman Hashim and edited by Jonathan Blagbrough, Save the Children UK, April 2008.

7   See 'worst forms of child labour' in the Glossary for the definition.

1.5 What the study does NOT focus on

This study does not consider the wider child protection needs of migrant children who accompany their parents or other family members to either a different country or a new location within their own country. While such children clearly have specific needs (and require protection against particular forms of abuse), they are not usually exposed to the same sorts of abuse as children who move by themselves.

The issue of children who are unaccompanied or separated due to disasters or crises, including war, has received close attention from humanitarian agencies, which in 2004 published the Inter-agency Guiding Principles on Unaccompanied and Separated Children.[10] This study consequently does not focus especially on the predicament of children in the context of disasters, but rather on more routine situations, in which adults and children alike are looking for alternatives to the poverty (and sometimes abuse) in which they find themselves.

Many publications in Europe and North America about separated children focus on the asylum procedures which foreign children or their advocates use to seek permission for such children to remain in industrialised countries. In contrast, in developing countries so many adolescents (and sometimes younger children) migrate alone, that the general category of 'separated children' receives little attention: the tendency has been to focus on more specific groups of children or on particular forms of abuse that experienced by separated children, such as child labour, commercial sexual exploitation, other forms of sexual exploitation and child soldiering. Children who have travelled to Europe or North America and subsequently been repatriated are distinguished from other child migrants by what is often characterised as their 'unsuccessful' experience at migrating, not their status as separated children. This study uses the term 'separated' to refer to all children who travel and seek a living without either of their parents accompanying them, rather than using the term to refer exclusively to those who are labelled as 'separated' in Europe and North America.

Rather than focus mainly on government policies and look at all the various ways in which such policies have an impact on separated children (and often cause them distress) and could be improved, the present study explores the use of various techniques intended specifically to protect separated children, rather than the particular measures that governments take or the campaigns conducted by NGOs and others to change government policy. These are important, but it would require a different report to address them.

1.6 The politicised context

Although an attempt has been made to review the impact and appropriateness of specific techniques designed to protect separated children, it is impossible to treat this subject matter solely in a technical manner, for whenever the question of immigration (and migration) is involved, the context swiftly becomes politicised.

This is particularly evident in 2008, when both the United States (US) Administration and the European Union (EU) have been trying to make it more difficult for migrants to enter their territory clandestinely and to toughen the measures used to detain irregular migrants and to deport or repatriate them. In June 2008 the EU's European Parliament adopted a Directive intended to standardise the response in the EU's 27 member states to both adults and children who were deemed to be staying in EU countries illegally.[11]

It is clear that, despite claims to the contrary, many governments give priority to anti-immigration measures rather than to protecting children and their rights. Nevertheless, even in difficult circumstances where governments are not sympathetic to young people who migrate in search of a better future, a great deal can be done to reduce the chances that they will be subjected to abuse.

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10 Accessed at www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=4098b3172

11 Its formal title is 'Directive 2008/.../EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals'.

1.7 A study in three parts

The study is divided into three parts. Part 1 includes this introductory chapter and also a chapter that explores the opportunities to protect children on the move and which lists some of the obligations that States have for protecting children.

Part 2 consists of six chapters focusing on different regions of the world. It presents examples of initiatives taken in the six different regions. Readers who know one particular region will notice that there are many similarities, as well as some notable differences in the initiatives organised in different places. This study is intended to provide an opportunity for those based in one region to learn about what is being done in other regions to protect children on the move, and possibly to be inspired to try out new techniques.

Part 3 reviews some of the common characteristics of initiatives in the six regions, with respect to the various opportunities to protect children that are mentioned in Chapter 2. The final chapter presents 10 conclusions and recommendations. Rather than listing a set of recommendations for governments about the ways in which they should ideally change their policies, these principally concern practical ways in which children could be protected more effectively and are addressed mainly at NGOs.

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Photo 2 *Children in Batticaloa (Sri Lanka) on a bus trip arranged by Terre des Hommes.*

2 The opportunities to protect children who move or migrate

It would be natural to assume that efforts to protect separated children should start once a child leaves home and focus on improving the protection for them subsequently, while children are travelling and once they arrive somewhere else. However, in practice a great deal can be done before children leave home. Some call this strengthening children's resilience.[12] Indeed, some of the techniques mentioned below that have been used before children leave home are difficult to distinguish from knowledge and skills that are acquired as part of a child's general education or upbringing. Others are intended specifically to equip children to cope once they are on the road alone.

Strengthening the ability of a child to protect him- or herself is just the first of the various 'layers' around a child which can be used to protect him or her from harm. UNICEF uses the term 'protective environment' to refer to the measures which can be taken to reduce the likelihood that a child will be exposed to harm. Conventionally, the three 'layers' where there are individuals or institutions which have a duty to protect a child consist of:

1. the family (layer 1);
2. the community (layer 2); and
3. government authorities, both at local and national level (layer 3).

In order to create a 'protective environment' around children, therefore, steps can be taken to strengthen the protection for them in several ways:[13]

a. enhancing the capacity of both children themselves and those responsible for their primary care (parents, guardians or institutions) to protect them, notably how to recognise abuse and exploitation and what to do when they occur (i.e., this involves children themselves and their families);

b. protecting children from adverse attitudes, traditions, customs, behaviour and practices (requiring action by the community or government or both);

c. ensuring that there are appropriate laws to protect children and that suitable systems are in place to ensure these are implemented to protect and realise children's rights (requiring action by government).

This conventional description of the protective environment ignores one potential extra 'layer' of action: when children act TOGETHER to protect themselves, sometimes in associations such as youth clubs and sometimes more specifically in working children's associations. In relation to labour protection, the importance of workers being able to exercise their right to freedom of association, for example by forming trade unions, is acknowledged to be a vital way for workers to protect themselves. With regard to working children, the issue is more contentious, because of the assumption by international trade union organisations and others that children other than 15 to 17-year-olds should not even be in the labour market. However, they are, and the actions taken by some working children's associations have clearly played a role in strengthening the protection available to some separated children (this is the subject of section 6.3 below).

2.1 Children learning to protect themselves

When it comes to developing the capacity of a child to protect him- or herself after leaving home, conventional education and socialisation certainly play a role, though even advantages such as an ability to read and write may become redundant if the child travels to an area using a different language. In Europe, it is noticeable that a significant proportion of the children who have already travelled abroad and been forcibly repatriated express a wish both to travel abroad again and, while waiting to do so, to learn a foreign language, often English. They appear to have learned from experience that this will help them.

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12 "Resilience is the capacity to do well when faced with difficult circumstances" according to Stefan Vanistendael, *Growth in the Muddle of Life. Resilience: Building on people's strengths.* International Catholic Children's Bureau, Geneva, 1998, page 6. Following this definition, the author observes that, "This implies the capacities of both resistance and of positive construction".

13 Mike Dottridge, *Action to Prevent Child Trafficking in South Eastern Europe. A Preliminary Assessment*, Geneva, UNICEF and Terre des Hommes, 2006, page 14.

All children require an ability to assess risk, in part by being exposed to risks themselves and in part by being taught about what the likely sources of danger are and how to respond. The need that separated children have to assess risk correctly is, however, much greater than that of other children and they are placed at a distinct disadvantage if their families or educators remain silent about particular risks which it is not socially acceptable to mention (such as sexual abuse). The inability of separated children to assess risk adequately can be seen when child workers are seen to take horrifying risks, in situations as varied as boy child soldiers in West Africa and boys collecting fares in the mini-buses which form the backbone of public transport in many developing countries, such as Bangladesh or Kenya, who hang bravely (but very dangerously) off the back, seeking passengers or waving to pedestrians.

The question of whether conventional education gives children adequate knowledge and skills to manage once they are alone is raised in later chapters, along with the benefits of a broad set of skills referred to as 'life skills education'. While many initiatives to prevent child labour or child trafficking have involved providing children with information about the horrors of what happens to some young people, other initiatives (but far fewer) have provided them with information and advice that they are likely to need once they are on the road.[14]

Almost by definition, the family of a separated child cannot play the conventional role that a family plays in protecting its children. However, it is also due to the failure of other actors who should play a role in building a protective environment to detect and respond to abuses committed against children within their own families that some children opt to leave home in the first place. In particular, abuses occur within the family home, which are regarded in some countries as 'traditional' or 'cultural' practices to which neither the community nor government officials are inclined to respond. These include various forms of discrimination against girls, along with sexual abuse, FGM and the threat of early marriage.

2.2 The role of parents or parent substitutes

While a separated child no longer has direct access to his or her own family, such children are often under the control of adults who are perceived by the wider community to be acting as a guardian or parent-like figure. In French-speaking countries in West Africa, for example, the adults who employ children to work as domestic servants in their houses are routinely referred to by the children themselves and other adults as '*tuteurs*' and '*tutrices*', the French word for 'guardian'.

In order to fill the gap, it would in theory be possible to make employers take on a parental role as legal guardians. However, this would be a contradiction in terms, for by definition the interests of their child workers are subordinated to the interests of their employers. Nevertheless, in countries around the world, governments appear to regard it as acceptable for massive numbers of children to be in the sole care of their employer, without attempting to check up on the welfare of the children concerned or to clarify the legal responsibility for caring for such children.

It would also be possible for governments to acknowledge, as required by the CRC, that separated or unaccompanied are the responsibility of the State, which must appoint temporary legal guardians for all of them. In practice, no governments do this either.

The result is that vast numbers of children without parental care are left with no protection from their parents, or a guardian or other family members.

2.3 The role of communities and governments

Like all other children, separated children exist within communities and countries which have governments, both of which could be expected to play the same role in protecting them as they protect children born in the community or born in the country. However, in practice they usually do not.

The CRC, ratified by every country in the world except Somalia and the US, imposes a series of obligations on States Parties (that is to say, on governments and government agencies) to protect children from a range

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14 See, for example, Alison Boak et al, *Smooth Flight: A Guide to Preventing Youth Trafficking*, International Organization of Adolescents (IOFA), New York, 2003, which suggests a list of precautions for adolescents in Baltic countries who are thinking of seeking work abroad.

The abuse and exploitation against which the CRC guarantees that children will be protected

Article 32 guarantees the right of children to be protected from economic exploitation and also "from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." In particular States are required to "take legislative, administrative, social and educational measures" to guarantee this right. The CRC requires them to:

a. Provide for a minimum age or minimum ages for admission to employment;

b. Provide for appropriate regulation of the hours and conditions of employment;

c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33 requires States "to protect children from the illicit use of narcotic drugs and psychotropic substances" and "to prevent the use of children in the illicit production and trafficking of such substances".

Article 34 requires governments to take action to protect children from sexual exploitation and abuse. In particular this means preventing children from being coerced "to engage in any form of unlawful sexual activity" and the "exploitative use of children" in prostitution, other unlawful sexual practices or pornographic performances and materials.

Article 35 requires that "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form."

Article 36 requires State Parties to protect children "against all other forms of exploitation prejudicial to any aspects of the child's welfare" (Article 36).

of forms of abuse and exploitation. The most relevant are mentioned in the box above. Alongside these obligations to protect children from a wide range of forms of abuse, the CRC also commits States Parties to respecting a wide range of children's rights. While many of these are essentially the same as the rights of adults, in article 28 States Parties "recognize the right of the child to education". The CRC acknowledges that this right is to be achieved "progressively and on the basis of equal opportunity", as a country's income is bound to affect the extent to which it can afford to provide free education at secondary and higher levels. However, two provisions are particularly relevant. Article 28 commits governments to:

> "Make educational and vocational information and guidance available and accessible to all children" (article 28.d);

and

> "Take measures to encourage regular attendance at schools and the reduction of drop-out rates" (article 28.e).

The first of these measures should affect the quality of information available at schools and ensure that it is well tuned to the likely needs of children after they leave school. The second speaks for itself: it should ensure that, by attending school, children are kept in a relatively protective environment.

The concept that governments have a responsibility to create a protective environment for ALL children in their country, not just their own nationals, was spelled out in 2005 in the Council of Europe's European Convention on Action against Trafficking in Human Beings,[15] which came into force in February 2008. Article 5 (in the chapter on 'Prevention, cooperation and other measures') obliges all countries which ratify the Convention to promote a human rights-based and child-sensitive approach in the development, implementation and assessment of all policies and programmes designed to prevent trafficking in

15 By June 2008 17 countries were reported to have acceded to the Convention, while it had been signed by 21 others. (www.coe.int/t/dg2/trafficking/campaign/Flags-sos_en.asp, accessed on 11 June 2008)

human beings. The same article states that, "Each Party will take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them." The explanatory report accompanying the Convention spells out that, "the concept of a *protective environment*, as promoted by UNICEF, has eight components:

1. Protecting children's rights from adverse attitudes, traditions, customs, behaviours and practices;

2. Government commitment to and protection and realisation of children's rights;

3. Open discussion of, and engagement with, child protection issues;

4. Drawing up and enforcing protective legislation;

5. The capacity of those dealing and in contact with children, families and communities to protect children;

6. Children's life skills, knowledge and participation;

7. Putting in place a system for monitoring and reporting abuse cases;

8. Programmes and services to enable child victims of trafficking to recover and reintegrate."[16]

Most of these components are primarily the responsibility of a government to put into place. Although this study does not dwell on the numerous failings of governments to do enough to ensure all eight of these components are in place, it does address the question of what can be done at community level, both in children's countries of origin and in those to which they migrate. While NGOs and civil society more generally can put pressure on their governments to address the shortcomings of legislation and systems supposed to protect children, it is particularly at community level that NGOs have organised practical action to provide better protection for separated children. In doing so, they often hope that other actors in the 'protective environment' will become more effective as a result: either children and their families or the government and its various services, including police, schools and social services. They have also played a catalytic role in showing communities what action they can be taken.

2.4 The opportunities for protection when children move or migrate

Whoever the various actors and agencies are that have some potential to protect children from abuse, when children travel and seek a living in a place they are unfamiliar with, they go through a series of phases, each of which is associated with different risks (of abuse) and opportunities to protect them. Diagram 1 is a model which represents an ideal, rather than the specific experience of any children. It illustrates some of the risks and opportunities to protect children who are on the move.

In reality, movements are rarely as linear or simple as this. Instead of following a clear line from one phase to another, each child on the move is faced with choices. For example, on arrival in a city, a child may find employment (and be provided with accommodation by the employer) or end up living and working on the streets. Because of the serious implications of all the choices involved, NGOs throughout the world have developed 'games of life', sometimes based on the concept of 'snakes and ladders' (if you make good choices you gain, but with bad choices you lose) or of computer games which take the player through the 'virtual' experience of making their way through life. Organisations which wish to provide useful assistance to children can also 'model' the children's experience and their own opportunities to do something positive to support them, revising the model on the basis of information provided by young people before and after their departure and after their return.

It is obvious that many of the 'opportunities for protection' listed in the right-hand column of Diagram 1 are appropriate for children of a particular age, rather than all children. This raises a question, of course, about whether there are some children who are abandoned or sent away from home at such a young age that it is inappropriate to take action to protect them, on the grounds that this may in some way encourage the idea that sending young children to work on their own is acceptable. It seems absurd that anyone should interpret efforts to stop young, separated children from being subjected to abuse as tantamount to condoning their separation

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16 Paragraph 106, Council of Europe Convention on Action against Trafficking in Human Beings, Explanatory Report, CM(2005) 32 Addendum Final, 3 May 2005.

Diagram 1. The different stages of movement/migration and opportunities for protection[17]

Risks	Phases in movement or migration	Opportunities for protection
➤ Domestic abuse ➤ Forced or early marriage ➤ Not able or allowed to attend school ➤ Bullied at school ➤ Drop out of school to start work prematurely ➤ Few or no work/entertainment opportunities near home ➤ Family cannot afford to look after child or pressures child to start earning ➤ Abduction	**Phase 1** **Home** Child is living with birth parent or parents or others in family or family-like situation.	1. Socialisation 2. Learning literacy and numeracy 3. Standard school education (and protection from bullying) 4. Learning life skills 5. Sex education 6. Social centres/clubs for adolescents 7. Assistance in finding a livelihood while living at home 8. Vocational training 9. Experimenting with risks and opportunities to learn to assess risk 10. Warnings about risks such as human trafficking [17]
➤ Borrows money and gets into debt ➤ Sold forged identity document ➤ False job offer ➤ Given false hopes or inaccurate information ➤ Falls in love with someone who intends to deceive her	**Phase 2** **Preparation** Child prepares to depart (or has left home but still living near parents or relatives)	1. Loans other than from loan sharks 2. Advice on legal procedures (e.g., obtaining passport, visa, etc.) 3. Advice to delay departure until older, combined with assistance allowing child to remain at home 4. Advice on how to check if job offers are legitimate. 5. Advice on precautions to take. 6. Advice and assistance from a well informed intermediary 7. Guided visits to likely destination (feasible when destination towns are not far away)
➤ Trafficker or other abusive intermediary gets control of child ➤ Nowhere to stay ➤ Out of contact with any relative ➤ Stopped by police or others (possibility of ill-treatment or possessions confiscated)	**Phase 3** **Travel** Sometimes a single journey, but often with overnight stops and transit through bus or train stations, ports or border points	1. Travel with friend(s), relative(s) or a well intentioned intermediary 2. Advice or assistance available at bus/train stations, e.g., special information points 3. Transport workers briefed to identify children in danger 4. Provision of safe accommodation, food, etc.
➤ Nowhere to stay ➤ False promises of reasonable job ➤ Enslaved or told to work to pay a debt ➤ Recruited to criminal gang ➤ Boyfriend turns out to be a trafficker and delivers girl into prostitution	**Phase 4** **Arrival** Immediately after arrival child has to seek lodging or somewhere to sleep, employment and social contacts to ensure survival *(Continue Phase 5)*	1. Booths at stations and other places of arrival, to make contact with a new arrival before individuals with criminal intent do so 2. Contact with agents or network known to be safe (e.g., association from same area or ethnic group) 3. Provision of short or medium-term accommodation 4. Advice on legal status, employment opportunities, threats to avoid, etc. 5. Assistance in finding employment 6. Establishing communication with parents/home community

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17 In some regions where the topic of human trafficking has received a great deal of publicity, children have complained that their parents talk too much about the risks and become over-protective to such an extent that it is quite unproductive. See Zosa De Sas Kropiwnicki, *Children Speak Out. Trafficking Risk and Resilience in Southeast Europe. Regional report*, Save the Children Child Trafficking Response Programme, Southeast Europe, 2007, page 55.

Risks	Phase	Protection opportunities
➤ Abuse by employer ➤ Abuse by members of the public (for child working in the streets or in public) ➤ Exploitation by trafficker or employer ➤ Harsh or hazardous working conditions (with risk of occupational illness) ➤ Child becomes ill or suffers injury ➤ Child becomes addicted, e.g., to glue-sniffing, alcohol or drugs ➤ Self-harm in response to abuse ➤ Run away to live on streets	**Phase 5** **Working or living away from home** A (relatively) more settled 'plateau' in the destination, e.g., involving employment or a relatively standard livelihood.	1. Place limits on an employer's ability to wield total control over a child. E.g., visits by social worker, health worker, labour inspector, etc. 2. Drop-in centres for street or working children 3. Health services for street or working children (including advice on drugs and sex) 4. Non-formal education (NFE) classes 5. Residential centres for street children who quit street living 6. Contact facilitated with family at home by telephone, internet or letter 7. Access to safe place to save earnings
➤ Similar risks to before	**Phase 6** Possibly further travel/moves, each followed by similar efforts to find accommodation and a livelihood.	Similar protection opportunities to Phases 3 and 4
➤ Theft/extortion on the way home (e.g., by police or customs officials) ➤ Other risks while travelling (as before)	**Phase 7** Sometimes – **Return home…**	1. Banks or savings institutions available to low earners for remittances, so they do not have to travel home with all their earnings
➤ Child is more now familiar with risks	**Phase 8** **…Often followed by a new departure**	

and exploitation, but such fears run in parallel, for example, with the fears expressed by some parents and institutions, that giving pre-pubescent children any sex education is likely to encourage them to experiment with sex. The fears expressed are real, even if considered inappropriate or unjustified by many child protection professionals.

Care needs to be taken to ensure that virtually all the protection measures mentioned in Part 2 of this study are age-appropriate – and the age that is judged appropriate should usually be determined locally, taking into account local economic, social and cultural realities, rather than designed by experts based in Western countries, where concepts of childhood and age-specific standards are often inappropriate for developing countries. This does not mean reckoning that children in one country have rights that are different to those in other countries. Instead, it entails acknowledging the diversity of the world today and the importance of adopting measures which are effective.

3. Central America: On the road north – and south

The overwhelming response to children migrating from one country to another in Central America, as in North America, has been to detain and imprison them and then forcibly repatriate them. While this response to the presence of children categorised variously as 'unaccompanied' or 'illegal migrants' receives most publicity in the United States (US), the neighbouring country through which children from Central America or further south must travel, Mexico, acts as a first net to catch young travellers.

Between September 2005 and January 2008, for example, more than ten thousand Guatemalan children are reported to have been detained in Mexico and repatriated to their own country (10,070 children, i.e., an average of 360 per month), of whom about three quarters in 2006 and 2007 were boys.[18] Officials of Mexico's *Instituto de Migración de México* (IMM), Mexican Institute for Migration, are responsible for detaining irregular immigrants in their country, both children and adults.

The response of treating children on the move as law breakers is not confined to the countries in which they travel without a passport or without a visa or other legal entitlement to be there. A reception centre in Guatemala housing hundreds of Guatemalan adolescents forcibly repatriated from Mexico is also reported to have the hallmarks of a juvenile detention centre: "Built in the style of a juvenile detention center, the facility has no natural light, no windows that open, no outdoor recreation area and just two bathrooms, one for girls and one for boys".[19]

Despite the hostility of government agencies to both foreign children and adults migrating through or into their territories, other organisations make substantial efforts to provide assistance and advice to the migrants. For example, in Altar, in northern Mexico, the Catholic Church runs the *Centro Comunitario de Atención al Migrante y Necesitado* (CCAMYN), the Communal Centre Giving Attention to Migrants and their Needs. Since 2001 this has provided temporary accommodation, food, medical services and educational materials and training on the hazards of undocumented migration through the border region between northern Mexico and the southern United States.[20]

While the limelight is on adolescents and adults heading north to the US and a significant proportion of Central Americans have experienced migration to the US, children also move in many other directions within Central America. During the 1970s and 1980s the armed conflicts in El Salvador, Guatemala and Nicaragua caused internal displacement and acted as an incentive to emigrate. Although the conflicts are over, the directions of movement have not changed substantially (even if the numbers moving have), for the countries recovering from war remain impoverished and, in some cases, marked by the same sharp divides in wealth and access to resources that helped trigger the conflicts in the first place. Children of every age either leave their parental home (or are thrown out) and large numbers of young people live their childhood as street children, often in gangs, which are routinely viewed as a threat to the security of the better-off – a social malaise to be repressed,

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18 'Sueño frustrado', *Prensa Libre* (Guatemala), 21 January 2008, reported on Guatemalan adolescents who were picked up in Mexico and found to be 'irregular' (i.e., they were not legally entitled to be in Mexico) and repatriated via the border point at Tapachula to a transit centre at Quetzaltimango in Guatemala. In 2006 3,147 were reportedly repatriated, of whom 870 were girls, while in 2007 3,563 were reportedly repatriated, of whom 903 were girls. Most are reported to be aged 15, 16 or 17. It seemed that most were picked up by the Mexican security forces in Mexico's southernmost Chiapas State.

19 Robyn Fieser, *Teens Making the Trek: Unaccompanied Minors Attempt to Immigrate to the United States*, accessed on 22 February 2008 from http://education.crs.org/resources/stories_photos/teens_making_trek.pdf

20 United States Conference of Catholic Bishops Migration & Refugee Services (USCCB/MRS), Catholic Legal Immigration Network, Inc. (CLINIC) and Catholic Relief Services (CRS), *The Lost Dream: Unaccompanied Migrant Children and Victims of Human Trafficking on the US/Mexico Border*, October 2006, page 4.

sometimes by death squads – rather than children who require assistance and protection.

One of the most prominent NGOs operating in Central America, *Casa Alianza* (Covenant House in English), estimates that approximately 14,500 children are living on the streets in Guatemala and that 4,500 street children are located in and around the capital, Guatemala City.[21]

3.1 Nicaragua

In Nicaragua, as in Guatemala, there are large numbers of street children. In response, *Casa Alianza* runs four assistance programmes for them in Nicaragua.[22] These give some idea of the problems that the children experience:

1. A programme to prevent drug addiction and to assist children who have already developed an addiction;

2. Social work and psychological support, for children who are contacted while on the street or who agree to move to a residential centre;

3. A pastoral programme (for *Casa Alianza* is a Christian organisation) to stimulate children's joy for life, as well as to care directly for their spiritual interests;

4. A health programme, to keep children healthy and ensure they receive adequate nutrition.

3.2 Nicaraguan children in Costa Rica

Many Nicaraguans, young and old alike, head south across the border to Costa Rica, where the economy is booming in comparison to Nicaragua and where in 2007 Nicaraguans were reported to comprise about eight per cent of the country's population.

Like Nicaraguan adults in Costa Rica, older Nicaraguan children work both legally and illegally. Under Costa Rican law, children aged under 15 are not supposed to work full-time, but to attend school. However, both boys and girls of compulsory school age find full-time work in private houses as domestic servants, as do numerous Costa Rican children.

For migrant children who have no legal entitlement to be in Costa Rica, domestic work has advantages as well as disadvantages. While some are subjected to abuse, being a domestic means that they have somewhere to spend their day and to eat, reducing the chances that the police will come across them, ask for their identity papers and try and repatriate them.

A study by the ILO's International Programme for the Elimination of Child Labour (ILO-IPEC) in Costa Rica surveyed a group of 250 domestic workers aged under 18 (it was not intended to be a representative sample).[23] Just under half of the 250 were aged 14 or younger and were considered by the law to be too young to be working. Just under a fifth (46 children or 18.4 per cent) were Nicaraguans, while the rest were Costa Rican. In the case of both the total and more specifically of the Nicaraguan children, three quarters were girls and a quarter were boys. Some of the 46 Nicaraguan children said they had legal residence status in Costa Rica, but it seemed most did not. The authors of the report were concerned that the irregular migrants employed as domestics were more vulnerable to ill-treatment than others because their irregular status was likely to dissuade them from contacting officials in Costa Rica to make complaints of ill-treatment. They obtained some evidence that children with irregular status were not allowed out of the house in which they work as much as other child domestics – for in Nicaragua, as in many other countries, adolescents working as domestics congregate in particular places on their day off, such as La Merced Park and the Central Park in San José. This represents an opportunity to check on each other's welfare, as well as providing a place to socialise, where organisations can contact the youngest workers to offer non-formal education or other services.

The response of both the ILO and NGOs to the presence of school age domestic workers in Costa Rica, whether Costa Rican or Nicaraguan, has been to condemn their employment (because they are too young to be working full-time), to try and withdraw them from the world of work and to create conditions in which they can go back to school. Later chapters will review initiatives to provide appropriate support to child domestic workers in other parts of the world. The pattern is often the same: an NGO becomes

21 Estimates from www.casa-alianza.org/es/page.php?4.2, accessed on 11 June 2008.

22 www.casa-alianza.org/es/page.php?4.2, accessed on 11 June 2008.

23 Fundación Paniamor. *El trabajo infantil y adolescente doméstico en Costa Rica…yo no trabajo, solo ayudo!* San José, 2002.

aware of the abuse experienced by child domestic workers and wants to protest at it. At an early stage it concludes that the best solution would be to prohibit the employment of children as domestics working in private houses altogether, or at least of those who have not reached the minimum age stipulated in the country's law for admission into employment. However, many migrant domestic workers in their mid or late teens (i.e., aged 14 to 17) are not in favour of prohibition, reckoning that there are only limited alternatives open to them and that some of these will put them into a worse situation than they experience as a domestic worker. Rather than putting their energy into seeking a ban on the employment of children of certain ages as domestic workers, therefore, many NGOs which are familiar with the predicament of child domestic workers chose to provide support and assistance to them, organising drop-in centres and non-formal education (NFE) classes, and finding safe places where children can meet and socialise when they have time off.[24]

24 Handbooks published by a London-based NGO, Anti-Slavery International (ASI), provide examples of both advocacy strategies and programme interventions that NGOs have adopted concerning child domestic workers. See, Maggie Black, *Child domestic workers: finding a voice, a handbook on advocacy*, ASI, 2002, and Maggie Black, *Child domestic workers: a handbook on good practice in programme interventions,* ASI, 2005, both available at www.antislavery.org

4. South East Europe and the Baltic States: Efforts to develop child protection mechanisms

This chapter looks at the effects of three initiatives to protect children, two of which focus on enabling children to protect themselves:

> School education;

> Giving adolescents advice and suggesting precautions when they travel; and

> Developing child protection mechanisms at community level.

4.1 School education

In both West and East Europe, as in other industrialised regions of the world, the practice of expecting all children to attend school full-time up to the age of 14 or older has been institutionalised for more than half a century. In theory, at least, this means that most of the children's time is taken up with attending school and children below a certain age can only work, inside or outside their homes, on a part-time basis, before or after school and during the school holidays.

As the socialist economies of Central and Eastern Europe collapsed after 1989 and more and more people began to migrate abroad in search of a livelihood, the old model (of attending school until the age at which young people were allowed by law to leave school and enter employment) began to break down. By the beginning of this decade there was evidence that significant numbers of children in the Republic of Moldova (formerly part of the Soviet Union), for example, had dropped out of school before completing their nine years of compulsory education.[25] In this case, the UN agency specialising on children's issues, UNICEF, noted that, "The deteriorating quality, including the irrelevance of curriculum, is resulting in low completion and attendance rates".[26]

So, for those children who continued to attend school, it became questionable whether the school system was fit for purpose. In an era when a large proportion of people leave the country to earn a living elsewhere, either soon after leaving school or when they are older, does the education system prepare young people for their experience abroad? As some young migrants have children of their own by the time they go abroad, whom they leave behind, it may be equally appropriate to ask whether the education system meets the needs of children with one or both parents outside the country.

4.1.1 Initiatives to stop children dropping out of school

Most countries which have made it compulsory for children to attend school up to a minimum age have developed a system for responding to school absenteeism (conventionally known as 'truancy'), usually a combination of carrot and stick, in the form of threats to parents (of prosecution if their child fails to attend school), along with various forms of social assistance to find out why a child is not attending and to address the causes of non-attendance.

However, the degree to which government at local or national level is committed to preventing children dropping out of school, and the resources which they are willing to devote to keeping children at school, vary a great deal. In countries with a high level of immigration, the level of non-attendance is quite often found to be higher among the children of immigrant households, who are under pressure to contribute an income to their household's budget, than among other young people in the country concerned.

However, in some areas with a high level of emigration, such as the area around Oaş in north west Romania, the system broke down and there was little political will to repair it. In the late 1990s adolescents living in Oaş began, from the age of 13 onwards, to emigrate, following the example of older members of their community, but without waiting to reach the official minimum age for leaving school. The response of the authorities was mixed. The community directly affected appeared to consider that its children were better off

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25   "Official sources calculate that 8,000 primary school children discontinued education in 1999-2000, although independent sources estimate that the true figure may be up to 20,000 children" (UNICEF, *The Situation of Children and Family in the Republic of Moldova. Assessment and Analysis 2000-2001*, 2002, page 34).

26   *Ibid.*, page 31.

abroad than staying at school and local government officials demonstrated little determination to prevent children in their early teens from emigrating. Even when it became apparent that many of the children who went to West Europe resorted to crime there in order to earn a living, it proved difficult to motivate the community itself to take action to stop the child emigration. Some parents reckoned that their children were better off being taken into care or fostered in France (the principal destination country), particularly if they could expect to get rights of residency when they reached the age of 18, rather than returning to school and either unemployment or a very low income in Romania.

An NGO[27] attempted to influence children before they left home and their parents by distributing leaflets describing the poor conditions and abuse experienced by children arriving in France. These were reported to have little discernible effect. When the author visited the area in 2005, it was also apparent that the various professionals in the area who had the potential to work together to identify children who were preparing to drop out of school in order to leave the country were not inclined to work together closely – in part because the children's emigration was regarded as socially acceptable in the area where they were based and they did not wish to provoke local public opinion against them.

In South East Europe more generally, the level of non school attendance is particularly high among children belonging to Roma communities (referred to in the region variously as Roma, Egyptian or Ashkali and elsewhere also as Sinti and Gypsies[28]). This is routinely reported to be for cultural reasons. That is to say, Roma and Roma-related communities are reported to attach relatively less importance to school education than other communities. This attitude is due in part, no doubt, to the fact that once they are old enough to seek employment, they routinely experience racial discrimination and cannot find jobs in the formal sector of the economy.

In the post-communist period, the number of Roma and Roma-related children who either never started school or who dropped out is reported to have increased rapidly in countries such as Albania and Romania. In both cases, the children concerned were routinely expected by their families to contribute to the household's income, for example by working or begging. With the rates of emigration increasing from both countries, children were also passed to other relatives or to other members of the same community to take abroad. For example, in the late 1990s, significant numbers of children from Albania's Egyptian community were to be seen in Thessalonica,[29] the largest town in northern Greece, where they earned money in a number of ways, such as begging and washing car windscreens. Their parents benefited financially, either receiving an advance from the adult who took a child away, or from remittances received from the child, when he or she was allowed to keep some of the earnings.

© Mike Dottridge

Photo 3 *Albanian children taking a break from earning money by playing music in Thessalonica (Greece), December 2003.*

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27 *Fundaţia Română pentru Copii, Comunitate şi Familie* (FRCCF), the Romanian Foundation for Children, the Community and the Family.

28 There are cultural differences between the various minorities. In Albania, for example, members of the Egyptian minority do not acknowledge that they have any link to the Roma. For the purposes of this study, Egyptian and Ashkali communities are nevertheless referred to as 'Roma related' minorities.

29 At this time, there were also reported to be numerous Albanian Roma children in Greece.

The Albanian Egyptian children in Greece eventually became the subject of a model for a successful child protection initiative by two NGOs,[30] working together to prevent children being taken to Greece in the first place, to identify children being trafficked or exploited in Greece and to organise the assisted voluntary return of the children. The model has been described in a number of publications.[31] The interest here is to see how school attendance was encouraged and whether schools proved a useful conduit for instructing children how to respond when their parents suggested they should drop out and either start earning money in Albania or go abroad.

ARSIS (the Association for the Social Support of Youth), a Greek NGO operating in both Albania and Greece, reported finding it more difficult by 2008 to persuade school directors in Albania to accept Albanian children who had dropped out of school than to persuade schools in Greece to accept Albanian school drop-outs who had been taken to Greece. As in all such cases, part of the problem lies in the way school budgets are structured: accepting a new child during the school year often means paying for any marginal extra costs out of the existing school budget and not receiving any extra income on account of the new child until many months later. However, in Albania school directors are also reported to have complained that children who have already dropped out are too likely to drop out again to be worth the effort of reintegrating. In addition, there is the issue of discrimination against children belonging to the Egyptian (or another Roma) minority. While routinely denied, discrimination continues to have an effect.

In this case, NGOs have operated at community level and made efforts to compensate for weaknesses in state-run child protection systems (which are described further in section 4.3 below). Success, however, also lies in confronting (and resolving) the issue of discrimination, deeply rooted in South East Europe, as in other parts of Europe.

4.1.2 Modernising the content of school education

By 2004, debriefings in the Republic of Moldova with young women who had been trafficked into forced prostitution in other countries were reported to reveal that the main group of Moldovan girls and women who were at significantly higher risk of being trafficked than others were those who had attended boarding schools, either because they were orphans or for other reasons.

Although most were trafficked as young adults rather than while still children, UNICEF's country representative, Giovanna Barberis, noted that,

"According to the data available about 10 per cent of the victims [who have been trafficked, subsequently repatriated and received assistance during a period of residential care] have grown up in childcare institutions, and since children growing up in childcare institutions represent at least 1 per cent of the total child population of Moldova, they are 10 times more vulnerable to trafficking".[32]

A specific initiative was taken to address the apparent vulnerability of girls attending boarding schools in Moldova, a project entitled "Life Skills Education for the Prevention of Trafficking and Unemployment", implemented by an NGO, the Child Rights Information Centre (CRIC),[33] which had taught life skills to more than 3,000 boys and girls in 11 institutions by the end of 2004. As the project's title made clear, the project did not focus exclusively on trafficking, nor was it intended only to prevent children leaving boarding school from being trafficked. Instead it set out to give boarding school students a set of skills which would equip them to manage their relationships with others better, both in school and afterwards.

The skills which boarding school students were reported to acquire included communication skills, decision-making skills, conflict resolution and working in a team. Initially the focus was on final year (Grade 9) students, focusing narrowly on giving them skills to enable them to get jobs and avoid being trafficked abroad. However, it swiftly became clear that school leavers needed a wider set of skills and that these

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30 The *Terre des Hommes Foundation* (Albania) and ARSIS, the Association for the Social Support of Youth (a Greek NGO).

31 See Daniel Stoecklin and Vincent Tournecuillert, *Child trafficking in South-eastern Europe: the development of good practices to protect Albanian children*, Terre des Hommes and *Ndihmë Për Fëmijët* (Help for Children), 2004, accessed at www.childtrafficking.com/Docs/tdh_2005_development_of_good_practices_to_protect_albanian_children_6.pdf; and Mirela Shuteriqi, Dimitra Pippidou and Daniel Stocklin, *Transnational Protection of Children. The case of Albania and Greece, 2000-2006*, TACT project, Terre des Hommes and ARSIS, 2006, accessed at www.tdh.ch/website/tdhch.nsf/pages/trafficking_documentationE

32 Child Rights Information Centre (CRIC/CIDDC), *Life skills education for prevention of trafficking in human beings: Evaluation Report*, October 2004, page 7.

33 The project was supported by UNICEF and the Ministry of Education.

could be acquired more easily if life skills education started earlier, from Grade 5 onwards (i.e., at the age of 11). In 2005 the project was reported to have adapted further, developing a new module on mediation skills (to resolve conflict).

The method used by young adult staff from the CRIC promoted student-to-student education (i.e., peer-to-peer) within the boarding schools – in effect ensuring that children took part as actors rather than simply as a passive audience receiving information from adult teachers or trainers.

While it was feasible to evaluate whether students had acquired and were using the life skills they had been taught, it was potentially going to take much longer to find out whether the skills acquired would help boarding school leavers to avoid falling into the hands of traffickers. Common sense suggested that the life skills would be an advantage, not only to boarding school students, but also others. However, outside the specific environment of boarding schools, the very idea of life skills was opposed by various influential, conservative forces in Moldova.

In September 2005 life skills were scheduled to be introduced into the curriculum of all Moldovan schools, involving new elements in the teaching of every school class from Grade 1 to Grade 12. The new curriculum was to include references to human trafficking, to ensure that every school student in the country heard about this topic. However, in the face of opposition from religious leaders, the new curriculum was suspended before entering into effect.

Whatever the risks that large numbers of young people face when they leave home or migrate abroad, it seems that there are frequently conservative or nationalist forces which do not want practical information to be introduced into the school curriculum that will help graduates if they migrate abroad. Sometimes it is for religious reasons that influential people oppose the introduction of sex education or references to human trafficking, while sometimes it is nationalist sentiments which prevail, suggesting that migrants are somehow being disloyal to their country of origin by going abroad, and that it would not be appropriate to provide students with any information which might help them do so.

In the Balkans where, as in Moldova, the issue of human trafficking achieved a high profile after large numbers of women were trafficked into post-conflict Bosnia and Kosovo, the International Organisation for Migration (IOM) took a lead in introducing the topic of human trafficking into the school curriculum. In Albania, for example, a special curriculum was introduced to allow teachers to integrate information about migration and trafficking into the regular school curriculum, rather than focusing on the topic of trafficking briefly during a special lesson. The idea behind introducing these various topics into the school curriculum was to increase the resilience of the children concerned, not just to dissuade children from planning to emigrate.[34]

4.2 Giving adolescents advice and suggesting precautions when they travel

In a quite different part of Eastern Europe, a US-based NGO, the International Organization for Adolescents (IOFA), worked with local NGOs in Latvia at the beginning of this decade to develop a guide for young Latvians who were thinking of going abroad to earn a living. The Latvian NGOs were the Youth Health Centre Council of Latvia and the GENDERS Community Youth Organisation. They did not set out to influence uniquely those aged under 18, but also young adults, recognising that you did not have to have reached 18 to aspire to a better life, but also that the fact you had reached 18 did not mean that you would avoid being entrapped or abused once you went abroad.

In 2003, the lessons learnt from the 'Project for the Prevention of Adolescent Trafficking' (PPAT) were published in a handbook entitled *Smooth Flight. A Guide to Preventing Youth Trafficking.*[35] Like other similar initiatives, the guide comments on the importance of collecting information from young people, so that any initiative intended to influence them is based on sound knowledge about what their actual experiences and also about their hopes and fears.

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34 Ruth Rosenberg (ed.), *Best Practices for Designing Trafficking Prevention Programmes in Schools*, Tirana, September 2006, accessed at www.iomtirana.org.al/en/E-Library/Books/Best%20 practices.pdf

35 Edited by Alison Boak, Amy Boldosser and Ofronama Biu (New York, 2003). The guide was available on a UN-run web-site (www.seerights. org), but unfortunately this has been closed.

The results of a baseline survey of more than 3,000 young people allowed them to reach five conclusions:[36]

1. "Most youth want to go abroad and are going abroad to work at young ages;

2 Most youth do not take adequate steps to prepare for going abroad to work;

3. The experience of most youth who went abroad to work was different than they had anticipated;

4. A substantial number of young people reported that they experienced unsafe working conditions, including violence perpetrated by their employers, while working abroad;

5. Young people were unlikely to contact the authorities if they encountered problems while working abroad."

These in turn led the NGOs to draw four lessons from the experience of young migrants:

1. "It is beneficial to implement young trafficking prevention programs through organizations that already provide services to youth in the community.

2. It is important to work with individuals or organizations that have proven experience conducting outreach to youth at high-risk for trafficking.

3 Prevention programs should be skills-based and provide practical information.

4. Young people should be informed of their rights and the importance of contacting authorities if their rights are violated or if they need any assistance."

Once the comments had been collected from more than 3,000 young people it is tempting to observe that the lessons to be drawn from them seem like common sense – but, nevertheless, these have not been incorporated into many anti-trafficking programmes in Central and Eastern Europe.

Smooth Flight also describes the curriculum that was designed for the PPAT project. This did not focus narrowly on the issue of human trafficking, but was

entitled, 'Introduction to Safe Work Abroad'. This involved looking at various myths and stereotypes about working abroad, a module on the risks involved, suggestions on how to evaluate critically any offer of a job abroad and a set of precautions to take when going abroad to work. While some were specific to the situation of young people in Latvia (which at that time was not an EU member state) or other countries along the edge of the EU, some seem equally applicable to young people in other parts of the world, who are old enough to work (i.e., not young children who are being dispatched by the parents to look for work) and to try to look after themselves.

The guide also contains advice on how to organise a campaign to influence young people and reduce the likelihood that they will be trafficked. The guide summarises seven lessons which it considered to be important when designing their campaign:

1. "Anti-trafficking campaign messages should provide relevant information and recommend specific precautions, rather than attempt to scare young people.

2. It is important that the information being communicated to youth through the campaign is presented in a neutral, unbiased manner.

3. Youth heed information, even if it is regarded as dissuasive.

4. Audiences, including young people, have a lot of interest in receiving information about trafficking.

5. Testimonials from actual victims had the most impact.

6. Campaigns should not demonize migration in general but should instead focus on the risks of unsafe migration and how to prevent it.

7. The more frequently that young people were exposed to the information campaign, the more likely they were to plan to take precautions before going abroad to work."

At the conclusion of the campaign, feedback was collected from 348 young Latvians who were planning to go abroad within the following six months. More than half (64 per cent) had been exposed to some of the campaign's messages, while almost half (47 per cent) reported having seen or heard the campaign messages from three or more sources. The 348

36 *Smooth Flight, op. cit,* pages 45-49.

Diagram 2: Responses reported by IOFA from young people in Latvia to advice to take precautions before travelling to get a job abroad[37]

Per cent of youth planning to work abroad that have taken appropriate precautions, by exposure to PPAT Information Campaign	[Respondents who] Did not see information campaign	Exposed to information campaign from 1 or 2 sources	Exposed to information campaign from 3 or more sources
	% Have done [i.e., have carried out the actions listed in the left-hand column]		
1. Verified whether the job agency or opportunity is legitimate	75%	73%	93%
2. Ask for an employment contract	64%	70%	100%
3. Had someone review a contract and advise me on it	49%	44%	82%
4. Reviewed and signed a contract for employment	63%	71%	96%
5. Left a copy of the contract with relatives or friends	44%	46%	89%
6. Left a copy of my passport with relatives or friends	77%	79%	97%
7. Left contact information with relatives or friends	79%	95%	100%
8. Left the employer's contact information with relatives/friends	46%	62%	100%
9. Created a password/code language to let people know, "I'm in trouble"	25%	16%	40%
10. Went to a career counseling session at a youth centre	9%	24%	90%
Overall Average	**53%**	**58%**	**90%**

respondents commented on 10 specific precautions that the campaign had advised them to take. The results suggested that the campaign was succeeding in getting its messages across.

On the whole, it is clear that this campaign took a rather different form to the standard one being used throughout Central and Easter Europe from 2003 until 2005, which was based on a film, *Lilya 4-ever,*[38] about an adolescent Russian girl trafficked to Sweden and forced into prostitution there. The campaigns using *Lilya 4-ever* were essentially based on scare tactics and rarely accompanied by positive advice on how to migrate safely (or how to minimise the risks associated with migrating).

A thousand kilometres south of Latvia, Save the Children has analysed the responses of children in South East Europe who had also received information about the risk of being trafficked, either at home or at school, during campaigns in 2006 and early 2007. Many of the children consulted seem to have been younger than those surveyed in Latvia, but some of the conclusions are surprisingly similar.

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37 Smooth Flight, op. cit., page 95.

38   Made by Lucas Moodysson. The film came out in 2003.

A compilation of comments made to Save the Children in South East Europe

Save the Children noted the following: "First, children's perceptions of trafficking mechanisms and how processes are mediated or influenced by the messages that they receive from their parents, relatives, peers and teachers, who in turn are influenced by various macro socio-economic, cultural and political processes…

Second, children's own perceptions of risk and rebound factors that are influenced by these messages. For instance, the overarching fear of strangers comes out clearly in their accounts.

Third, the strategies that they develop in relation to these fears are also influenced by the advice provided by these actors. Children often navigate social spaces with these messages in mind.

Fourth, are the concerns that the children raised about their parents' advice [which] reflect their general complaint that they are not able to express their real concerns and needs because they are not listened to by adults in a range of different contexts. Advice, rules and restrictions are imposed in a top-down manner and children are not informed as to why they are necessary. Children are not asked whether they are realistic, feasible and reasonable. Children do not simply follow the advice or wishes of a parent but actively interpret them in their

own way. Often their own sense of justice and injustice affect whether they will follow this advice.

Fifth is the role of the peer group which cannot be ignored when attempting to understand what trafficking means to children.

Sixth, children often receive mixed messages from a range of actors and this affects their ability to understand trafficking and/or to protect themselves.

Seventh, while alerting children to the risks of trafficking, these messages and associated restrictions often have the unintended consequence of placing them in situations that might enhance those risks. The overarching focus on risks and instilling fear in children has undermined attempts to understand their resiliency and the manner in which they are 'opportunistic' and make on-the-spot decisions and/or plan, act with forethought and develop strategies to escape and survive situations that they perceive to be adverse.

Lastly, children can be decision-makers but they act on the basis of their feelings and desires, despite the existence of alternative options or evidence that suggests that they should do otherwise." [39]

It seems reasonable to conclude that giving children information about possible dangers is not sufficient. Alongside efforts to introduce information about life skills and human trafficking into ordinary schools, there should also be efforts to make useful information available to young people who are considering migrating abroad.

4.3 Developing child protection mechanisms at community level

In South East Europe, as in most other areas of the world, there have been attempts since the 1990s to build the capacity of state-run social services to identify cases of children at risk of abuse and to implement appropriate child protection measures, as well as to improve their response to cases of child abuse.

In other parts of the world, the development of a more effective 'shield' to protect children at local level, or to construct a 'net' that consists of a series

39 Zosa De Sas Kropiwnicki, *Children Speak Out. Trafficking Risk and Resilience in Southeast Europe. Regional report,* Save the Children Child Trafficking Response Programme, Southeast Europe, 2007, page 57.

of individuals with professional responsibilities for protecting children in one or other way is routinely referred to as 'community-based child protection'. Although this term is not in routine use in South East Europe, the aim appears much the same: to focus on building the operational level capacity of different services to protect children more effectively. Efforts which started with initiatives by the *Terre des Hommes* Foundation (Lausanne, Switzerland) and its Albanian, *Ndihmë Për Fëmijët* (NPF), Help for Children, to stop school age Albanian Egyptian children from being taken abroad to earn money have been transformed into a much broader initiative to develop the capacity of state-run social services in Albania to provide effective child protection services at community level.

The attempts to influence school children in Albania and to reintegrate school drop-outs into mainstream schools became part of a broader strategy to mobilise resources at local level to identify children at risk of abuse and to ensure an adequate response. At the beginning of this decade, the responses concerning children who were at risk of being taken abroad to earn money were organised by an NGO, the *Terre des Hommes* Foundation, in the absence of either much interest or substantial cooperation with Albania's state-run social services. Over the past eight years, however, the aims have changed, with increasing emphasis being put on building the capacity of local social services to take on the role which had previously been played by social workers employed by *Terre des Hommes* or other NGOs.

The strategy employed by the *Terre des Hommes* Foundation in parts of southern Albania involved a combination of techniques: alongside the school-based efforts already mentioned, NGO social workers developed links in the Roma-Egyptian communities in various towns from which children were reported to be in Greece. They identified the salient characteristics of children who had already been taken to Greece (or who had returned home after a period earning money abroad) and used these to identify a broader set of children with similar characteristics, who seemed also to be at relatively high risk of being taken to Greece. The strategy which *Terre des Hommes* called 'strategic parallelism' (i.e., working in parallel with traffickers, the adult beggar masters who took children to Greece, in order to offer an alternative to whatever apparent benefit the traffickers offered) involved offering parents various forms of material

support. The aim of this was to encourage parents to keep children at school and to stop them being taken abroad. Initially, the support provided took the form of in-kind donations (such as food, rather than money) to the child's household, which were conditional on the child concerned continuing to attend school or, if he or she had already dropped out, returning to school. Subsequently, a variety of alternative forms of support have been tried. These now include micro-credit provided to the parents of children at risk, intended to give them a new income source and livelihood. The challenge in such cases was to identify a suitable Albanian financial institution which would provide micro-credit to clients in the Roma or Egyptian community and treat them with respect. In 2008, the micro-credit scheme was reported to be working, with good rates of loan repayment by the adults involved and confirmation that their children had stayed at home.

The initial narrow focus on Albanian children being taken to Greece, with the adults responsible for taking them labelled as traffickers, has also changed. In part this is because of changes observed on the ground: although Albanian children continue to be seen begging in Greece, albeit in smaller numbers, they usually appear to have been put to work by their own parents, rather than by a third party. Much more attention is now being given to Albanian Roma-Egyptian children who drop out of school to beg in Albania itself, either while continuing to live at home or after travelling to another part of Albania. In effect, the focus has changed, from one on trafficking children abroad to one about child labour practices in an Albanian minority community.

The most recent phase of *Terre des Hommes*' project has involved working much more closely with state-run social services and in transferring responsibility to them for a range of the services previously provided by the NGO. In the town of Elbasan, southeast of the capital, Tirana, for example, an agreement was signed in October 2006 with the local authority to set up a dedicated child protection unit (CPU), where *Terre des Hommes* agreed to contribute to staff costs for an initial period. *Terre des Hommes* was ready to work with the CPU social workers closely, to train them and offer them technical support.

The new CPU received referrals (i.e., cases of children considered to be at risk of abuse) from two different directions: from schools or directly from the town's

Roma community. By mid-2008 about 450 children had been referred to the CPU. In the town's schools, *Terre des Hommes* identified the potential of health professionals known as school psychologists to report cases of children who were suffering any sort of trauma or abuse. A single psychologist usually works in several different schools. Within the town's Roma community, a community counselling group was set up with a similar role, to identify children experiencing abuse or whose parents were reported to be planning to send them away.

While the CPU is a government-run agency, albeit operating at community level, the specialists established in schools and within the Roma community are more genuinely rooted in the community and potentially able to identify the cases of individual children experiencing abuse or considered at risk. The system may have been initiated as a response to children from a minority community being trafficked abroad, but it has the potential to respond to a wider range of forms of child abuse.

Elsewhere in Albania, *Terre des Hommes,* in partnership with UNICEF and the Ministry of Labour and Social Affairs, has supported the establishment of new child protection units in five other towns. In other parts of Albania, it has been different NGOs, such as Save the Children and World Vision, which have taken on a similar role, helping municipal authorities to set up CPUs. The basic model involved (the establishment of a local CPU, the role given to specialists in schools and referrals from organisations based in local communities) received formal approval at national level when Albania adopted a new national strategy against child trafficking in May 2008.

It is too early to be sure that the various CPUs will be sustained (and financed by the Government) once the NGOs withdraw their financial and technical support, but there seems to be a good chance that this will be the case.

Moldova

In the Republic of Moldova, the impetus to coordinate the child protection activities of various professionals in order to form a more effective child protection 'net' came from several directions. The process was also influenced by national politics when the question of whether it was desirable to establish a single national authority responsible for child protection

became the subject of a tug-of-war between different politicians. The result was that a single Directorate on the Protection of Child Rights was formed in the capital, Chişinău, while in other parts of the country child protection continued to be the responsibility of separate authorities. The Child Protection Directorate in the capital was able to capitalise on the initiatives of child protection professionals in the capital and the services it provided were also relatively better resourced than their counterparts in the provinces.

One NGO in Chişinău took on the role of convening the various state-run services which had a role to play in the capital, such as the Prosecutor's Office (or Procuracy), the Ministry of Internal Affairs and the Centre for the Protection of Child Rights (the city's child protection service), along with one intergovernmental organisation, the IOM, which was directly involved in providing care for adults and children who were repatriated to Moldova after being trafficked or forced into prostitution in other countries. Even in this case, however, political rivalries left their mark and the Ministry of Education was reported not to attend the coordination meetings to which it was invited and at which the cases of individual children at risk of abuse were discussed. A comment by the head of the NGO concerned, the *Amicul* Centre, explains why it was important to convene this multidisciplinary team of professionals:

"Analysis, intervention and monitoring of the case by only one specialist often does not lead to the efficient solution of the case. If the problem is not identified and the situation is analysed from the point of view of only one specialist, it often leads to re-victimisation of the child, who remains in a vulnerable position." [40]

In Moldova and other countries in the same region, the solution that has been found is to establish a 'multidisciplinary team' at town, city or district level. This is also known as a 'multisectoral approach', which has also been encouraged to improve child protection in other countries where it has been apparent that a lack of coordination between different agencies has allowed children to fall through the child protection net. In effect, this involves establishing, at local level, a network or other structure for coordinating the role of different agencies, along the same lines as the National Referral Mechanisms that the Organization

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40 Daniela Popescu, Director of the Amicul Centre, in: La Strada (ed.), *Good Practices of Assistance to Trafficked People*, 2005, page 17.

for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights has recommended be established at national level in every OSCE state to coordinate the activities of the various government departments and agencies and NGOs that play a role in providing protection or assistance to someone who has been trafficked.

'Multidisciplinary teams' are established at local level, but they can either be imposed upon a community, or be initiated in a community and established with its support and cooperation. Perhaps the fact that a team operates within a particular community does not necessarily mean it is 'community based'. So, community-based child protection initiatives sometimes come from above the community, from the government (i.e., layer 3 of the protective environment) and sometimes from within a community (layer 2). Clearly, their impact in most places will depend on whether they are perceived to be legitimate by the community concerned: minority groups, such as the Roma, indigenous peoples and even immigrant minority communities, which have a child protection initiative imposed upon them by the same state authority that is perceived to bully members of the community on other issues, are unlikely to be receptive to the efforts of the child protection initiative.

5 Western Europe: Does depriving children of liberty protect them?

5.1 The responses of governments in industrialised countries to the arrival of separated children

In most countries in Europe (and also in North America), children who arrive unaccompanied from abroad are seen by the authorities to be a 'problem' and the decisions made about them often look as though they are based primarily on the interests of the State and the resident population of the country concerned, rather than on the best interests of the children themselves.

As in the case of children migrating or moving in other parts of the world, they travel to European countries for a variety of reasons, some fleeing persecution or trying to escape other forms of harm (such as forced marriage and female genital mutilation), and some specifically looking for a better livelihood than they can hope to get in their own country. Some too are brought into Europe deliberately by others who want the children to make money for them and may be labelled as 'trafficked'.

Large numbers of children are either stopped at border posts or rounded up later on when they are found to have no legal entitlement to be in the country. Some under 16 are referred to residential children's homes, while others are placed in special detention centres for 'illegal' immigrants (i.e., migrants who arrive with no identity documents or no legal entitlement to enter or remain in a European country, yet alone a right to work). The response in different EU countries varies.

As the status of children when they arrive at a border point is by no means always clear, the immigration services in some EU countries have introduced procedures to record information about children travelling alone (and about the people who meet them upon their arrival, whether at airports or elsewhere), which are intended to allow the government's social services to make a follow-up visit to the child soon afterwards, to check on his or her welfare. In other countries, however, even the formal requirement that young people under 16 or 18 should only be allowed to leave their own country if they carry a letter of permission signed by one or both parents is routinely disregarded.

On the face of it, the influx of children who want to make a living in Europe (rather than just a temporary visit) cannot be stopped. The authorities of the countries involved (and much of the general public in Europe) simply do not want them – although the states have a clear obligation, under the Convention on the Rights of the Child, to protect any child on their territory. In Europe, the response is broadly to try and get rid of them, while respecting just enough legal procedures to avoid being publicly criticised. In the US the response is, if anything, even more hostile.

Despite the hostility of the authorities in many countries, both government agencies and NGOs are nevertheless able to offer a series of services which separated children are reported to find helpful.

In just one EU country, the United Kingdom (UK), official statistics indicated that during 2006 there were 2,850 applications for asylum from separated children under the age of 18 (out of a total of 23,520 asylum requests received by the UK authorities). This did not account for all separated children arriving in the UK, as some were entitled to enter the country (for example, if they had passports issued by other EU countries). In the same year, there were 2,565 "initial decisions" concerning asylum applicants aged less than 18, of which seven per cent were granted, 22 per cent were refused, one per cent were granted humanitarian protection and the remainder, 71 per cent, were awarded discretionary leave, meaning in most cases that they could remain in the UK until reaching 18 but would then be required to leave the country. A sample of 54 young people who arrived in the UK before reaching 18 was interviewed by researchers investigating their emotional well-being and mental health. The resulting study observed that younger children who were placed in foster care benefited from the emotional relationships established, while older children who were living on their own were often lonely and without any social networks to support them. Access to what researchers called "friendship groups" was

consequently important, while moving young people between different foster families or locations disrupted their social contacts and caused them harm. However,

"*Uncertainty concerning their immigration status causes extreme anxiety and distress for young people, particularly those who are in their late teens and nearing the end of their discretionary leave to remain in the UK.*"[41]

The purpose of this study is not to protest at the way that separated children or other child migrants are treated, nor at the policies of governments whose principal response to children who arrive from abroad and stay in their countries as undocumented or irregular migrants is to detain them and to try and return them to their countries of origin. Rather, it is to see what can be done within the limitations of government policy to provide assistance to such children and to enable them to exercise their human rights. In countries where implementing immigration policy (and detaining irregular immigrants) is given high priority, it is difficult for any organisation to give separated children the kind of support that child rights organisations feel is appropriate for the children (or to which the children have a right), for fear that they will be accused of infringing the law.

5.2 The response to foreign children earning money on the streets

By no means all the separated children who reach European countries or who move from one country to another within Europe are identified by the authorities as irregular or 'illegal' immigrants and detained.

Children who originate in one EU country nowadays routinely move to another to earn a living – or are taken by someone else who wants to make money out of them. While the Albanian children taken to Greece, whose cases were mentioned in the previous chapter, were 'non EU citizens' with no legal entitlement to stay in Greece, there are other cases of children exploited in similar ways who come from another country within the EU, in particular Bulgaria and Romania, since these two countries joined the EU at the beginning of 2007.

Under the EU's rules allowing freedom of movement within the EU, children from these two countries, as well as other EU member states, are entitled to live in a country other than their own, though not automatically to get a job.

Nevertheless, the presence of youngsters from another European country who are seen begging for money, washing car windscreens, selling items in the streets and sometimes engaging in petty crime has provoked protest in the countries where significant numbers of them have arrived, notably Greece, Italy and Spain. The mid-2008 crisis in Italy, when the authorities announced that they intended to finger print all Roma children (whether they were foreigners or Italian nationals) was a xenophobic reaction to a series of events which included the arrival of large numbers of Romanians in Italy, among whom were both separated children and others accompanying family members, and the involvement of some in street crime.

The response of police and child protection services within the EU to the presence of foreign children on their streets (some, but by no means all, of Roma origin or from one of the other minorities based in South East Europe that are believed to be of Roma origin, such as Egyptians and Ashkali) has varied tremendously from country to country and sometimes between different regions of the same country. When Albanian children began working on the streets of towns in Greece in the late 1990s, the authorities appeared unsure how to respond. The police stepped in from time to time to check a child's nationality and detained children on the grounds that they were not entitled to be in Greece. However, it took several years before this preoccupation with immigration status was supplemented by a child protection response, that is to say, a concern (and a matching investigation) that the child might be the victim of exploitation and/or trafficking.[42]

When Bulgarian children began appearing on the streets of Vienna, in Austria, at the beginning of this decade, and were found to be stealing from people in the streets, they too were classified first as law breakers ('children in conflict with the law') and next as illegal immigrants. They were not charged with criminal offences, but were routinely repatriated.

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41 Elaine Chase, Abigail Knight and June Statham, *Promoting the emotional wellbeing and mental health of unaccompanied young people seeking asylum in the UK. Research summary.* Thomas Coram Research Unit. Institute of Education. University of London. July 2008. Pages 1 and 5. Accessed at http://eprints.ioe.ac.uk/62/1/Asylum_research_summary.pdf

42 *Terre des Hommes* Foundation (Lausanne, Switzerland), *The Trafficking of Albanian Children in Greece*, Lausanne, January 2003.

The numbers arriving in Vienna reached their peak in 2005, when some 700 Bulgarian children were referred to a secure detention facility for children and subsequently repatriated. The numbers arriving subsequently declined each year (to just 70 in 2007).[43] However, since 2007 adults and children from both Bulgaria and Romania have been entitled to travel to other EU countries (although other EU countries have not yet agreed to allow adults and older children to work without obtaining a work permit).

It seems obvious to child protection professionals that the response in each EU country should be based on the same principles, giving priority to the best interests of the child and checking whether the child is being forced to earn money for others or otherwise exploited, rather than perceiving foreign children primarily as law breakers or illegal immigrants. However, in practice, the response continues to vary from country to country, as though the authorities responsible for child protection have little capacity to compare notes (or wish to harmonise their responses) about the activities in which the children arriving from abroad are involved, even when it is the same child or children who turn up in one country after another.

In Belgium, where 10-year-old Romanian children have been seen begging by themselves and babies and younger children seen accompanying adult beggars, possibly to help the adults provoke the pity and charity of members of the public, the authorities are reported to have concluded that the young Romanian children who accompany adult beggars are not being abused or at risk of exploitation. The implication is that the authorities are satisfied that the adults accompanying the children are indeed their own parents and that the children are not being used to earn money illegally or at times when they should, under the terms of the law, be attending school. In neighbouring Netherlands, by contrast, in 2007 child protection specialists reportedly refused to hand Eastern European children over to adults who presented themselves at a police station to reclaim their children after the children had been detained on suspicion of breaking the law. The adults concerned were reportedly unable to produce identity documents proving that they were the parents or legal guardians of the children who had been detained, and child protection specialists consequently doubted that they were truly the children's parents or legal guardians.

It is possible that the different reactions in two neighbouring countries were based on evidence that the cases confronting them were qualitatively different. It is also possible that the authorities have different attitudes to 'cultural practices' within minority communities from South East Europe. Evidently the specific activities in which children from the other end of the EU are involved do vary from country to country in Western Europe, meaning it would be inappropriate to have a 'one size fits all' solution. However, it seems surprising that the question of how to protect foreign children, accompanied or unaccompanied, has provoked such different responses, emphasising, perhaps, that all of the countries within the EU still have a lot to learn about how to respond to the needs for protection and assistance of such children.

5.3 Putting foreign separated children into detention

In various parts of Europe the harsh conditions experienced by separated children in detention centres have provoked protests by both the inmates and by human rights defenders. For example, in May 2008, it was on the island of Leros, located in Greece, not far from the coast of Turkey, that more than 100 children in a detention facility were reported to be on hunger strike in protest at their conditions.

A school-aged Afghan boy held there who had participated in the hunger strike explained why he had participated in the protest:

"We had been here for about 45 days and, every day, we asked the police, the government and the political people what will happen to us. But they didn't answer. So we were compelled to stop eating to solve our problems."[44]

When the Greek authorities agreed to make concessions and to move the children to the Greek mainland, this boy expressed satisfaction, but it was nevertheless clear that there was a huge gap between his own

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43 Information from Dr Norbert Ceipek, Vienna Municipality magistrate responsible for children's cases, Vienna, 15 February 2008.

44 Malcolm Brabant, "Victory for Greek hunger strikers", BBC News, 26 May 2008, accessed at http://news.bbc.co.uk/2/hi/europe/7419667.stm

expectations and those of the society and authorities in the country he had reached. His family was reported to have paid US$10,000 for his journey to Europe and the boy expected to find work to help his parents repay their debts, not to go to school or live contentedly with a foster family without earning any money. In effect, the arrival of children from developing countries introduces expectations and behaviour which are routine and acceptable in the children's countries of origin, but unacceptable in the countries to which they travel.

There was little that NGOs could do for children who were in the custody of the Greek government, other than protest that both the conditions in which the children were held and the procedures being followed to assess their cases were inappropriate. One NGO, *Médecins du Monde*, secured access to those detained in Leros to provide them with medical attention.

The situation is less harsh when the children who are identified as separated come from another European country. In France hundreds of Romanian children from a particular district in northwest Romania (Oaş) were brought to the courts in the first few years of this decade, charged with stealing. Some Romanian children were referred to French child protection services and were placed with foster families in France, meaning that, by the time they reached 18, they would be entitled to apply for permanent residency and nationality in France. By 2005, when the author visited Oaş, he confirmed that both the children in France and some of their parents remaining in Romania regarded this as an appropriate solution for the children on the basis of a simple cost-benefit analysis. Although the parents did not see their child for several years, while he or she was living with a foster family in France, the long-term benefit of residency rights and access to a livelihood in France were regarded as good enough benefits to off-set the disadvantages. For children, at least, this seemed a good solution, even if a somewhat absurd one in the way it got around immigration restrictions.

More problematic, in terms of the inadequate protection given to children, are the other EU countries which refer separated children to residential care facilities without paying sufficient attention to ensuring that these meet the needs of the children concerned. For example, in 2003 the *Terre des*

Hommes Foundation (Lausanne, Switzerland) reported that in the Agia Varvara reception centre in Athens, the capital of Greece, to which children were referred by the public prosecutor responsible for investigating cases of children suspected of breaking the law, 487 children out of 644 who had arrived in the centre between November 1998 and October 2001 (i.e., about 75 per cent) had subsequently walked out of the centre. Some were subsequently recovered, but, as far as the authorities were concerned, the others had 'disappeared', for they had no idea what had happened to them.[45] In both Greece and several other countries, there was evidence that some of the children who walked out of care were acting under orders from traffickers who wanted them to get back to earning money. Others probably wanted to lead their own lives rather than remaining in institutional care. Concern has been voiced periodically in various EU countries that children 'disappear' from residential care, usually because of a fear that the children concerned might subsequently experience abuse or exploitation. In practice, however, few reliable methods have been found for tracing what happens to them next, unless and until they reappear by seeking protection or assistance or being identified in a situation of exploitation or committing an offence.

5.4 Deporting separated children who arrive from outside the European Union

In June 2008 the EU's European Parliament voted in favour of a new policy on what it called 'Returns' – expelling irregular immigrants from member states of the European Union. The Directive (to be issued jointly by the European Parliament and the Council of the European Union, representing its 27 governments) set out a set of common standards, which were intended to be fully implemented by mid-2010 in all EU countries except Denmark, Ireland and the United Kingdom. It prescribes the maximum periods for which irregular migrants, whether children or adults, can be detained before being deported, stipulating that those who are instructed to leave an EU country and fail to do so can be detained for up to six months (extendable to 12 months in certain instances) and then forcibly

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45   Terre des Hommes Foundation (Lausanne, Switzerland), *The Trafficking of Albanian Children in Greece*, 2003, page 27, quoting Greece's Directorate for Child Protection, Department 1, Explanatory note on the programme for the protection of "street children", Athens,16 October 2001.

repatriated to their country of origin.[46] Although it echoes part of the phrasing of the CRC's article 37 (which guarantees children a right not to be deprived of their liberty unlawfully or arbitrarily), by stating that, "Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time", the Directive nevertheless allows for children to be detained without having committed any criminal offence, apart from staying in a country without having the legal entitlement to do so or refusing to leave the country when instructed to do so.

In theory, the EU's Directive is intended to bring about improvements for children and adults deemed to be staying illegally in EU countries, by specifying the maximum period for which they may be detained prior to forcible repatriation. In practice, the Directive was widely seen by people outside Europe as a hostile and repressive measure. The EU's willingness to reach agreement on what should be done to detain and expel young migrants, rather than focusing on how to protect them from harm within the EU or to enable them to exercise their rights, confirmed for many the impression that EU states were more concerned with the issue of immigration than with human rights.

In addition to allowing the detention and forced repatriation of both accompanied and separated children, the new Directive also allowed EU states to ban adults and children who were deported from re-entering any EU country for up to five years, implying that a 15-year-old, for example, who is forcibly repatriated could be banned until he or she reaches the age of 20.

For the moment, the practice as far as detaining and deporting unwanted child migrants are concerned varies a great deal from country to country. Spain, in the front line with adolescents from countries in North and West Africa crossing the Mediterranean to enter mainland Spain and also taking boats to land in the Canary Islands, has received some of the sharpest criticism for its treatment of children who have newly arrived. Commenting specifically on the predicament of Moroccan children arriving in Spain, most of whom were boys, one author, Dr Najat M'jid, noted in 2005 that:

"Several dozen children and adolescents have been and still are being placed in detention in closed (detention) centres for foreigners. They have done nothing to endanger public order and their presence in the country does not constitute any sort of threat to the country's citizens. They are deprived of their liberty for varying periods lasting up to five months, simply because of their administrative status or that of their parents.

"Neither the infrastructure in these closed centres nor their management is adapted to meet the basis needs of the children held there. However well intentioned the members of staff are, they are not specialists in looking after children in such difficult circumstances and have not all had adequate training to do so. In these centres there are no educational or occupational programmes and the medical and social services have not been adopted to meet the needs of these young people."[47]

5.4.1 The rights and wrongs of deporting separated children

While the governments of industrialised countries appear convinced that the best response to unwanted migrant children is to send them back to where they came from, NGOs which have substantial experience of caring for such children, both as migrants in Europe and after they arrive back in their countries of origin, have very different views.

Save the Children's Separated Children in Europe Programme (SCEP) has issued numerous position papers and policy papers on this issue:

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46 European Parliament legislative resolution of 18 June 2008 on the proposal for a directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals. European Parliament press release, 18 June 2008, www.europarl.europa.eu/news/expert/infopress_page/018-31787-168-06-25-902-20080616IPR31785-16-06-2008-2008-true/default_en.htm

47 Najat M'jid, *La situation des mineurs marocains non accompagnés*, page 21, paper for Council of Europe regional conference on 'The migration of unaccompanied minors: acting in the best interest of the child', Torremolinos, Spain, 27-28 October 2005. The translation of this and subsequent quotes from Dr M'jid is by the author and any errors are his alone. The original text in French says:

«Plusieurs dizaines d'enfants et d'adolescents ont été et sont encore placés en détention dans des centres fermés pour étrangers. Ils n'ont commis aucun acte susceptible de mettre en péril l'ordre public et leur présence sur le territoire ne constitue nullement une menace pour nos concitoyens. Ils sont privés de leur liberté, pour une durée variable pouvant aller jusque cinq mois, uniquement en raison de leur situation administrative ou de celle de leurs parents…

«Ni les infrastructures des centres fermés, ni leur gestion ne sont adaptées à leurs besoins élémentaires. Quelle que soit la bonne volonté des membres du personnel, ils n'ont pas pour vocation d'assurer un accompagnement à ces mineurs en difficulté et ne disposent pas tous de la formation adéquate à cet effet. Il n'existe dans ces centres aucun programme d'éducation et d'animation; les services médicaux et sociaux n'y sont pas adaptés pour travailler avec des jeunes.»

"Ideally, the return of separated children, regardless of their status, should be on a voluntary basis. Where it is believed that there are exceptional circumstances, the decision to return a separated child against their will should always be made in a court setting under the jurisdiction of child welfare rather than immigration procedures…

"Return will be more realistic if it is voluntary as the child will assist in the necessary processes and this should facilitate better preparation and planning which in turn should serve to safeguard the immediate well-being of the child and ensure a long term durable solution."[48]

"Assisted voluntary return" is the only acceptable method for returning children who are abroad to their country of origin, in the view of the *Terre des Hommes* Foundation (Lausanne, Switzerland). This means that returns must be carried out in a way which is safe, legal, prepared with the child, prepared with the child's family, adapted on a case by case basis and must be carried out fairly quickly (rather than keeping a child waiting in limbo. Further, such returns must be preceded by a set of steps which will confirm that the return is in the child's best interests.[49] In *Terre des Hommes'* experience, when these criteria and procedures are respected, there is a good chance that a child can be well reintegrated. However, the opposite is also true: if they are not observed, the child concerned is quite likely not to remain at home for long.

The procedures followed in different EU countries may become more similar following the implementation of the EU's 2008 Directive on Returns. However, in the first half of 2008, the differences in law and policy between EU countries were still vast.

In Italy, for example, the Separated Children in Europe Programme reported in 2004 that:

"Italian law provides that separated children can be returned to their country of origin only by means of 'assisted repatriation' with appropriate assistance in order to be reunited with their family. Before a child may be returned, an assessment must be made in the country of origin in order to trace the child's

family and to assess whether return is safe. During the procedure, the child must be consulted. The decision on the child's return is taken by the Committee for Foreign Minors, a part of the Ministry of Labour and Social Welfare, that has the mandate to defend the rights of foreign minors according to the CRC. Family tracing and the assessment in the child's country of origin are undertaken by 6 NGOs, according to an agreement with the Committee. Reintegration programmes are offered to returned children. [Sources] Law on Immigration n.286/98; Decree on the Committee for Foreign Minors n. 535/99."[50]

In Italy, therefore, NGOs are involved in performing various services for separated children, including family tracing. Particular categories of children, such as those suspected of having been trafficked, receive practical assistance from NGOs and attend courses arranged by them. At the end of 2007, the Committee for Foreign Minors' data indicated that there were 7,548 unaccompanied foreign children in Italy.[51]

In contrast, Spain is reported to have signed a Memorandum of Understanding with neighbouring Morocco in 2004, which allowed Spain to return unaccompanied Moroccan children both if their families had been identified and also if the families could not be located, when it was unclear what would happen to the child. The author quoted earlier commented that it was evident that the best interests of the child were not taken into consideration in the repatriation process.[52] However, in Spain the authorities could be persuaded to make changes – and to adopt a more progressive position than the one proposed in the 2008 EU Directive. In November 2004, the Spanish Attorney General issued new instructions on the legal treatment of unaccompanied foreign minors.

According to the Council of Europe's Commissioner for Human Rights, Alvaro Gil-Robles, who made an official visit to Spain in March 2005, the Attorney General's new instructions to prosecutors meant:

"…the presumption that any foreigner who has not reached the age of 18 is a minor; if a foreigner without documents is a minor or there is some doubt whether he or she is a minor, he or she must be placed

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48 Separated Children in Europe Programme, *Position Paper on Returns and Separated Children*, September 2004, page 8, accessed at www.separated-children-europe-programme.org

49 See *Terre des Hommes* Foundation (Lausanne, Switzerland), Policy Paper. Return of Foreign Unaccompanied Minors, March 2007, accessed at http://tdh-childprotection.org/component/option,com_doclib/task,dl/docid,482/l,1

50 Separated Children in Europe Programme, op.cit, page 3.

51 This statistic was quoted in a Terre des Hommes–Italy news release issued in June 2008.

52 «Dans la procédure de rapatriement, l'intérêt supérieur de l'Enfant n'est pas pris en compte». Najat M'jid, op. cit., page 15.

in the care of the juvenile welfare services; finally, **repatriation must not constitute an absolute objective** *[emphasis added] and other factors such as the minor's life or physical and psychological well-being must also be taken into account."*[53]

Once again, NGOs in Spain have played a significant role in tracing the families of Moroccan children in Spain, by contacting their counter-parts, NGOs in Morocco. This made it possible to carry out social inquiries to help establish whether it would be in the child's best interests to be reunited with his or her family. However, in numerous cases, this was reported not to be wanted by either the separated child or his family in Morocco. When children were forcibly repatriated the outcome was rarely reported to be satisfactory. As Dr Najat M'jid put it, "Once the return is forced, the child has only one aim, to get back into Europe".[54]

The Council of Europe's Commissioner for Human Rights, Alvaro Gil-Robles, realised that, to break the cycle of,

clandestine immigration

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forced return

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further clandestine immigration
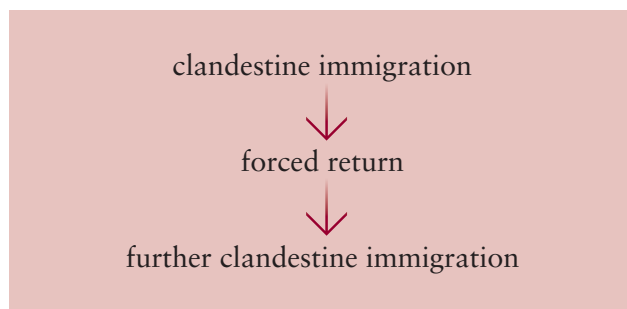
it was essential to pay much more attention to the material circumstances of the household to which a separated child was being returned:

"There must also be a strengthening of measures to facilitate the return to their countries of origin, under decent conditions, of minors who today are sent to Spain by families made desperate by want,in a quest for earnings of any type or of relations who have

already emigrated, who go begging on behalf of third parties that get rich by exploiting them, or who enter the labour market early in circumstances of exploitation and precariousness. I must refer here to the information supplied to me by the Andalusian autonomous authorities, on the occasion of my visit to the "Nuestra Señora del Cobre" Centre for Unaccompanied Foreign Minors in Algeciras, concerning the initiatives launched in co-ordination with the competent Moroccan authorities, under which training will be offered to minors in order to facilitate their return and subsequent integration in the employment market of their country of origin." [55]

Unfortunately, this advice was effectively ignored when the EU adopted its Directive on returns in 2008.

5.4.2 The limited assistance that NGOs are able to give to separated children

In contrast to the substantial roles played by NGOs providing assistance to separated children in other regions of the world, the examples in this chapter indicate that NGOs have only been allowed a limited role in Western Europe. A possible good explanation for this is that the child protection authorities of the countries concerned are able to respond adequately to all the needs of separated children from other countries. On the whole, however, it is clear that the relevant authorities in Western European countries are oriented primarily to protecting children who are nationals of their own country, along with immigrant children living with their families: separated children from other countries are much less of a priority for protection and rather more of a priority to return to their countries of origin, often with the argument that such children "will be better off reunited with their families".

It is difficult to avoid the conclusion, therefore, that governments in Western Europe prefer to limit the role played by NGOs in order to be able to impose their immigration priorities and to concentrate on excluding separated children whom they consider to be staying illegally in their country, rather than making serious efforts to protect such children from harm. In effect, layer 3 of the protective environment, the responsibility of government, has been perverted and there is only a limited amount that child protection specialists or NGOs can do to fill the gap.

53 *Report by Alvaro Gil-Robles, Commissioner for Human Rights, on his Visit to Spain*, 10 – 19 March 2005, paragraph 94, Council of Europe document CommDH(2005)8, Strasbourg, 9 November 2005. Accessed in June 2008 at https://wcd.coe.int/ViewDoc.jsp?id=92768 5&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=F EC65B&BackColorLogged=FFC679

54 Najat M'jid, op. cit., page 16. «Le retour devient alors forcé, le mineur n'ayant qu'un but, celui de retourner en Europe». She reported that the NGOs in Morocco assisting NGOs in Spain and also in France and Italy with inquiries about separated children from Morocco were BAYTI ('My Room'), the Casablanca-based NGO which Dr Najat M'jid herself presides over, AFVIC (l'Association des amis et familles des victimes de l'immigration clandestine) in Khouribga and DARNA ('Our House'), based in Tangiers.

55 Report by Alvaro Gil-Robles, *op. cit.*, page 95.

6 West Africa: Strengthening existing socio-economic practices which help protect children

6.1 Massive numbers of children migrate within West Africa

Both teenagers and younger children leave home in huge numbers throughout West Africa to seek work away from home. The least fortunate end up in situations which amount to 'exploitation' as defined by the UN Trafficking Protocol: i.e., in servitude or forced to work and unable to leave their employers (whatever the level of abuse they experience) or being subjected to commercial sexual exploitation (mainly in the case of girls). Some such children are trafficked, that it is to say, an intermediary recruits them or helps them to travel and to find work, knowing that they will end up in some form of forced labour or in prostitution. Yet other children migrate to seek work voluntarily, without being trafficked, but are unfortunate enough to end up in these same forms of exploitation (servitude, forced labour or commercial sexual exploitation). Other children end up in what ILO Convention No. 182 defines as 'worst forms of child labour', for example working in quarries which are clearly harmful for their health or on farms where the pesticides being used are significantly more dangerous to adolescents who are still growing than they are to adults.

West Africa has a strong tradition of migration, involving both whole families and individuals, young and old, moving away from their homes to earn money elsewhere, on a seasonal basis (particularly in the zones known as the 'Sudan' and 'Sahel', where there are no agricultural activities at home during the dry season), for years at a time and sometimes permanently. There are consequently numerous migration-related systems for facilitating people's movement (some legal and some illegal), looking after them when they arrive in a new location and finding them jobs, accommodation and so on.

For example, representatives of the same ethnic group as the migrants arriving for the first time, who are based in destination cities, provide a range of services to migrants from their own ethnic group – for a price. They are known as 'landlords' (*logeurs* in French). The way the landlord system functions in support of migrants in West Africa was well documented by academics in the 1960s. Another traditional practice throughout the region involves child fostering ('*placement*' in French), either within an extended family or with strangers. This regularly involves sending a rural child to be fostered by a city family. Nowadays such cases are difficult to distinguish from ordinary employment.

These migration-related systems exist in part to ensure that migrants are <u>not</u> subjected to abuse, so it seems only sensible to take them into account when exploring methods to prevent unaccompanied children being subjected to abuse.

In three countries in the region, the *Terre des Hommes Foundation* has been trying to develop a better understanding of the situations in which children travel and find work – and sometimes end up in situations of exploitation and abuse. It is trying specifically to establish the extent to which the wider community (in both the places where migrant children come from and in the destinations they travel to) has a role to play in protecting children against the forms of abuse associated with trafficking, exploitation and the worst forms of child labour. It is in the process of exploring whether some practices linked to the informal economy can be developed to protect children more effectively.

6.2 Conventional responses suggest that some or all of the young migrants are victims of trafficking

Activities by government agencies and NGOs to protect migrant children got underway in West Africa in 1998, more than two years before the UN adopted a new definition of 'trafficking in persons'. These were largely provoked by reports that children were being taken from one country to another to work, in particular as domestic servants or skivvies. Both the conditions in which children were transported (for example, in large canoes crossing the Bight of Benin from Nigeria to Gabon) and the circumstances in which they worked were reported to be arduous and sometimes dangerous.

From 1998 onwards the term 'trafficking' was used routinely to refer to children being moved to satisfy the demands of the regional child labour market.

Over the past 10 years, countless programmes and projects have been initiated in West Africa to put an end to child trafficking and the various forms of exploitation associated with trafficking to which children are subjected. However, there is ample evidence that many of these initiatives have been unsuccessful (or even harmful for the very children they were supposed to benefit).[56]

For example, evidence shows that community-based structures known as 'vigilance committees' or 'anti-trafficking committees', set up in several countries to intercept trafficked children, have indeed intercepted children who are on the move, but that they have not been effective at distinguishing between migrant children in general and trafficked children in particular. In effect, there has been a disastrous confusion in many parts of West Africa between the process of migration, on the one hand, and the abusive outcomes of migration experienced by just *some* of the young people who migrate, on the other. Although only some young people end up in forced labour or in prostitution, efforts are being made in numerous countries to prevent *any* children from migrating to towns or across borders, whatever their age.

Evidence was already available in the late 1990s that a large proportion of the children who were returned to their homes (usually in rural parts of countries such as the Republic of Benin) after being intercepted or withdrawn from abusive employment opted to leave home again with a matter of days or weeks. However, most interventions in the region have followed the models found elsewhere in the world:

> in rural areas, providing schools (or improving schools which already exist) and (sometimes) finding alternative ways for children to earn an income while staying at home;

> intercepting child migrants as they travel within their country or across a border, and sending them to a residential centre or returning them home;

> and withdrawing some children from their employment when they are seen to be experiencing abuse, giving them some assistance during a period living in a residential centre, and then sending the children back to their parental homes. However, this option is only made available to a small proportion of the working children who suffer abuse in West Africa.

Finding a sustainable solution for such children has proved expensive, however, and many of the NGOs which have tried to do so have faced complaints from the children concerned, or their parents, when the funds enabling a child to remain at school or to undertake an apprenticeship or work-related training ran out.

Once at work in cities, children have reported that various forms of support have been helpful. Some of these are mentioned below. The most conventional again focuses on education, providing non-formal education (NFE) to working children, both girls and boys, who reach the city and start their working lives either without having ever set foot in a school or after completing only a few years of primary education. In Conakry (the capital of the Republic of Guinea), for example, there are reported to be three informal schools providing literacy classes, mostly attended by adolescent girls who are already employed, either involved in a combination of domestic work and marketing food products or other items for their woman employer, or apprentices to either a hair dresser or a tailor.[57] In every case, the challenge for a school or NGO running NFE classes is to persuade employers to release their child workers for the few hours required to attend classes. In the case of Conakry, however, even when an employer agrees to this, child workers are reported to be unable to afford the cost of transport to school or even the US$14 required to buy a text book. In view of the large sums allocated in recent years as economic aid to support education, it seems particularly sad that a lack of money is still impeding the access of illiterate adolescents to literacy classes.

In contrast to the various initiatives to persuade children not to migrate or to intercept them while on the road, there have been few sustainable initiatives to reduce or stop to levels of exploitation to which

56 The first study to reveal substantial evidence of the harmful side-effects of the activities of village-level vigilance committees was: Sarah Castle and Aisse Diarra, *The International Migration Of Young Malians: Tradition, Necessity Or Rite Of Passage?* 2003. Subsequent reports have confirmed that various anti-trafficking initiatives in different West African countries have caused harm to children.

57 Information to the author from Mr Camara of the *Club des Educateurs et des Assistants Sociaux* (CEAS), Conakry, 6 June 2008.

children are subjected once they start work. Without exception, governments in West Africa have not challenged the arduous conditions to which working children are subjected and have not used their political influence to stop working children being abused. The layer of the protective environment which is a government responsibility has been used to make life difficult for children, rather than to protect them effectively.

6.3 Children protecting children: an extra layer in the protective environment

In parts of West Africa, Latin America and South Asia, working children's associations have been formed, mostly in cities. Rather than complaining that all their members are exploited as child labourers, they assert children's right to work and insist that working children have a right to be treated decently. This is not a case of individual children learning how to protect themselves, but of children learning about solidarity and how working together or 'getting organised' can protect all of them.

From its headquarters in Dakar (Senegal), the *Mouvement Africain des Enfants et Jeunes Travailleurs* (MAEJT), African Movement of Child and Youth Workers, has helped set up groups of child and youth workers in West African countries including Senegal, Mali and Togo.[58] The MAEJT has adopted a list of 12 rights which it demands for child workers and has been campaigning for more than a decade on the right of children to remain in their villages rather than being pushed to migrate.[59]

In October 2007 the MAEJT convened a meeting in Bamako (Mali) to compare the experiences of different countries in West Africa in responding to what it called children's 'premature emigration',[60] as well as cases of trafficking. This was an opportunity to compare views on the situations in which children were leaving their rural communities across the region and on the reasons why; what risks awaited them; and what the MAEJT or its local associations could do to reduce these risks. The key lesson learnt were summarised as follows:[61]

> "We noted that the definitions and translations used in our national languages for terms related to emigration (from villages) and trafficking have significant implications. There are no clear terms to translate the idea of 'trafficking'. The terms in national languages for ill-treatment and exploitation are virtually the same. All our languages have terms for referring to rural to urban migration (the 'rural exodus').

> We noted that children take the initiative themselves to go to town, either out of curiosity or to discover life. They have information but do not believe everything they are told and are concerned about their future. When they return to their home villages, children who have been trafficked do not tell people what has actually happened to them.

> There are many different reasons for children leaving [their villages].

> Rural to urban migration can be beneficial for parents and for children. Despite the difficulties, those who migrate experience a net gain."

At its Bamako meeting, the MAEJT decided to focus on giving specific messages to young people who were thinking of migrating to cities. In addition to simply cautioning them about the dangers lurking in the cities, the messages were to go further:

> "You are likely to encounter plenty of dangers and risks!

> Look out for good information. Get hold of this before you set out. Once you arrive:

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58 By 2007 the MAEJT reported it had associations in 22 African countries, divided into four groupings: Group 1: Senegal, Guinea Bissau, Mauritania and Gambia; Group 2: Mali, Burkina Faso, Côte d'Ivoire and Guinea (Conakry); Group 3: Benin, Niger, Togo, Nigeria and Cameroon; and Group 4: Zimbabwe, Ethiopia, Rwanda, Burundi, Democratic Republic of Congo, Angola, Kenya, Madagascar and Chad (see http://eja.enda.sn/coordination%20nationale.htm).

59 «Le droit à rester au village, à ne pas s'exoder».

60 «L'exode précoce».

61 Atelier Régional Bilan de Capitalisation des Bonnes Expériences des EJT dans la Lutte contre l'Exode Précoce et la Traite des Enfants, Bamako, du 15 au 19 octobre 2007, à l'hôtel Bouna. The original text in French says:

> Que les définitions de l'exode et traite dans nos langues nationales sont intéressantes. Pas de termes clairs pour expliquer la traite. Maltraitance et exploitation ont presque le même sens. Que toutes les langues parlent de l'exode.

> Que les enfants vont de leur propre gré en ville par curiosité et ou pour découvrir. Ils ont l'information mais ne croient pas et visent l'intérêt de leur futur. Les enfants victimes de traite ne donnent pas les vraies informations à leur retour au village.

> Qu'il y a beaucoup de Causes différentes pour le départ.

> Que l'Exode peut être bénéfique pour les parents ou pour les enfants. Malgré multiples les difficultés, il y un gain pour les exodés.

> Don't let yourself be had. Carefully scrutinise any promises made to you [concerning conditions and remuneration] before you accept an offer of work.

> Don't stay alone or isolated. Get yourselves organised in the village and in town. Stay in contact with us."[62]

Among its supporters, the MAEJT found that when children get organised they can produce substantially more results by working together than individually. While most of the MAEJT's initiatives are in the cities where children migrate to work, in a village in the Republic of Niger called Oufouanou, the MAEJT reported a significant drop in the number of children leaving the community to seek work elsewhere after adolescents acted collectively to get involved in income-generating activities in and around the village:

"When we asked them how, they explained that they had started holding meetings together after there had been numerous campaigns to make them more aware of the risks associated with migration and trafficking. They decided to start cultivating vegetable gardens around the village's wells, to collect and sell firewood and to look after livestock. They set up a solidarity fund to which they each contributed 100 CFA Francs (about US$0.25) a month."[63]

In cities across West Africa, the MAEJT has helped set up local associations of child and youth workers. However, the constraints under which many children work makes it at best difficult, and often impossible, for them to participate in activities initiated by the association. The obstacles are reported to include:[64]

> Workshop bosses do not let child employees attend meetings [organised by the MAEJT].

> Young people who have escaped [from employers] boycott religious organisations, fearing that such organisations want to indoctrinate them…

> Some children do not see the benefits of the initiatives we suggest to them. They cannot see an immediate advantage.

> Access to some work places is difficult (transport is only available once a week).

> It is difficult to influence Koranic teachers and to raise their awareness about the issues we're concerned about (they insist on being provided with a glass of tea).

> Parents do not let their daughters participate [in our activities].

Some of these obstacles can be attributed to the government's failure to enforce any minimum standards for the treatment of child workers (such as suggesting limits on the number of hours they work each day or week, insisting that they are entitled on time off, either to attend classes or for leisure, or even checking on children's working conditions), while others are clearly cultural and relate to inadequacies in the layer of the protective environment for children that is supposed to protect them from adverse attitudes, traditions, customs, behaviour and practices.

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62 *Ibid*. The original text says:

> Il y a beaucoup de dangers et risques que vous pouvez rencontrer!

> Cherchez les bonnes informations. Renseignez-vous avant de partir. Une fois là bas,

> Ne vous laissez pas faire, analysez bien les promesses avant d'accepter un travail.

> Ne restez pas isolés, organisez vous au village et en ville, restez en contact avec nous.

63 «En posant la question pourquoi? Les réponses ont fait ressortir que depuis qu'ils ont commencé à se réunir suite aux nombreuses campagnes de sensibilisation et d'information sur la traite et l'exode précoce, ils ont décidé de faire du jardinage autour du puits du village, de la vente de bois mort et l'élevage. Ils ont mis en place une caisse de solidarité dans laquelle ils cotisent 100F par mois.» Dominique Gomis, Moussa Harouna, assisted by 137 children, Exode précoce et traite des enfants en Afrique de l'ouest. Où en sont Les Enfants et Jeunes Travailleurs? Mouvement Africain des Enfants et Jeunes Travailleurs (MAEJT), Unpublished draft, Dakar, November 2007, page 70.

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64 *Ibid*.,

> Les chefs d'ateliers ne laissent pas les enfants venir participer aux réunions.

> Boycotts par des jeunes qui ont échappé à des organisations religieuses, ils pensent qu'on veut les endoctriner…

> Certains enfants n'arrivent pas à comprendre quels sont les bénéfices dans ce que nous proposons. Ils ne voient pas d'avantage immédiat.

> L'accès aux localités est difficile (transport une seule fois par semaine).

> C'est difficile de sensibiliser les maîtres coraniques (ils demandent le thé)

> Les parents ne laissent pas les filles participer.

6.4 Enabling children to stay in their villages

In the example of Oufouanou village in Niger cited above, it was children working together who found ways of organising money making activities and reducing the numbers of children leaving the village (or postponing the age at which they left). Many other schemes have also had the same objective – of keeping children at home for longer. The methods used have varied. They include:

a. Persuading children to stay in their village by coercion, i.e., setting up a village 'vigilance committee' to detect children who intend to depart or are in the process of doing so and stop them;

b. Encouraging children to remain at school, by improving school facilities and giving information to parents and children alike, which suggests either that girls in particular or young people of both sexes will benefit from staying at school for longer;

c. Addressing the material pressures which lead children to leave home and seek a living elsewhere, by promoting opportunities for young people to earn money in or around their village.

The most common method promoted by governments in West Africa has been (a), involving coercion. Mali was one of the first countries in the region to introduce vigilance committees (in 2000). By 2003 substantial criticisms were already laid against them, suggesting they were responsible for abusing the rights of children rather than defending them and that they did more harm than good.[65] Subsequent investigations have confirmed this problem. Despite strong propaganda concerning school education – method (b) – many rural areas have inadequate numbers of schools or none at all and not enough has been done to ensure that schools are safe for children (especially girls) and that the education they receive is appropriate. Two assumptions that are made by advocates of longer school attendance are not always justified. These are:

1. that parents can afford to keep their children at school (i.e., feed and clothe them); and

2. that it is inevitably in the child's best interest to remain at home and at school rather than migrating to work.

In other regions of the world, the apparent inability of parents either to meet the costs of keeping a child at school or to do without the income he or she might earn has been addressed by making a variety of subsidies available to poor households.[66] However, to do so requires at least a rudimentary social security system to be in existence to administer the scheme. NGOs can do this on a small scale, but are unlikely to have the funds necessary to administer such a scheme on a large scale.

The problem with the second assumption is that it is often made without assessing the specific circumstances in which children live and work. While school facilities may exist, this does not mean that parents in a village necessarily consider it a priority for their children to attend school, especially when there is work to do around the house (in the case of girls) or in the fields (in the case of boys). Watching 12 and 13-year-old girls drawing water from a well by hand in a village in northwest Burkina Faso with a water table about 70 metres deep (i.e., pulling up a weight of 15 to 20 kilos), at a time when children were supposed to be attending school, confirmed to the author that work was a permanent feature of the lives of girls of this age and that home-based work could be more debilitating than the work they take on after migrating to a city. This impression is confirmed by some girls of this age who are working as domestic servants in cities and who state clearly that they do not wish to be withdrawn from their employment and sent back to their parental home. In other parts of the same country, girls aged 13 and 14 are regularly married off – and one NGO provides refuge to young brides who run away from their new husband or family and are unable to return to their parental home (as they will be promptly sent back to their husband). In such circumstances, migrating to a town to work for a few years offers an opportunity to postpone the age of marriage and child bearing, even if the justification offered at local level for this sort of migration is that girls are earning money to prepare their trousseau for marriage.

Option (c) is probably the one which has been least well explored in West Africa, as it generally requires some sort of micro-finance (loan or grant) to make it

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65 See Castle and Diarra, op. cit.

66 See Chapter 4. In Brazil the government made 'school scholarships' available to poor households in some areas as a strategy to reduce child labour as part of a Programme for the Eradication of Child Labour (PETI). As in South East Europe, receiving the financial subsidy was made conditional upon a child attending school.

viable. This option enables young people themselves to generate an income – preferably one from which they will be the direct beneficiaries, rather than simply working on a family enterprise and contributing to the overall household income – so that they are perceived to be generating a specific income and thus to be an asset. Both Save the Children and *Terre des Hommes* have engaged in efforts of this sort, in Mali and Burkina Faso respectively.[67] In villages in Sourou (in northwest Burkina Faso), for example, the *Terre des Hommes* Foundation (Lausanne, Switzerland) provided small amounts of credit to adolescent girls who were nearing the age at which others left the village to seek work elsewhere. The credit was in the form of a lamb and the scheme involved the girls looking after the lamb while it grew into a sheep and selling it just before the Muslim festival of *Tabaski* (*Eid al-Adha* or *Eid al-Kbir*), when virtually every family tries to buy a fully grown sheep in order to sacrifice it. The law of supply and demand dictates that prices for sheep are high in the run-up to the festival, making it a profitable time to sell. If the scheme was to be incorporated into the rest of their family's routine income-generating activities, undoubtedly poorer households would sell their sheep during the lean season (after the agricultural season begins and before the harvest), when prices are lower. The scheme was initially envisaged as one of credit, but later transformed into a grant, once the first sheep were sold and the young proprietors had turned over a profit that enabled them to make a further investment.

The experience of micro-finance with adolescents is reported to be patchy around the world. Often, this appears to be because of the prejudices of adults, who assume that teenagers cannot be trusted with either credit or a grant. The experience of NGOs suggests that it is viable on a small scale, when the administrative costs are either low or absorbed into the administrative costs of a wider development initiative. However, once attempts are made to upscale small scale schemes, administrative costs often make them uneconomical or mainstream credit institutions regard young people under 18 as too untrustworthy to give credit to.

Nevertheless, reducing the economic, social and cultural pressures on young people to leave their villages and earn a living elsewhere remains an important strategy – one about which further techniques need experimenting and further lessons learning, so that the schemes supported by Western government donors progress from advocating the benefits of education to tackling the practical impediments that stand in the way of the slogan, "From exploitation to education".[68]

6.5 Taking a closer look: investigating how some recruitment practices have a protective effect and whether this can be improved

The *Terre des Hommes* Foundation (Lausanne, Switzerland) has projects focusing on child migrants in four countries in the region: Benin, Burkina Faso, Nigeria and Togo. In Benin, in particular, it acquired relevant experience during two high profile cases in which children who were reported to have been trafficked were returned to Benin: in 2001 off a ship, the *Etireno*, which had taken them to Gabon, but was then turned back; and in 2003 children from Benin who had been working at gravel pits near the Nigerian town of Abeokuta.

The experience was part of a learning process, influenced by listening to the children concerned and finding out what they wanted and feared, which led the *Terre des Hommes* Foundation to rethink the strategies it was using. With respect to one of the three countries, Togo, the organisation noted in 2007:

"Gradually we were led to rethink our intervention logic. Migration, like trafficking, is a process experienced by the child. In order to understand this experience, it seemed to us essential to stop focusing uniquely on one phase of what was occurring (the detection of abuse) and to intervene at various other points in the migratory process. We felt it was vital to understand why a child ends up so far from home, what sorts of different migrations occur, which children are most likely to migrate and, among them, who is at highest risk of being trafficked, exploited or ill-treated".[69]

In Burkina Faso and Togo, *Terre des Hommes* is

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67 Emily Delap, Boureima Ouedraogo, and Bakary Sogoba, *Developing alternatives to the worst forms of child labour in Mali and Burkina Faso*, Save the Children UK, 2005.

68 The slogan of a campaign known as the Global March against Child Labour, a world-wide march held in 1998 in the run-up to the adoption of a new ILO Convention on the worst forms of child labour.

69 Terre des Hommes Foundation (Togo), *Dreams and Dramas of the Akebou Girls in Accra*, Unpublished manuscript, page 5.

therefore in the process of identifying practices associated with child migration and employment which have a protective element that it might be possible to develop to give more effective protection. It refers to these practices as 'indigenous' and they are generally associated with the informal economy, rather than being deeply rooted cultural practices. At the same time, observing how the top-down approach which has inspired so many programmes against child labour and child trafficking in the region has met with remarkably little success, the *Terre des Hommes* Foundation is exploring whether there is potential for community-based systems to protect children; that is, systems which build on and develop local cultural strengths, and are perceived by a local community to have a high level of legitimacy, rather than ones that are imposed on a community by the government, such as the various Village Vigilance Committees that intercept child migrants.

6.6 Girls recruited to be domestic servants

While some migrant children end up working in harsh and abusive conditions, in Burkina Faso and Togo the *Terre des Hommes* Foundation has focused attention on a flow of girl children from villages into towns, which occurs in most of West Africa countries and is also similar to the flows in many other regions of the world, of girls migrating to work as domestic servants (often as 'live-in' domestics who live and work in their employer's residence).

Before the 1990s, little had been researched or published about such children. Since 1995, however, both girls and boys working as domestics in many different countries have received attention. In some places, the recruitment of children below the minimum age for admission into employment is widely interpreted to be a form of trafficking, while in others there is a recognition that many of the children concerned feel better off working as a domestic than they were at home (possibly because, in practice, they do not have an alternative of living at home and attending school, as school facilities are routinely poor or absent in rural parts of West Africa). However, some child domestics are made to work extremely long hours or are subjected to corporal punishment or other ill-treatment, including sexual abuse, and child employees usually receive no schooling, even when other children in the same household attend school.

In the worst cases children are treated as slaves and end up behaving like diminutive robots. The harm caused to the children is linked to the age of the children concerned, for young children are evidently less able to defend themselves (and less likely to develop adequate coping mechanisms) than adolescents. However, it is far from obvious that the employment of live-in domestic servants becomes benign simply because a young employee is aged 14 or 15 rather than 12 or 13, or that it causes significantly more harm to a 12-year-old than it does to a 14 or 15-year-old adolescent, who is considered old enough by international labour standards to enter full-time employment, but who, in the case of girls, is in reality at significantly greater risk of sexual abuse. In the case of girls, children who have reached puberty are at greater risk of sexual assault than younger girls and this is said to be one reason why married women prefer to recruit girls who have not yet reached puberty to work for them.

6.6.1 The case of girls recruited in Sourou (Burkina Faso) to work as domestic servants

In Burkina Faso, the *Terre des Hommes* Foundation investigated the recruitment of girls belonging to the Samo ethnic group in the area of Sourou in the northwest of the country and, in a report published in 2003, concluded that it was not helpful to consider that the children were being 'trafficked'.[70]

Terre des Hommes identified a range of indigenous practices in Burkina Faso which have a protective effect for Samo girls arriving in the capital, Ouagadougou. These include:

1. the role of 'landlords';

2. the support and follow-up which the youngest new arrivals among the child domestic workers receive from their 'big sisters' in the city (i.e., older adolescent domestic workers);

3. the assistance (unplanned and voluntary) that ordinary people give to migrant children at key locations (such as the bus and taxi parks where migrants arrive and in residential areas);

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70 Terre des Hommes, *Les filles domestiques au Burkina Faso: traite ou migration? Analyse de la migration laborieuse des enfants de la province du Sourou au Burkina Faso,* June 2003.

4. and the efforts that Samo associations make to keep in contact with Samo girls who come from the same villages as themselves, which include providing the girls with material or financial aid if the need arises, especially if they need to return home.

The *Terre des Hommes* Foundation's regional specialist on the issue of child trafficking explained why the organisation decided to focus on the role played by landlords:

"It seems to me that the realities are there to see, under our noses, but it isn't easy to reconcile these realities with the various theoretical frameworks we start with, because the realities are more complicated than we imagined at the beginning. To take effective action in response to what is really happening requires us to open up and to perform some intellectual acrobatics in order to discover what forces, what leverage and what mechanisms can be used to generate the changes we would like to see and to reach the objectives we have chosen. One aspect of these realities has a name: the landlords".[71]

The process of identifying specific practices in the child migration process in Burkina Faso, which have a protective effect, started with a focus on the role of landlords (*logeurs*), who house migrants when they first arrive in town and act as employment agents. They find jobs for children, help them negotiate their (informal) contract of employment and generally keep track of what happens to them subsequently. In Ouagadougou, girl migrants arriving from Sourou routinely search out a particular landlord whose name and address they have been given in advance and who comes from the same ethnic group and sometimes the same village (or group of villages). *Terre des Hommes* staff learned that some landlords keep registers in which they note down details about the children for whom they find jobs – much the same details as those kept by any employment agency (the name of the child, employer's contact details, child's place of origin, etc.). While these are maintained essentially for the benefit of the landlord/employment agent, they also have a protective role, for example enabling the agent to put worried parents into contact with their child.

Some landlords in Ouagadougou also make the courtyards in their compounds available to the girls they have recruited to use as a social centre, once the girls have moved on and are living in their employer's residence.[72] In some cases the girls employed as domestics meet there each week. Some landlords are ready to look after the wages of domestic workers, reducing the risk of loss through theft, and to mediate when conflicts arise between girl domestics and their employers over wages, allegations of ill-treatment, or accusations that girls have stolen property belonging to their employers or misbehaved in other ways.

Landlords evidently have the potential to either help protect a child worker or to abuse her – by cheating her of her wages or savings, failing to keep track of her whereabouts or misinforming relatives on what has happened to her. However, in general, child domestics and their families are clear that they prefer to keep the system involving landlords, rather than leaving children to find work without them. They are regarded by both parents and child workers as an institution which can and does help keep children safe. Without them, children would end up resorting to intermediaries who are less of a known quantity, to travel, find accommodation upon their arrival and find jobs. The practice of relying on landlords consequently represents an indigenous mechanism for avoiding child migrants being trafficked or subjected to abuse.[73]

The *Terre des Hommes* staff who have investigated the role of landlords and who have worked with some to improve the level of protection for girls in contact with them seem aware of the limits on what can be achieved with such landlords, but also to reckon that the investment is worthwhile:

"…The essential idea behind this initiative is not to overstate the value of indigenous protection practices, nor to reject outright all the other forms of [child] protection, but, on the contrary, to reckon that reinforcing these indigenous practices is one of the keys to resolve all the problems linked to the ill-treatment of children and the worst forms of child labour".[74]

71 Olivier Feneyrol, quoted in: Karine Petitberghien, Olivier Feneyrol, Hermann Zoungrana, Ousmane Lankoande, Frédéric Baele et Pierre Philippe, *Les logeurs: trafiquants ou protecteurs?* Délégation du Burkina Faso, *Terre des Hommes* Foundation (Lausanne, Switzerland), Ouagadougou, 2007, page 38.

72 In comparison to Costa Rica and other countries where domestic workers congregate in parks once a week, there are less suitable public spaces in Ouagadougou. Further, the mean age of domestic workers in West Africa is often younger than in some other regions.

73 The information about landlords comes from: Mike Dottridge and Olivier Feneyrol, Action to strengthen indigenous child protection mechanisms in West Africa to prevent migrant children from being subjected to abuse, May 2007. Further information is contained in: Karine Petitberghien et al, *Les logeurs: trafiquants ou protecteurs?* 2007.

74 Karine Petitberghien et al, *Les logeurs: trafiquants ou protecteurs?*, 2007, *op. cit.*, page 37.

6.6.2 The case of girls recruited in Akebou (Togo) to work as domestics in the neighbouring country

Although *Terre des Hommes* runs a shelter for abused children in Togo's capital, Lomé, it has also investigated the situation of girls from the west of Togo who cross the border into neighbouring Ghana and who go to Ghana's capital, Accra, to seek work. This research was helped by the involvement of an academic researcher who investigated the pattern of migration, mainly of girls, from the Akebou area in western Togo, which reportedly started exporting adolescent labour when the area's income from cocoa and coffee exports fell dramatically.[75] The pattern of recruitment of Togolese girls from Akebou to work in Accra does not differ radically from the recruitment of Togolese girls in other parts of the country to work in Lomé, but it has its own particularities. Girls arriving in Accra reportedly work as live-in domestics or sell goods for their employers, either in the streets or at a market stall or in a shop.

Women from Akebou act as the recruitment agents or intermediaries who accompany girls down to Accra and find them jobs. The girls reportedly refer to them as "mothers". Such women are reported to keep track of 'their' girls, facilitating contacts with their families back home and reportedly finding new employers for girls who object to a particular employer. Like the landlords in Ouagadougou, they play a protective role but can also be a source of abuse.

For example, some agents cheat the children and leave them with virtually no earnings. Some take the entire sum that a child will earn over 12 months as a fee for themselves. They may fail to respect the contract they have agreed with child's parents in various ways. Child workers regularly ask them to take cash or goods back to the children's parents and some accept the donations but never deliver them. In the worst cases, the agents lose contact with the children who they have 'placed' with particular employers, but fail to admit this to the children's parents.

While most children remain in contact with their agents and also with their families, some do not do so. A few children who are 'placed' with employers when very young cease to recognise their parents and lose the ability to speak their parents' language. This occurred to a child placed at the age of five, who received no visits from her parents while in Accra, where she learned to speak Ewe and English and forgot Akebou. In effect, she lost her original identity.

Research into the pattern of Akebou girls migrating to Accra revealed the following practices which researchers considered either had some protective effect or had the potential to protect children:

1. The intermediary/agent is known to the child's parents (and accountable both to them and to other members of the same community);

2. The child's departure is preceded by rituals to protect the child from harm;

3. The child benefits from various forms of premigration advice and preparation:

   a. children are advised how to behave during their journey to Accra;

   b. children are told how to react once they start work, particularly if they are mistreated. They are advised to avoid reporting to the police or to NGOs, including those which specialise in child protection, on the grounds that these will seek to repatriate them without ensuring they bring their earnings with them;

   c. if they decide to abandon an employer, they are given instructions on a specific place where they should go to find their 'mother' or employment agent, in order to get a new employer;

4. The agent keeps track of the child and takes note of the employer's behaviour in Accra;

5. The agents work together;

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75 Terre des Hommes Foundation. *Dreams and dramas of the Akibous Girls in Accra.* Unpublished paper.

6. Agents can seek the intervention and arbitration of others within the Akebou community if there are disputes, so they have an alternative to seeking the intervention of government officials, whose solutions are reckoned to be in nobody's best interests (i.e., not the agent's or the parents' or the child's);

7. The child is not isolated in Accra, but is conscious of belonging to a wider community of migrants from Akebou.

One particular form of protection that the women agents from Akebou offer is to keep girls out of the hands of other agents, particularly groups of young men from Akebou who look out for girls running away from their employers or otherwise alone and offer to take them from Accra to Nigeria to work in Lagos, where the girls will have no access to agents to help or protect them. These young men, sometimes referred to as 'vultures', try to take adolescents from a *relatively* safe place of employment to a more remote destination where they appear to be in greater danger of abuse.

Intervening in Accra to improve the protection available to girls from Akebou is a special challenge, as the rest of the official child protection system is primed to 'rescue' the girls (even if they do not want to be rescued) and to send them home. However, as in many other African capitals, the official machinery appears either ignorant of the large numbers of live-in child domestics, or to be willing to turn a blind eye. In effect, the role performed by government in strengthening child protection is regarded by both child domestic workers and others as counter-productive. Of course, it is particularly regrettable if efforts by government agencies or NGOs to 'rescue' children and repatriate them have the effect of depriving the child workers of their earnings, in addition to running counter to their wishes. This would mean the government-run child protection system has the effect of conniving with bad employers who are keen to avoid to pay their employees. Similar perverse effects have been reported in countries where brothel owners are reported to have taken advantage of anti-trafficking laws to report girls or women working for them to the police and get them deported at the time when they would like the women to leave – and are keen to avoid paying them. However, it is clear in other parts of West Africa that the authorities have done little or nothing to protect child workers from being cheated by their employers out of their earnings, even though this represents a common problem for working children.[76]

6.7 Comments

For organisations dedicated to defending children's rights, it is obvious that some situations, such as children working in life-threatening or slavery-like conditions, are much worse than others and that the only solution is to take preventive action to stop children being sent there in the first place and to withdraw any children who are currently working and find alternatives for them. However, other working situations are less harmful. Even though international standards suggest that no children at all should be working full-time in a country before reaching the age of 14, the reality is so different, and current efforts to enforce any age limit in the world of work so ineffective, that the best support for children often seems to be to improve the safeguards available to protect them from abuse, rather than helping only a handful not to enter the world of work. Needless to say, a debate rages about what is 'realistic' and whether, by opting for realistic targets, governments or others end up condoning child labour and possibly child abuse.

In the case of the girls arriving in Accra from Akebou, for example, it seems clear that a system to protect them is in place, albeit an unofficial one run by their community, and that they are likely to be safer working there than in far away Lagos. However, to recognise that the young men referred to as 'vultures' are doing something more harmful than the agents who find work for adolescents arriving in Accra in the first place means accepting that children are relatively much safer working in some situations than others. To fail to make this distinction – and to fail to ensure that children remain in the zone which is relatively 'safer' – is to miss an important opportunity to protect the children concerned from harm.

In these circumstances, however, the protective environment described in Chapter 2 is clearly not functioning according to plan: there is an evident 'disconnect' between layers 2 and 3 (i.e., the role of the community and the role of government authorities in protecting children) and the two have opted for

76 Albertine de Lange describes this problem in, *"Going to Kompienga". A Study on Child Labour Migration and Trafficking in Burkina Faso's South-Eastern Cotton Sector,* 2006.

different (and contradictory) strategies. While the government's option carries with it the force of the law, it is far from clear in a West African context that it has more legitimacy than the options that communities prefer for themselves and their children. Reconciling the two appears to be a challenge that the region must take on over the next few years.

7. South Asia:
Looking for more effective ways to protect children

India and the other countries of South Asia (principally Bangladesh, Nepal and Pakistan) have seen huge numbers of people migrating to find work, most within their countries, some to other countries in South Asia and some further afield, principally to states in the oil-rich Gulf. Those migrating include both adolescents and younger children travelling and working who are not accompanied by other family members.

In a country the size of India, most migration occurs within the country, rather than across international borders, some within individual Indian states and some across state boundaries to other states within India. Migrants working in an Indian state where they do not have resident status face some of the disadvantages of international migrants, for they are not entitled to the food or income subsidies they can receive in their home state and, if found in an exploitative situation, although entitled by law to government financial support, they are likely to be told that it is only their home state that can make them a payment.

India also attracts significant numbers of migrants from both Bangladesh and Nepal, including adolescents and younger children. Within India there are signs of xenophobia, particularly towards migrants suspected of coming from Bangladesh. In the western state of Maharashtra, however, it is not only genuine Bangladeshis who get described as 'illegal' and unwanted migrants, but also Bengali-speakers from India's own state of West Bengal.

South Asia has a long tradition of bonded labour (known in international law as 'debt bondage', a form of forced labour and slavery incurred when someone accepts a loan and agrees to work to pay it off, but when the value of their labour, or that of a relative who works to pay the debt, is considerably more than the value of the loan). When the ILO estimated in 2005 that a total of 12.3 million people were being subjected to forced labour around the world, it reported that more that three-quarters of the total (9.49 million) were located in the Asia and Pacific region.[77] The majority seem to have been in South Asia. The number of working children in India alone runs into tens of millions, despite numerous laws to prohibit the employment of children below the age of 14 in specific sectors of the economy. Most recently, in October 2006 a legal prohibition came into force in India on the employment of under 14s as domestic servants and in restaurants and cafés.

Faced with large numbers of street children and the employment of vast numbers of young children (not just under 14, but even under 10) in agriculture, as domestics in private houses and in the informal economy, and the exclusion of most of these children from government-run schools, NGOs have developed schemes, over many decades, to prevent children from leaving home prematurely and to provide assistance to unaccompanied children who arrive in towns or

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Photo 4 *Boy selling food to travellers, Bangladesh.*

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77 International Labour Office, *A global alliance against forced labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work,* Geneva, 2005, page 13.

shelter in train stations and similar locations. Many schemes emphasise the importance of education, some as a means to prevent children getting into difficulty in the first place (i.e., by keeping them at school and delaying the age at which they start work or leave home), some while children are already at work (for example, providing NFE classes for children who are already at work) and some for children placed in shelters or residential accommodation. As in other countries, NGOs provide special catch-up classes (known as 'bridge' schools in some areas) to children who have dropped out of school or never attended, which are designed to enable them to rejoin mainstream, government-run schools.

In recent years, there has been a special effort to reach children who migrate with their parents for many months each year, for example while the adults (and often also their children) cut sugar cane in Maharashtra State or work in brick kilns in Andhra Pradesh State. In the case of Maharashtra, an NGO has organised temporary schools on the sites where the families live and work. In the case of the brick kilns, boarding schools were established instead in the villages from which the families came, so that children could stay there safely and attend school while their parents moved away on a temporary basis. The solution which was deemed most appropriate depended on the pressure at work sites on children to work alongside their parents (who were in many cases paid on a piece rate and thereby indirectly encouraged to involve their children in their work). If the pressures on school age children to work full-time alongside their parents seemed irresistible (as in the case of brick kilns in Andhra Pradesh), it seemed more appropriate to create facilities to enable the children NOT to migrate with their parents.[78]

There are many hundreds of residential schemes around India for children who have been persuaded to stop living on the streets or who have been withdrawn from working situations that were particularly abusive or harmful – working in health-threatening conditions or in bonded labour or slavery. All over India, for example, there are centres run by a Roman Catholic order, the Society of Salesians (generally known in India as 'Don Bosco') which provide residential accommodation, regular schooling and vocational training to children who are separated

from their families, such as former street children and children who have run away from employers. In numerous parts of the country there are also schemes to provide accommodation and non-formal education to children who live and work on the railways, most of whom are boys.

For many years the Government of India appeared to regard child labour as a necessary evil and its efforts to reduce the economic exploitation of children often looked like window dressing. However, in 2002 the government set up *Sarva Shiksha Abhiyan* (SSA), Education for All, a programme intended to bring about universal elementary education (seven years school attendance) by 2010. In 2005 a Constitutional Amendment was adopted to make elementary education for children aged six to 14 both compulsory and a right for all. There have been recent signs too that the Government of India is giving much more serious attention to issues of child protection. Child Welfare Committees are supposed to have been set up in every district to make decisions on the cases of young unaccompanied children, children reported to have been subjected to abuse and children in need of protection. Many include NGO activists among their members.

Nevertheless, in India, as in the three other South Asian countries mentioned, there is a lack of coordination between efforts in rural areas to discourage children from migrating to towns and efforts deployed in cities to assist and protect separated and working children. The lack of coordination is, of course, not limited to this: NGOs also compete rather than cooperate with each other; government officials are wary of cooperating closely with NGOs, even those with proven expertise; and different government agencies with child protection responsibilities also have difficult in coordinating their efforts closely. In 2006 it was not just the inefficiency of the police in investigating reports of missing children that was criticised, but their unwillingness to even note down details of missing children when parents tried to report them missing at police stations.[79] A case in Nithari (in Noida, a suburb of New Delhi) caused public outrage at the end of 2006, when the corpses of more than 30 children murdered by a single man were discovered. It became clear that children's parents

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78 Smita, *Locked Homes, Empty Schools. The impact of distress seasonal migration on the rural poor*, American India Foundation (AIF), New Delhi, 2007.

79 See 'Serial killer held, skeletons of four kids found in Noida', *Times of India*, 29 December 2006, http://timesofindia.indiatimes.com/NEWS/India/Serial_killer_held_skeletons_of_four_kids_found_in_Noida/articleshow/986133.cms

had been turned away at a local police station when they tried to register what in South Asia is called a 'First Information Report' (FIR), the first step towards the police opening an investigating into a reported crime. One positive result was that, during 2007, more serious attention was given to creating systems which would make it easier to trace missing children.

Don Bosco, the organisation with substantial experience of providing assistance to separated children in cities throughout India, many of who were 'missing' as far as their parents were concerned, also started an internet-based initiative to register cases of missing children and to provide news to the relatives of children who had been identified by organisations linked to Don Bosco and whose details had been registered in its data-base.[80] Information technology has begun to provide solutions which can help protect them, instead of being used primarily by people who contribute to child abuse by looking at child pornography.

The many organisations which are responsible for initiatives to protect children without parental care in India refer to these variously as efforts to stop child labour, child prostitution or child trafficking, to rescue child bonded labourers, to assist street children or railway children, to empower working children (by helping them organise their own associations) or to trace missing children. They are responding to a series of overlapping social and economic developments across India: rapid urbanisation; the recent adoption of more liberal economic policies; a high social tolerance of child labour (i.e., children working before they reach the usual age for the end of elementary education); continuing discrimination against millions of people from *dalit* or 'tribal' backgrounds;[81] and unequal access to land and other resources, meaning that vast numbers of households lack the basic means to survive all year around, even when they have access to a variety of government subsidies.

The basic strategies pursued by NGOs with respect to separated children (to dissuade them from migrating them in the first place or to provide them with assistance which minimises the likelihood of further abuse) have been described and analysed over

many years. The first two described below (7.1 and 7.2) explore some new options in India. The third (7.3), in Bangladesh, describes a somewhat more conventional technique.

7.1 Using new technology

7.1.1 Telephone help line for children suffering abuse

The Childline India Foundation was established in 1996 by Jeroo Billimoria. It involves a single telephone number (1098) for adults or children to ring to report cases of children suffering harm or in difficulty. By April 2008 it was available in 81 areas of the country. It involves a partnership between "Government, children and civil society, the telecom sector, voluntary organizations, [and] corporations".[82] By March 2007, Childline had received more than 11 million calls in India.

Calls made to the 1098 number are received by a different organisation in each locality where the number operates. In each locality, the service provider has built up a referral system, a series of links with statutory (government) agencies and NGOs based locally, to which individual cases of children in need of protection can be referred either for a prompt intervention or to provide services. As a helpline, Childline India is not unique (although it was the model on which many other child help lines around the world have been developed). However, its role in India in encouraging and facilitating better coordination between the various agencies which have a child protection role at local level seems somewhat unique (and is examined further below).

Childline India staff can recount hundreds of examples of different abuse that have been reported to the 1098 number and which sparked interventions to protect the children concerned: for example, to prevent child marriage, to reunite a missing mentally challenged child with his family and to intervene on behalf of separated children who are either being exploited or fear that they are being taken somewhere to be forced into prostitution or slavery. The following is just one example.

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80 Information from Father George Kollashany and his colleagues in the New Delhi Don Bosco 'Young at Risk' initiative, 21 April 2008.

81 *Dalit* and 'tribal' are two terms in routine use in India to refer to marginalised or excluded social groups. Dalits are regarded as being at the 'bottom' of the Hindu caste hierarchy, while 'tribals' are indigenous ethnic groups which are outside the Hindu caste hierarchy altogether.

82 Childline India Foundation, *Annual report 2006-2007*, page 2, accessed at www.childlineindia.org.in

"Six boys rescued and restored…[83]

Childline Jaipur [in Rajasthan, northwest India] received a call 13th March 2007 from a concerned adult. The caller informed them that a group of 5 boys were seen wandering late in the night near a hotel. The team traced the boys and brought them to the [Childline] centre. The boys were…from a place called Gaya, Bihar [in northeast India, 920 kilometres from Jaipur]. Their father was a labourer and could not afford to educate them with his income. They were sent to Jaipur to work and earn some money. The boys were accompanied by their cousin who was himself employed at Jaipur. The boys worked under the supervision of Sheikh, their relative in a *Zari* [embroidery] industry… Gradually he began torturing them by not giving them food and at times only half a plate of food. They were made to work from morning to late evening and also beaten up. They were neither allowed to go home nor call their parents. Not able to take further any of these treatments the boys managed to escape from the place. One boy was left behind who was rescued later. They were provided temporary shelter. The team then contacted the boy's parents at Gaya… Following verification the boys were handed over to their respective parents."

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83   *Op. cit.,* page 19.

About 16 per cent of the calls in 2006-2007 were from children who had left home and wanted to return home, while 23 per cent concerned missing children (i.e., calls from either the parents of a child who had gone missing or from a child who had been separated from his or her parents or another concerned adult).

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Photo 5 *Advertisement for a Helpline in Kathmandu Bus Station (Nepal)*

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7.1.2 Developing coherence and coordination at local level: the multi-sectoral approach again

Facilitating interventions to protect separated children who are either being exploited or fear that they are going to be exploited is quite clearly a helpful way of protecting children who are on the move or who have moved. Childline India's experience of knitting together other organisations and creating a local level referral system was, however, not an explicit objective of the helpline, even though it is an obvious knock-on effect of setting up any child protection service which acts as a 'gatekeeper' and refers individual cases on to a range of other organisations to provide protection, assistance or services. However, simply taking on the role of referring children to other organisations does not automatically lead to better coordination and cooperation.

In the case of India, where government agencies are routinely suspicious of NGOs, either suspecting them of profiteering at the expense of the very people whom an NGO is supposed to help or of challenging the government's policies, it has undoubtedly been crucial that a ministry of the Federal Government has supported the telephone hotline and that district administration officials, as well as a variety of government-run agencies, take part at district level. The organisations which Childline India brings together therefore include both government agencies and NGOs which would not normally cooperate closely.

Perhaps a crucial second factor is that no single person within Childline India was trying to take credit for the success in improving local-level coordination of child protection services – in a country where child-oriented NGOs, in particular, are routinely led by a figurehead who encourages and sometimes monopolises publicity. If, by creating a 'neutral space' where separate organisations can encounter and learn to trust each other, Childline India has facilitated the establishment of a referral system for abused children and an improvement in coordination, it is a very important achievement. It is not only in India where separated children, in particular, routinely slip between the cracks which exist because of the lack of coordination between separate agencies and because these have not agreed a coherent division of labour and responsibilities and instead compete with each other.

7.1.3 Counter-balancing the use of telephone hotlines in cities: action to prevent the exodus of children from Bihar

However, Childline India has had to recognise the limits on the services provided by a telephone hotline. By 2005, Childline had realised that a large proportion of the separated children who were referred to it came from rural areas in the same state, Bihar (like the five boys whose experience in Jaipur was described earlier), where telephones are largely unavailable and where families see few alternatives to their children migrating to earn a living elsewhere.

The state of Bihar in northeast India represents an extreme version of what happens in other parts of India. Large numbers of children under 14 migrate either on a seasonal or a permanent basis to earn a living elsewhere. In the case of Bihar, they are not just poor children from poor families in poor villages, but come from areas which experience seasonal flooding for up to six months a year.

From the 1980s onwards, the presence of large numbers of children from Bihar in the eastern part of neighbouring Uttar Pradhesh was noted, where they were involved in making carpets for export. It was the fact that many of the children were bonded by debt (and some abducted) that initially attracted the attention of campaigners in India and overseas. However, children from Bihar also migrated further afield, with large numbers of girls finding jobs in Mumbai (more than 1,400 kilometres from their home state) as live-in domestic workers, alongside girls from other poor regions, such as Jharkand State.

Over the past two decades, children from Bihar have routinely been reported among groups of children 'rescued' from slavery-like conditions in carpet and *zari* (embroidery) workshops in other parts of India. Some have been assisted in residential institutions in the cities where they were found, whereas others have been returned to Bihar to be reunited with their families. However, as in other areas where child migrants have been dispatched home without addressing the factors which caused them to migrate in the first place, many such Bihari children were soon on the road again, looking for new jobs.

Numerous organisations have initiated projects within Bihar to address the root causes of the

children's exodus, only to come up against seemingly insurmountable obstacles.

In 2006 Childline India embarked on a new initiative, a project in four districts of northern Bihar, to try and address the root causes which led so many young children to migrate to other parts of India. However, while the initiative was new for an organisation whose expertise was running a telephone hotline, it was by no means the first time that such efforts had been made. Furthermore, by April 2008, it was not clear that Childline's efforts were any more successful than other initiatives, nor whether its model of working was appropriate to replicate in other parts of Bihar.[84] Childline reckoned to focus its attention on children who had returned home after a period working elsewhere, organising their return home, ensuring "that children are sustained in their homes and…to avoid them being sent back again as child labourers", and "that the children are not forgotten and will not lose their claims to Government compensation". It also engaged in "advocacy to prevent children being drawn into work locally or being recruited for work outside the place where they reside".[85] However, as a newcomer to the four districts of Bihar where it chose to work, Childline did not automatically generate the same confidence (or have the same neutral status) as it enjoyed in the cities where it is known by both NGOs and government agencies to perform a useful role.

Perhaps the conclusion is that efforts to enable children from villages in Bihar to stay at home without migrating require a revolution in both the rural economy and the caste system which keeps poor people in their place. An alternative would be to provide substantial subsidies to hundreds of thousands of poor families, to pay them to keep their children at home and attending school, effectively compensating them for the loss of the children's earnings and remittances from other parts of the country. However, the scale of this makes the technique prohibitive for all but a few families. In the short term, therefore, it may be more realistic to develop techniques for protecting Bihari children once they take to the road, rather than aiming to keep them at home.

7.2 How a freedom of information law (Right to Information Act) improved child protection

After years of campaigning by NGOs concerned about abuses experienced by child domestic workers, in 2006 the Government of India amended the law to prohibit the employment of children under 14 as domestic servants and at the same time also prohibited children under 14 from working in restaurants, cafés and tea stalls (referred to in Hindi as *dhaba*), where many served food and cleaned the tables during the day and slept under the tables at night.

Activists with prior experience of campaigning against child labour knew, however, that having a law on the statute book was just the first step. Getting it implemented is another matter.

Organisations in different parts of India are currently engaged in distributing information about the new law (in fact it is a 'notification' under the terms of an existing law, which came into effect in October 2006). Before concluding that the new law is not being observed, however, they must conduct new research to find out who is working behind the closed doors of private houses and apartments and whether the children involved are still aged 13 or younger (in which case their employment is an offence) or are now 14 or older (in which case it is legal).

As noted in the chapter above about West Africa, it is arguable whether prohibiting children from migrating and working as live-in domestics is always in their best interests. In India's capital, New Delhi, however, an NGO participating in national campaigns against both child labour and child trafficking reckoned the priority was to find out whether the authorities were doing anything to implement the new ban. Unintentionally it found that its efforts to get information from official sources acted as a catalyst on the authorities themselves to do more to detect and respond to cases of illegally employed child domestics.

The NGO is *Pratidhi*, a project in Delhi which involves collaboration between the police and the Association for Development (AFD), an NGO of trained social workers, which provides assistance to victims of crime. *Pratidhi* was keen, not just to see the October 2006 ban enforced, but to invoke a Supreme Court judgment from 1996 which would

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84 Information on 23 April 2008 (New Delhi) from Nicole Rangel Menezes, Childline India Foundation Coordinator for New Delhi.

85 Childline India Foundation, *Annual report 2006-2007*, pages 29 and 30.

ensure that any offending employer paid a sum of 20,000 Rupees (approximately US$550) into a welfare fund for the child concerned.[86]

Before calling on particular police or government officials to enforce the October 2006 ban, *Pratidhi* invoked India's recently enacted Right to Information Act (2005) to obtain information from official sources about what was actually going on in the capital, where it suspected that many thousands of children were being employed as domestics at the time the ban came into effect. Under this freedom of information law, the NGO found out that four NGOs had been entrusted with setting up Transitional Education Centres to look after children who might be withdrawn from their employment and that a total of 23 of these centres were supposed to have been set up in late 2006.

Pratidhi next used the freedom of information law to obtain information from the Labour Department and the police and the courts. It asked for information on the number of investigations and prosecutions under various different child labour laws and related laws under which employers of children might be prosecuted. It learnt that a total of 387 children were reported to have been 'rescued' by the Labour Department in New Delhi in 2005, and rather less (185) in 2006. Finally, *Pratidhi* also secured information about the number of children in Delhi who had been 'rescued' by the authorities under the terms of the October 2006 ban. The Labour Department responded to a request for information under the Right to Information Act by saying that, by February 2008 (16 months after the law came into effect), a total of eight child domestic workers and 83 children working in restaurants had been rescued in the capital.[87] The Department indicated that half the child domestics had been sent back to their home town or village, to be reunited with their families, while the other half were being kept in a residential centre. Similarly, with respect to the 83 children found working in *dhabas*, 45 were reported to have been returned to their family homes and 35 had been referred to residential centres for children and were believed to be still there. By itself, the information divulged suggested that little was being done by the authorities in the New Delhi area on behalf of children employed as domestics.

However, *Pratidhi* was not the only one to draw this conclusion. Talking to officials, a *Pratidhi* staff member heard that the authorities were themselves surprised by what the information revealed and drew the conclusion that they should be making more effort to identify child domestic workers aged under 14. It remains to be seen whether this realisation will lead to more effective action, but at least now it seems more likely.

The relatively large proportion of children withdrawn from working in *dhabas* (restaurants and cafés) who were sent to residential centres and then kept there on a semi-permanent basis (35 out of 85, more than 40 per cent), created doubts in the minds of some *Pratidhi* staff that the authorities had developed appropriate alternatives for children withdrawn from their employers. They apparently concluded that it was not in the best interests of child domestic workers for *Pratidhi* to urge the police to remove them from their employers. Like other child workers, child domestic workers need an alternative which is clearly better for them to justify withdrawing them from their employers. Simply moving them from being dependent on an employer to being dependent on an organisation that provides residential accommodation does not mean that they are automatically better off. Life may be 'better' if they were being subjected to abuse by an employer and this comes to an end, but not if they are moved to a residential centre which seems unpleasantly regimented, or where they are bullied and where they are unable to earn any money or send any back to their relatives.

7.3 Clubs for girls in Bangladesh

Education summits this decade have regularly declared that it is a priority to ensure girls attend school, notably that adolescent girls remain at school, rather than dropping out in large numbers, while their boy colleagues are allowed to continue.

Much has already been learnt about how to encourage parents to allow their adolescent daughters to stay at school and how to encourage girls themselves to aspire to stay in school after completing primary education. However, mainstream schooling does not necessarily give girls all the knowledge or experience that they need to navigate the adult world, particularly in countries where the cultural norm is for girls to be polite and submissive. It has usually been up to NGOs or others to offer a relatively subversive

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86 A judgment dated 10 December 1996 in Writ Petition (Civil) No.465/1986.

87 Information from Raj Mangal Prasad of AFD-Pratidhi, New Delhi, 21 April 2008.

alternative – to develop the girls' self esteem and assertiveness.

In Rajshahi Division, in the west of Bangladesh, the Association for Community Development (ACD) has organised 'clubs' for adolescent girls living in rural communities, providing them with a place for non-formal education and a forum to exchange experiences and to develop their confidence to tackle the challenges facing them. In these communities, girls are not routinely dispatched to get a job elsewhere, but many parents want girls as young as 14 to get married. Not only do they not know the adult men who seek them as brides, but the men routinely arrive from neighbouring India and take them back to India after the wedding. Girls' parents routinely accept offers of marriage from foreign men whom they have never encountered before and who come from places about which neither the bride-to-be nor her parents know anything. In effect, once a teenage bride is married off and departs for India or a distant part of Bangladesh, her status is little different to that of a separated child. In theory her husband is with her to act as a protector. This at least is what the girl's parents expect. However, numerous cases have been reported in which teenage brides have subsequently experienced abuse, finding themselves in a community where they do not speak the language and have no idea where to turn to for help.

Girls' clubs organised by ACD have spoken out against early marriage for their members and sent delegations to talk with parents known to be planning to marry off a daughter whom the club members consider to be still too young. These are not always successful, but sometimes are.[88]

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88   Information to the author from a girls' club in Rajshahi Division, March 2007.

Photo 6 *A girls' club in Rajshahi (Bangladesh) meeting in 2007.*

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8. South East Asia: Protecting children in migrant communities and preventing working children being abused

8.1 Enabling migrant communities in Thailand to protect themselves

Thailand gained notoriety in the 1980s for the large numbers of children involved in its commercial sex industry. During the 1990s young Thai women (who appeared to be adults) were also noted in significant numbers in the sex industries in Japan and Western Europe. Intensive efforts were made to stop children from being trafficked into Thailand's sex industry and NGOs in Thailand established facilities to provide assistance and support to Thai women returning to their country after being identified abroad as victims of traffickers.

In the 1990s Thailand's economy boomed, with a brief pause at the end of the decade when all the 'tiger' economies in Southeast Asia spluttered for a year or so. The boom created a demand for cheap labour. In the first decade of the 21st century, Thailand became a major destination for migrants (adults and children) from neighbouring countries, particularly from Burma (officially known as Myanmar), but also from Cambodia and Laos. Some children and adults were trafficked and other migrants were reportedly subjected to forced labour once they started working in Thailand.

The presence of foreigners from surrounding countries is nothing new in Thailand. Its long border with Laos and Cambodia meant that refugees and others crossed into Thailand in large numbers during the 1970s, both while the US was engaged in conflict in Viet Nam and the other countries in Indo-China and afterwards, during the genocide in Cambodia. Internal conflicts in Burma have gone on for much longer. To complicate things further, members of ethnic minorities living in the highlands in the northwest of Thailand are often not recognised as citizens of Thailand and are sometimes treated as foreigners in the country where they were born. Although many migrants move into Thailand for political reasons, fleeing political persecution in their homeland, unlike most countries around the world, Thailand has never ratified the 1951 Convention relating to the status of refugees,[89] nor the 1967 Protocol relating to the status of refugees.

While Thailand makes no formal distinction between political refugees and economic migrants and gives no formal status or recognition to the former, when the economy began to boom, the government adopted a series of measures to allow employers to register undocumented migrants. The first was in 1996 and allowed more than 300,000 migrant workers to register for two-year permits that entitled them to live and work in Thailand.[90] The measures stopped short of granting full rights to the migrants to live and work anywhere in Thailand. Sometimes their authorisation was linked to their working for a particular employer and in general they were restricted to a particular province. By 2004, over 1,100,000 migrant workers had been registered.[91] Although the authorities required employers to pay the cost of registering foreign workers, whether adults or adolescents, in practice employers routinely pass on the costs to the workers themselves by deducting the amount they have had to pay from the migrants' wages. By 2006 the cost of registration was 3,800 Baht (US$95) per worker per year, which includes medical insurance.[92]

Despite the high demand for (cheap) migrant labour in Thailand, foreign workers still routinely seek the assistance of smugglers in order to enter the country. In April 2008 54 Burmese migrants (37 women and 17 men) were found dead after suffocating in a lorry smuggling them into southern Thailand. The BBC reported that more than 100 migrants had been packed into a container measuring 6 metres by 2 metres.[93] The comments made by the ILO office in Thailand, noting that the dead included young people, suggested that there was a 'system' in place that was virtually encouraging abuse – high

89 By February 2005, 142 countries had acceded to the Convention relating to the status of refugees and a further three had acceded to the Protocol without also ratifying the Convention

90 THAI-CORD, *The Situation of Migrant Children in Thailand and the Implementation of the Thai Coordinating Committee on Migrant Children,* 2007, page 38.

91 *Ibid.*

92 Elaine Pearson et al, Underpaid, *Overworked and Overlooked: the realities of young migrant workers in Thailand, The Mekong Challenge,* IPEC, ILO Bangkok, 2006, page 9.

93 'Burma migrants suffocate in lorry', BBC News, 10 April 2008, accessed at http://news.bbc.co.uk/1/hi/world/asia-pacific/7339939.stm

demand for migrant labour, continuing difficulties for immigrants to enter Thailand legally and feeble enforcement of labour laws once they arrived:

"Despite the [Thai] Government's attempts to formalize a system of cross-border employment agreements with its neighbours, the demand by Thai employers for migrant workers – documented or undocumented – is continuing and may even be accelerating. However, the formal systems of recruitment are not working. The reasons vary – a slow and expensive migrant registration system, a breakdown in the sending countries' abilities to provide the initial documentation required and legitimate concerns of migrants who are worried that they will not be able to change employers, even if they suffer abuse. Within such an environment, trafficking for labour exploitation is bound to flourish. "The ILO's own research into trafficking-related labour exploitation shows that many migrants, both documented and undocumented, are indeed suffering abuses. One report has found that more than half of the Thai employers interviewed were of the view that

locking up their migrant employees so they 'couldn't escape' was appropriate [emphasis added]. Another 75% of migrant workers on fishing boats had no access to their legal documents in any event – they were held by their employers. There are continuing indications of both forced labour and child labour involving migrants in Thailand." [94]

While the Thai authorities acknowledged their economy's need for migrant labour from 1996 onwards, it took them longer to recognise that many migrants were accompanied by their children and that these children had a right to education. However, following lobbying by various organisations, including the Thai Coordinating Committee on Migrant Children (THAI-CORD), in 2005 the government conceded this as well, allowing undocumented foreign children the right to attend Thai schools.

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94 Statement Regarding the Deaths of Migrant Workers in Thailand by Bill Salter, Director, ILO Sub-regional Office for East Asia, 11 April 2008, accessed in July 2008 at www.ilo.org/public/english/region/asro/bangkok/child/trafficking/migrantdeaths-english.htm

© Mike Dottridge.

Photo 7 *Boats in Samut Sakhon (Thailand) port in 2006.*

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The government decided that all children in Thailand should be able to attend six years of primary school, regardless of the nationality and whether they had identity documents or a recognised right to be living in Thailand. It further decided that the state's budget should provide the finance necessary to allow schools to take in non-Thai pupils.[95]

In 2007, yet another change in migration policy complicated things, when the government decided that only migrant workers and their children who had registered in 2004 with the Ministry of Interior had a right to stay temporarily in Thailand, making the status of young people who arrived after 2004 more precarious.[96]

By 2008, adolescent migrants aged 15 and over arriving in Thailand from neighbouring countries could potentially obtain a right to stay in Thailand – if they could get a job and their employee would register them.

Similarly, children born in neighbouring countries, or born in Thailand with foreign parents, are now entitled to attend school in Thailand. However, rights do not come without a struggle. The downside of migrants from Burma, Laos and Cambodia being allowed to work in Thailand is that they routinely have to put up with extremely arduous conditions, in which the labour rights to which Thailand's laws entitle them are routinely violated. Cases of forced labour have been documented in various sectors of Thailand's economy. Some of the most consistent reports of forced labour come from Thailand's fishing industry, involving non-Thai men and boys working on boats owned by Thai businessmen and also men, women and children working in seafood processing plants in ports close to the capital, such as Samut Sakhon, 40 kilometres southwest of Bangkok. Although not necessarily trafficked from Burma, Burmese workers, adults and adolescents, in Samut Sakhon have been discovered in 2006, 2007 and 2008 working in captivity, experiencing what is technically termed 'forced labour', but is sometimes better described as captivity and slavery.

8.1.1 Developing child protection mechanisms at community level

In the cases mentioned earlier in South East Europe (see Chapter 4), community-based child protection networks had been developed in the communities from which young people migrate. In Thailand, in contrast, the most impressive community initiatives have been seen in the areas to which large numbers of people from Burma have migrated. Many do not recognise themselves to be 'Burmese', describing themselves as, for example, Mon or Shan (ethnic groups or nationalities based in areas of Burma where armed groups have fought the government's armed forces for autonomy or independence).

In the port of Samut Sakhon and nearby Samut Prakarn, Samut Sonkram and Ratchaburi, initiatives to enable the communities from Burma to protect themselves from a range of threats have been led by the Labour Rights Promotion Network (LPN). In this area of central Thailand, migrants from Burma come mainly from the area of Burma that is close by, Mon State, just the other side of a border situated 120 kilometres to the west. As its name suggests, many of the NGO's efforts have focused on protecting migrant workers from abuse in their workplaces, gradually developing relations with Thailand's provincial authorities responsible for labour issues so that it could register complaints of abuse from non-Thai workers. However, the relatively huge numbers of migrants from Burma (estimated by some to be about 300,000 in Samut Sakhon and accounting for as much as 70 per cent of the workforce in the seafood processing industry)[97] resulted in the LPN providing a range of other services to the migrant community, both to protect children and adults from various forms of abuse.

The author visited a LPN-run social centre and drop-in centre for migrant workers and their children in Samut Sakhon in 2006. The children of migrants were attending a learning centre there to learn the Thai language and prepare themselves for entry into mainstream Thai schools. In theory this was non-formal education (NFE) to enable the children to move into Thai schools. However, in 2006 parents said they preferred their children to attend NFE classes

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95 Save the Children UK, *Building School-based Protection for Migrant Children in Thailand*, 2007, page 7.

96 Save the Children UK, *op. cit.*, page 2.

97 Save the Children UK, *Thailand Cross-Border Project 2006-2009. Cross-Border Project against Trafficking and Exploitation of Migrant and Vulnerable Children in the Mekong Sub-Region*, Bangkok, 2008, page 25.

or even to accompany them to their work place (in sea food-processing factories) for fear that children attending mainstream schools would be detained by the security forces – as illegal immigrants – when they walked out of school in the afternoon. The LPN consequently took on the task of seeking the release of school children who were detained, as well as teaching them and trying to persuade Thai school directors to accept them in their schools – for in practice, despite the government's decision the previous year that non-Thais should be admitted into schools, both children and their parents were experiencing great difficulties in persuading school directors to open their doors to non-Thai children. Alongside its core work of protecting migrant workers (adults and adolescents), therefore, the LPN provided services to children who were in Samut Sakhon with one or both parents.

The LPN received support from Save the Children UK to set up the learning centre. By 2007, Save the Children estimated that there were about 3,000 migrant children aged under 15 in Samut Sakhon, of whom less than 300 were attending either mainstream schools or even NFE classes. As well as defending non-Thai children against harassment by the security forces, Save the Children and the LPN also took on the job of persuading migrant parents that they should allow their children to attend a learning centre and then proceed on to school. The parents reportedly expressed a range of reservations, mentioning the financial pressures they experienced (which meant that they preferred their children to be working and to contribute to the household's income and also to avoid incurring the costs involved in sending their children to formal schools), fear of discrimination and fear of arrest.[98] Save the Children decided to provide various forms of financial support to families to eable them to pay the costs of their children attending school. In Samut Sakhon this involved paying the costs of the children's transportation between home and school. In another location, it involved paying for school materials and uniforms, as well as transportation.

8.1.2 Protecting migrant child workers

The LPN also received support from Save the Children UK to set up a network of 'watchdogs' within the migrant community to identify cases of trafficking, forced labour and similar abuse. In 2006 the LPN was contacted in Samut Sakhon by a man whose sister had been injured while working at a seafood factory, where she described horrendous conditions. Government agencies were informed and organised a raid on the Ranya-Paew seafood factory, where the NGOs accompanying them reportedly talked to 288 workers, 60 of whom were aged under 18. All were being forced to work in the factory against their will. Somewhat arbitrarily, the workers were divided into separate groups, labelled as 'victims of trafficking', 'illegal aliens', 'registered migrant workers' or 'child workers' (those who were 15 and 16 years old).

The news agency, REUTERS, subsequently reported that the workers at the Ranya-Paew factory,

"…were imprisoned in a compound behind 15 foot (4.5 metre) walls topped with razor wire and patrolled by armed guards. The rescued workers told human rights monitors they had to work 18 hours or more a day and were paid 400 baht [US$12.5] a month, out of which they had to buy food - mainly rancid pork - from the factory's owner. Those who asked for a break had a metal rod shoved up their nostrils. Three women who asked to leave were paraded in front of the other workers, stripped naked and had their heads shaved."[99]

The subsequent treatment of the 288 workers depended on how they were labelled on the day of the raid, as Thai law contained provisions for 'victims of trafficking' to be housed in government shelters (usually prior to being repatriated, which was undoubtedly not what either the adult or adolescent workers wanted), but no provisions for assistance to be provided to other victims of forced labour.

The case of the Ranya-Paew seafood factory became notorious at national level, but was far from unique. After their employer offered the workers back pay averaging just US$69 each (a total of 558,269 baht or US$18,057 for 258 workers), LPN gave advice

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98 Save the Children UK, *Building School-based Protection for Migrant Children in Thailand*, 2007, page 9.

99 'Child labourers toil in Thai seafood factories', Reuters, 26 April 2007, accessed in June 2008 at http://asia.news.yahoo.com/070425/3/30vr5.html

to the migrant workers on how to lodge complaints with the courts. Sixty-nine of them lodged a claim with the labour courts for a total of more than US$2 million, but the case was still being examined in mid-2007.[100]

8.1.3 Limits on the effectiveness of protection based in migrant communities

Like migrant communities in West Africa, Burmese migrant communities in Thailand provide support and protection for new arrivals. A range of agents play a role in facilitating the movement of people, money and information between the migrants and their relatives in towns and villages in Burma. Such agents protect migrants against various forms of abuse (including arrest and extortion by the security forces). Some agents act as traffickers, delivering children into forced labour or adolescent girls to brothels, but most do not. In a background briefing published in 2007, LPN commented,

"Some brokers help to facilitate the transportation and exploitation of workers in Samut Sakhon province, as elsewhere in Thailand. Others charge exploitative fees or place in employment situations that vary in degree of exploitation to the point of trafficking, as the diagram above illustrates."[101]

The LPN's comments on agents and the fees paid by migrants – which are sometimes used to enslave them[102]

"May 2007 interviews with workers and brokers reveal that Myanmar [i.e., Burma] brokers will usually transport migrants to the border and Thai brokers will receive them on the Thai side. The Thai brokers may deliver them directly into employment, or only to the destination area (such as Samut Sakhon) where the migrants then have to locate another broker to find work. Some migrants will have paid their fees before

making the journey, whilst others will go on the promise of work and the understanding that they will initially work to pay off their recruitment and transportation fees.
"When brokers recruit workers, they often tell the workers that the transportation fees, which typically range from 9,000-19,000 Baht [US$280-US$600], will be worked off in the first few months of their work. However, once workers arrive at their destination, having been 'bought' by the employer, some discover that their debt to the employer is significantly greater than that which the broker told them."
"Brokers can further increase their control over a worker by holding their original documents so that the worker cannot change employers, a practice also used by employers themselves. It is illegal for the workers not to carry their original documents at all times, and under frequent stop-and-checks on the street, these workers face arrest or a fine by Royal Thai Police. Therefore, freedom of movement for these workers is greatly limited".

LPN noted that the agents (or 'brokers') effectively come in two quite different categories, the first acting "primarily as sub-contracted agents of employers, handling all arrangements with workers and superficially taking the responsibility and accountability from employers", and the second acting, "as more worker-oriented service facilitators, providing a wide variety of much-needed services, for a price".[103] The services provided include managing relations with the police, hospitals and the authorities who register migrant workers, and also organising remittances back home and securing new jobs. In effect, the protection of both child migrants and their parents would be promoted if the influence of the second category of agents could be promoted at the expense of the first.

Organisations that are based in migrant communities know who the various agents and intermediaries are and understand the role they play and consequently acknowledge that some of the assistance that they provide to migrants is vital. They also have some potential to hold such agents accountable, albeit informally, within their communities, if their activities move from being protective to abusive.

100 Jackie Pollock, 'Thailand' in *Collateral Damage. The Impact of Anti-Trafficking Measures on Human Rights around the World,* Global Alliance Against Traffic in Women (GAATW), Bangkok, 2007, pages 193-194.

101 From *Facilitation to Trafficking. Brokers and Agents in Samut Sakhon, Thailand,* Strategic Information Response Network (SIREN). United Nations Inter-Agency Project on Human Trafficking in the Mekong Sub-Region (UNIAP), Bangkok, 25 June 2007, page 2.

102 *From Facilitation to Trafficking, op. cit.,* page 3 and 4.

103 *From Facilitation to Trafficking, op. cit.,* page 5.

However, organisations based in migrant communities are much less effective when it comes to combating abuse by influential Thai business people or companies. At this point organisations composed of the migrants themselves have to seek allies in the host country to challenge the almost absolute control that these wield over migrant workers. Organisations such as LPN can act as advocates for migrant children and adults, but they depend on Thai institutions to respond to their requests and to intervene to stop Thai employers abusing migrant workers. When abuses were first detected in the seafood processing factories, the Thai authorities were reportedly reluctant to react. Labour Offices at provincial level, for example, knew they had a role to play in protecting Thai workers from abuse, but were initially reluctant to defend the rights of foreign workers. At this stage, therefore, it was necessary for international organisations (both non-governmental ones, such as Save the Children UK, and intergovernmental organisations such as the ILO) to use their influence to persuade provincial officials that they had a legal duty to respond to complaints from non-Thai workers in much the same way that they would respond to complaints from workers with Thai nationality. The role of advocacy does not stop there, however. Once complaints are registered with the courts, judges and court officials have to be persuaded similarly to proceed with court cases, and the security forces have to be persuaded not to apply immigration law to harass or deport non-Thai workers who have registered complaints. At every step, Thai business people or companies try to use their influence to get the charges against them dropped and to have the workers who dare to complain punished with detention or deportation. In Thailand, as in many other countries, unscrupulous employers take advantage of immigration laws to maintain control over migrant workers and to use the security forces to maintain 'discipline'.

8.2 Encouraging 'safe migration' within China

In China's southern Yunnan Province, Save the Children UK has been working with children, young people and the local authorities in Xishuangbanna Prefecture, close to the Mekong river and to borders with Burma and Laos. In this part of China, various minority ethnic groups cohabit alongside the majority Han population. Since 2003, Save the Children has been piloting what is referred to as a "rural-urban safe migration channel for children and young people" between Daluo township (close to the Burmese border)

and Jinghong City on the Mekong river, the capital of the prefecture. According to Save the Children's description of the project, "The pilot project aims to establish migrant support systems in the places of origin (Daluo), transit and destination (Jinghong) to make it safer for people, especially women and children, to migrate".[104]

This is just one initiative concerning internal migrants in a country where tens of millions of villagers have been migrating to cities (and other rural areas) since the late 1980s, many of whom have experienced abuse during their journeys or upon arrival. Over the past 10 years, several other international organisations have operated protects in China to stop trafficking in human beings. At both provincial government level and national level it is clear that the authorities would prefer migrants to be channelled through government-run recruitment agencies, thus keeping control of them, as well (possibly) as reducing the abuses to which migrants are subjected by intermediaries. However, in China, as elsewhere in the world, rural people are naturally and understandable sceptical about the benefits of placing themselves in the care of government-run institutions. As the free market has developed in China, so migrants too have been keen to go where they want and to take advantage of new opportunities. At the same time, of course, a range of agents and crooks are ready to offer a helping hand – and also to exploit them.

In Xishuangbanna Prefecture, Save the Children aimed explicitly to develop a child protection model for children on the move, a model which is potentially of great relevance to other agencies operating in different parts of the world – although it focuses on enabling migrants to move safely within their own country, rather than to overcome the additional hurdles they would face when crossing an international border.

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The project defined the child protection system it set out to develop as follows:

"An organised structure composed of responsible government agencies and groups of adults and children with a legal mandate to ensure the protection of all children from exploitation, physical, emotional, sexual abuse and neglect".[105]

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104 Save the Children UK, *Safe Migration Channel for Children on the Move in China: An example of good practice in the Cross-border Project against Trafficking and Exploitation of Migrant and Vulnerable Children in the Mekong Sub-region*, 2007, page 2.

105 Save the Children UK, *op. cit.,* page 7.

This child protection system was expected to:

> Develop better procedures and practices for preventing abuse, exploitation, and neglect of migrant children.

> Identify and protect child victims of abuse and exploitation.

> Monitor and report incidences of abuse and exploitation of migrant children.

> Provide basic services needed by migrant children.

> Ensure that the system is known and accessible to all children.

> Register and facilitate cooperation of recruiters and employers.

The project provides pre-migration support in Manxixia Village in Daluo, where the population of just over 700 people belong to the Bulang ethnic group. It also set up a support network for migrants arriving in Jinghong City. In Daluo this has involved supporting a Village Committee in Manxixia (composed of the Secretary of the local Communist Party, the police, the Women's Federation and the Labour Bureau) and ensuring this coordinates with a Child Committee in the township, composed of young people and children. The Child Committee is responsible for 'awareness raising' activities among young people, covering issues such as human trafficking, drugs, HIV/AIDS and life skills. It also runs a children's centre in the village. The Village Committee registers recruiters and employers who come to the village, monitors out-bound migration, trains potential migrants on labour laws and their rights and helps migrants resolve labour problems and exploitation issues.[106]

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106 The remaining description of the activities in Daluo and Jinghong comes from Save the Children UK, *op. cit.,* pages 8 and 9.

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Photo 8 *Policeman confronting a trafficker during a play about trafficking in persons in a village inhabited by an ethnic minority, Yunnan Province (China) 2006.*

At the other end of the migration chain, the project operates principally in Liming, one of the communities in Jinghong City where migrants usually live or stay temporarily before migrating further. There is a Liming Community Committee (composed, once again, of the Secretary of the local Communist Party, the police and the Labour Bureau – this time there is no representative of the Women's Federation), the local Youth League and other children in Liming and also some input from local employers. The Liming Community Committee has the key role of monitoring new arrivals and helping migrants resolve labour problems and exploitation issues.

So, the project ensures there is some coordination in the area from which migrants depart – the multi-sectoral or multi-disciplinary approach mentioned in previous chapters – some coordination when they arrive and some coordination between the two places. Save the Children's own assessment of the project reckoned it included three key elements, without all of which it might not succeed:

> Multi-sectoral networking;
> Private sector involvement; and
> Children's participation.

The most controversial point is probably that the village authorities monitor out-bound migration. This means that they can potentially take action to enforce government policy or laws on migrants, for example, reducing their freedom to move when they want or ordering young people not to depart before they reach a minimum age. In Laos, supporting such monitoring several years ago (as part of a wider scheme to trace young migrants who travelled to find work in Thailand) became controversial because the village authorities imposed fines on emigrants who left their village without prior authorisation.[107] A scheme to enhance protection for migrants can thus easily be subverted and turned into either an exercise in power politics – controlling migrants – or extorting money from them.

A more practical question, perhaps, is whether such a scheme, operating, as it does, between two relatively small communities, Manxixia village in Daluo township and Liming Community in Jinghong City, can be replicated at a larger scale, or whether its benefits flow from the very fact that it focuses on people who share a similar identity and a feeling that they have common roots. In a sense, the project replicates some of the structures of an ethnic association operating in a West Africa city, looking after its own, while tying these in with existing political and state structures rather more methodically than is usually the case in West Africa. However, it also puts an emphasis on involving children as actors and mobilising children both in the village and in a migrant community to become part of the solution, rather than passive bystanders.

In the same part of Yunnan Province, a variety of other schemes have been tried out, both to reduce the need for young people to migrate and to protect them from abuse once they do so. As the distances over which some migrants travel start by being relatively small (Daluo to Jinghong is approximately 75 kilometres), one scheme that an ILO project[108] experimented with involved taking young villagers by bus to visit a local city, to have an opportunity to see what was there and to meet some employers and hear what working for them involved. Of course, these were 'good' employers, rather than those who were more likely to imprison their workers and use force to make them to work, but the visit nevertheless had clear benefits in giving the young villagers some idea of what awaited them once they left home.

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107 See TRACE (Trafficking from Community to Exploitation). *Lessons learnt through TRACE. Human Trafficking from Laos to Thailand.* October 12, 2004. TRACE was funded primarily by the Italian Government through UNICEF's Regional Multi-Country Project against Abuse, Exploitation and Trafficking of Children, with additional funds from the Government of the Netherlands through the Netherlands Embassy in Bangkok. Research for the evaluation was conducted as a joint project of UNICEF and the UN Interagency Project on Human Trafficking in the Mekong Sub-Region (UNIAP).

108 The ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women (TICW project).

9. Techniques to reduce the likelihood that children on the move will be subjected to abuse

This chapter reviews the techniques described in Part 2 with respect to the different layers in the protective environment for children that they aim to enhance: i.e., those aimed at:

> individual children;
> families;
> children working together;
> the community (both in the places that children come from and in those they move to, where they are routinely considered not to be full 'members' of the community);
> the State or government agencies.

9.1 Techniques to enhance the capacity of an individual child

Providing children with information about the risks they run when they move away from home or migrate is essential, but needs to be done without scaremongering. Information about risks also needs to be complemented by advice on how to minimise and overcome risks. Nothing could be sadder than an education system which succeeds in intimidating children out of taking any initiative to improve the quality of their lives, including moving to another location or country.

It seems clear that many more children could benefit from detailed advice on the practicalities of migration and on the sort of action they could take to make their migration safer.

Although no evidence appears to be available yet to show that children who have learnt life skills are safer when they migrate than other children, it seems obvious that life skills should be integrated into school curricula everywhere and, if they are not, that clubs and organisations which influence children outside school time should make an effort to teach them.

It seems essential to take the norms in any country into account when considering what messages to give to children. This is not a reference to legal norms, which the experiences reviewed in several chapters suggest can sometimes cause hardship to children rather than protecting them. Rather it is a reference to social norms: if the norm is for a large proportion of children to move or migrate before reaching adulthood, it seems vital to give them advice on the precautions they should take before any of them reach the age at which some of them move away.

How essential is it to urge children to remain at school in countries where this is not currently the norm? It should be in the best interests of the child to attend school, but some children, parents and communities evidently consider this not to be the case. While public policy is based on the assumption that children inevitably benefit from education, NGOs and others that operate at local level are in a position to monitor the effects of school attendance on particular groups of children and to make rather more evidence-based calculations about what is in the best interests of particular children. In cultures where remaining at home after puberty routinely results in girls being precipitated into an early marriage, with the danger of health-related hazards related to early child bearing, it may likewise not be in their best interests to remain at home, even if they attend school, but rather to find employment elsewhere. A more integrated approach to girls' well-being and rights is appropriate in such areas, promoting their continued attendance at school along with a later age for marriage and other initiatives to guarantee them greater economic independence.

One researcher investigating patterns of recruitment into prostitution in northern Thailand reached the unorthodox conclusion that girls who received MORE education were more likely than their less educated sisters to be sent by their parents to earn money in the

sex industry.[109] Such evidence makes policy makers feel uncomfortable and may well represent an exception rather than the rule. However, organisations operating at local level are in a position to collect and appraise the evidence and possibly reach the conclusion that staying at school is not in the best interests of particular categories of children or that they need specific, extra protection if they are to remain at school.

Furthermore, the evidence in Chapters 6 and 8 (on West Africa and South East Asia) reminds us that remaining at home or in a village is not tantamount to staying at school, either because the school facilities required do not even exist or else because parents make the decision to withdraw their child from school, even when the facilities do exist. In some cases, of course, children who do not attend school or who are withdrawn from school receive a good education, albeit not at school. However, in practice withdrawing children from school is often a sign that they are being introduced to the world of work on a full-time basis, at the expense of further education. Once again, NGOs operating at community level are in a position to assess the pro's and con's of both school-based education and non-school education.

The key conclusion as far as initiatives focusing on a child who has not yet migrated or moved away from home may be that it is helpful to show them

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109 Lisa Rende Taylor, 'Dangerous Trade-offs. The Behavioral Ecology of Child Labor and Prostitution in Rural Northern Thailand', *Current Anthropology,* Vol. 46, No. 3, June 2005.

© Terre des Hommes Foundation (Lausanne, Switzerland).

Photo 9   *Girls working on Patenga beach (Bangladesh) after attending school.*

that some alternatives and to empower them to make decisions for themselves, including the decision NOT to migrate in communities where this has become the norm. It seems that the recent priority given to the importance of attending school may have prevented some project planners from appreciating the importance of making other alternatives available to children, which are better than the ones facing them. If a child of 12 or 13 is faced with being sent away to work in harsh conditions, enabling the child to make money without going away, or enabling the child to find employment which does not involve such harsh conditions both represent an improvement.

While staying at home to attend school is not necessarily a better option for all children than moving away and starting work, there is no inherent reason why children who have migrated should stop being able to attend school. The various examples in Chapters 7 and 8 set out primarily to provide education to children who had moved with other family members, that is children who could potentially dedicate themselves to full-time education, despite having migrated. However, NFE remains a vital resource for many children. It seems tragic when children who are earning only a few cents a day are unable to afford the bus fare to attend NFE classes during the time when they are not working, in the afternoon or evening. The reality is that these are often not a second-best to attending school on a full-time basis back in their family's village. In some countries, NFE classes in a town are the first opportunity that children get to learn to read and write. They are usually relatively cheap to run and they perform a very useful service for children who have moved away from home. Not only are they an opportunity for education, they also give others a chance to see them, to check on their welfare and to socialise, albeit briefly. For many children, access to such classes is the equivalent of older migrants attending evening classes to get qualifications and to better themselves.

9.2   Techniques to enable children to get organised together to protect themselves

Traditionally there was an assumption that children were unable to do much to defend themselves. This attitude has gradually been disappearing, particularly as children's right to participate in actions taken to bring about respect of their rights has been

acknowledged. However, the view that children should not have to get organised in order to defend themselves collectively still means that various critics of child labour object to the very existence of working children's organisations.

In many cases where young people have been encouraged to form self-help groups, clubs or other types of association, these have had a significant positive impact, both before and after their members have migrated.

The example from Bangladesh (Chapter 7) concerns one of thousands of initiatives around the world to encourage boys and girls, either separately or together, to get organised and to influence adults, in effect as a collective entity of children acting together. The example of the MAEJT in West Africa (Chapter 6) demonstrates a quite different form of mobilisation. Although the children in a village in Niger were ones who had not left their village of origin, many of those who join the MAEJT in cities across Africa are reported to be separated children who have already moved from a village to the city. Both are examples of what is referred to as 'empowerment', a term which still seems to inspire worry or even fear in some organisations, particularly when children are involved.

There has been substantial opposition to initiatives such as these, in some cases from adults who fear their authority and influence is being undermined, but also from less likely sources, such as trade unions, which have objected to the formation of associations of child or adolescent workers. Their opposition is based in part on a principle that children below the legally stipulated minimum age for admission to employment should not be working and in part, no doubt, on a feeling that, if young workers want to get organised, they should join a conventional trade union (inevitably run by adults) rather than forming their own association, especially when this is supported by an NGO. The problem with taking a stand on the principle that children should not be working is that it flies in the face of reality; in effect it leaves young workers more vulnerable and less able to defend themselves than if they form their own associations. To require child workers to submit to the authority of an organisation formed by and for adult workers means, in effect, asking them to defer to the authority of adults rather than taking responsibility for themselves.

9.3 Techniques to influence families or to enhance protection at the level of the family

Undoubtedly some parents send their children off to work elsewhere, or are willing to let them go when their child suggests departing, because they are insufficiently well informed about the experiences of children while they are travelling and after they reach their destinations. However, it is difficult to avoid the conclusion that this assumption is often condescending and based on a poor understanding of how people in poverty or in places with few opportunities make choices, or about the factors they take into consideration when they are willing to take substantial risks (for themselves or their children) in order to find an alternative way of life that might be better.

While it is important to tell both potential young migrants themselves and their parents what may lie ahead, there is little evidence that 'awareness raising' campaigns make much difference unless they are accompanied by other techniques. In order to have a substantial impact, they can be used in conjunction with techniques which address the household's financial circumstances. In West Africa, both Save the Children and *Terre des Hommes* have tried making credit available to adolescents, to enable them to earn some income while continuing to live with their parents in the family village. The experience of one group of boy migrants in Burkina Faso, who routinely leave home without their parents' permission (to work on cotton farms for as much as a year in order to earn a bicycle) indicates that the boys' motivation to migrate comes largely from their wish to earn something for themselves, as individuals, rather than to work on a family farm and contribute to their household's income without acquiring any purchase power themselves.[110] While many projects take the view that it is more appropriate to support a household unit as a whole in its efforts to increase its income, this Burkina Faso experience confirms that it is also important to understand the aspirations that young people have and the constraints they live under as long as they stay living (and working) at home.

110 Albertine de Lange, *"Going to Kompienga". A Study on Child Labour Migration and Trafficking in Burkina Faso's South-Eastern Cotton Sector,* IREWOC, Amsterdam, August 2006.

9.4 Community-based protection techniques

It seems to be topical for child rights defenders around the world to call for the development of community-based child protection techniques. For example, in a publication in 2001, Save the Children reported that over the preceding five years it had built up child protection networks at community level in the Democratic Republic of the Congo, primarily to prevent the recruitment of children as soldiers, as well as to facilitate their return and reintegration. However, the networks were also reported to help prevent domestic child abuse.[111]

In theory, it sounds as though a community should embrace the concept of child protection, rather than feeling that child protection mechanisms or procedures are being imposed from above or outside, which would create the danger that they are perceived to be imposed and consequently enjoy little legitimacy or support.

However, the reality is that efforts to protect children at community level come in all sorts of shapes and sizes. Many 'community based child protection mechanisms' turn out to have been designed outside the community and imposed on it, while far fewer are truly rooted in a community and designed with members of the community to make the most of its existing strengths. Further, some community based techniques reinforce existing power structures which discriminate against children, particularly girls, so reinforcing them accentuates the difficulties experienced by children, rather than resolving them.

One *Terre des Hommes* author makes the distinction in French between "*systèmes communautaires de protection*" and "*systèmes de protection communautaires*" (community systems for protection versus systems for community protection).[112] Perhaps the distinction in English is between 'community-based systems to protect children' versus 'systems operating in a community to protect children'. The former do indeed enjoy more legitimacy within the community concerned, while the latter are imposed or introduced from outside. In some areas of the world, the distinction may seem minor or irrelevant, for example in both Western and Eastern Europe. In others, however, where community

identity is stronger and where customary law is routinely regarded by rural communities as having much more legitimacy that the legal system imposed by the government, the distinction is significant and 'community-based systems to protect children' almost certainly have a better chance of proving sustainable than those imposed from outside. It is not surprising that the *Terre des Hommes* author who noted the distinction in French works in West Africa, where laws and rules imposed by central governments often have little more legitimacy nowadays than those imposed by their colonial predecessors.

However, the distinction is not limited to West Africa. In other parts of the world, the same choice is routinely posed: is it more appropriate to cooperate with existing government protection mechanisms (such as a rudimentary department of social services) or to look deeper into the community where protection is lacking, in order to identify individuals and methods within the community, which have the potential to be developed. In a country such as Albania, whether the minority community most in need of better protection, the Roma, experiences discrimination and regards most government institutions with a degree of suspicion, it would evidently be preferable to base any new protection system as solidly as possible in the community.

However, there may be a contradiction between establishing roots in the community and working effectively with the government.

Despite all the references to 'community-based systems' for protecting children from abuse and also for other purposes, such as protecting labour rights or human rights more generally, the human rights literature produces relatively guidance on what form such systems should take.

In the absence of other relevant definitions in international law concerning 'community-based protection mechanisms', the Cape Town Principles (concerning child soldiers)[113] provide a useful point of reference, even if they refer principally to the role of the community in enabling an exploited child to recover and restart his or her life, rather than to the

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111 Isobel Mc Connan and Sarah Uppard, *Children - Not Soldiers*, Save the Children UK, 2001, page 51.

112 Oliver Feneyrol.

113 Adopted by the participants in the Symposium on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa, organised by UNICEF in cooperation with the NGO Sub-group of the NGO Working Group on the Convention on the Rights of the Child, Cape Town, 30 April 1997.

role of a community in preventing a child from being recruited or abused in the first place. The Principles suggest that, "Programmes should be developed with the communities, build on existing resources and take account of the context and community priorities, values and traditions". Paragraph 34 of the Principles urges that,

"The capacity of the family and community to care for and protect the child should be developed and supported.

> a. *Identify and support traditional resources and practices in the community which can support the psycho-social integration of children;*
>
> b. *Assess and understand the socio-economic context with specific reference to poverty, and food and nutritional security;*
>
> c. *Identify and build on the traditional ways of generating income, traditional apprenticeships, credit and money-making schemes;*
>
> d. *Initiate dialogue with communities to understand their main concerns for their children and their perception of their own roles and responsibilities with regard to the children."*[114]

In the context of children who migrate alone, this suggests that it is important to understand the economic context in which children leave home, work or are trafficked and that it is important to build on traditional ways of doing things, rather than discarding them. In contrast, however, it seems that when it comes to trying to discourage children from leaving their families and communities, relatively few projects or programmes bother to secure the cooperation and approval of their objectives from the communities concerned before they embark on their initiatives. In effect, it has been relatively easy for them to get financial support from donors to enter a community with a briefcase full of international standards about child labour and child trafficking and to encourage measures to ensure these are respected, without securing popular support. The result, as witnessed in some parts of West Africa (see section 6.2 in Chapter 6), has been that procedures introduced into a community from outside, nominally to protect children, in the form of village vigilance committees intended to stop children being trafficked, have ended up becoming a tool for repressing rather

than enhancing children's rights.

Even if it does not enjoy a high level of popular approval, the real benefit of establishing a child protection mechanism at community level should be that it can provide 'joined up' protection at local level, ensuring that the various professionals and services which come into contact with children have an efficient division of labour, in which each agency knows what it has to do and its actions complement those of other agencies, rather than contradicting or competing with them, and effective ways are found to share information about the cases of children who have been abused or who appear at danger of abuse. In communities in rural West Africa, there may not be enough professional services on offer to make it worth investing in greater coordination and coherence in their approach. However, in the parts of South East Europe from which children began migrating in the 1990s, and from which adolescent girls have reportedly been trafficked into forced prostitution, a routine failing of local services is that they do not work together closely and children fell through the gaps in the child protection net.

In the areas to which young people migrate by themselves or with other family members, establishing a community-based protection network means one that is rooted in the migrant community and run by them, rather than an institution concerned with child protection in the host country, which imposes its norms and procedures on the migrants. It might take the form of an NGO, as in the Thailand example described in Chapter 8, or a set of rather more traditional institutions and practices which have no formal legal status, as in West Africa. The result is that the protection network based in a migrant community may have different norms and standards to those of the host country. For example, it may regard some sort of illegal immigration as perfectly acceptable, while the government authorities in the country concerned want to combat irregular immigration and catch immigrants who try and access services such as health and education in order to deport them.

The experience in Thailand shows that a protection network based in a migrant community has to build strong alliances with institutions in the host country if it is to exercise pressure on any institutions or individuals outside the migrant community (including business people and companies based in other migrant communities, as well as those from the host country).

114 The Cape Town Principles and Best Practice on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa (30 April 1997) were accessed at http://www.unicef.org/emerg/files/Cape_Town_ Principles(1).pdf

With respect to children moving within their own country, in the case of Ouagadougou (Burkina Faso) *Terre des Hommes* played a role in facilitating contacts between children and others involved in 'indigenous' child protection mechanisms, on the one hand, and government agencies, such as the police, on the other. While such alliances are needed with institutions which have a formal duty to protect people, such as the police and labour inspectors or other labour protection offices, they routinely require support from other organisations to bring about these alliances, either national organisations in the country concerned, such as NGOs or trade unions, or international organisations, such as the ILO and international NGOs such as *Terre des Hommes* or Save the Children.

Many countries which grant visas and work permits to migrant workers nevertheless forbid the creation of organisations composed of migrant workers or migrants in general, precisely because working together is likely to increase their strength and influence. The effect of such policies is to facilitate and even encourage the exploitation of foreign workers. They have been most notorious in the Gulf States, where the right to freedom of association is already limited for citizens and more severely curtailed for migrant workers. However, the attitude that migrant workers should be content to work in conditions which are unacceptable or even illegal for citizens of the country concerned is common around the world.

9.5 The priority governments are obliged to give to child protection, rather than immigration issues

The way in which legal provisions concerning 'the best interests of the child' are interpreted in industrialised countries, such as the countries of the EU, with respect to separated children from poorer countries has prompted numerous authors to observe that the interpretations appeared skewed so that the authorities can justify deporting children. While the following comment was made specifically about Moroccan children in Spain, it seems to apply equally to other EU countries, and also to other countries which receive significant numbers of foreign separated children:

"Even if references to the 'best interests' [of the child] are found in all the legislation relating to children, in practice respect for the principle is patchy. There
is a conflict between the interest of the child and the interest of the authorities or the policies of the destination country.

"The concept of a child at risk, like the concept of a child being vulnerable, is interpreted in various different ways, resulting in contradictory approaches, sometimes giving priority to the selection of certain children and sometimes giving priority to the protection of children. The issue of guardianship for children is not dealt with systematically, even though it is this that should precipitate the steps for determining what happens to a child next.

"Further, you have to take into account the suspicions engendered in the minds of unaccompanied foreign children and the various lies they tell as a result. Unaccompanied foreign children are far from being seen to be "children like other children", to such an extent that the child-related aspect of their cases gets blurred and lost due to the "immigration" aspect of the case. One result is that teams responsible for the children's education are given instructions that are virtually contradictory. These can be summarised as, "Put them into the education system on a provisional or minimal basis."

"Whatever the circumstances, it is appropriate to always take the Rights of the Child into consideration. It is imperative to present evidence that these rights have been reviewed, have been at the centre of the authorities' considerations and that the implications for the child of the various possible choices have been analysed before any decision is made." [115]

In the US too, thousands of children from other

115 Najat M'jid, *op. cit.,* page 16-17. The original text in French says: «Si 'l'Intérêt supérieur' imprègne toutes les législations inhérentes à l'Enfant, on note une application hésitante de ce principe. Il y'a conflit entre l'intérêt de l'Enfant et celui des autorités ou des politiques des pays d'accueil.

De même que la notion d'enfant vulnérable, d'enfant en danger est interprétée diversement, donnant lieu à des approches contradictoires, privilégiant tantôt le volet sélectif, tantôt le volet protecteur. Ainsi «mise sous tutelle n'est pas systématique». C'est pourtant elle qui autorise les démarches «déterminantes» pour l'avenir de l'enfant.

Par ailleurs, il faut tenir compte de la «méfiance» suscitée par ces MNA [mineurs non accompagnés] et de leurs éventuels mensonges sur leur parcours. Les mineurs isolés étrangers sont loin d'être perçus comme des «enfants comme les autres», à tel point que la dimension «enfance» s'estompe et se dilue dans la dimension «immigration». Du coup, les équipes éducatives sont confrontées à une forme d'injonction contradictoire que l'on pourrait résumer ainsi: «Insérez-les provisoirement ou a minima».

Il convient en tout état de cause de toujours prendre en considération les Droits de l'Enfant. Il est impératif de pouvoir apporter la preuve que ces Droits ont été étudiés, qu'ils ont été au centre des préoccupations et que les conséquences pour l'Enfant des divers choix possibles ont été analysées avant toute prise de décision.»

countries are reported to be held in immigration detention. Some are believed to have parents living in the US. Here, it is not just NGOs which have different views to the Government about how best to protect children, but different government agencies which are in conflict with each other, namely the US Customs and Border Protection and US Immigration and Customs Enforcement (ICE), which are both federal agencies, on the one hand, and state-level child protection agencies, on the other.

A newspaper article entitled "The feds and Texas quarrel over custody of undocumented kids" reported in May 2008 that:

"At a Texas airport, federal agents detain state child caseworkers and the undocumented children in their custody. The feds and the state bicker over care of a toddler trapped in a federal immigrant detention center. A foster child fails a mental health assessment and faces deportation as state workers beg the Department of Homeland Security to reconsider".[116]

A child protection officer employed by Texas State's Child Protective Services (CPS) reported,

"I have children sleeping in my office and I can't get them past the immigration checkpoints for the treatment they need...They are wards of the court and we are acting in good faith."

The same newspaper article reported an estimate that 280 undocumented children had been held in custody in Texas during 2007 (i.e., children who appeared to have no legal entitlement to be in the US), an increase from 254 in 2004. One of the detention centres where they are held, the federal T Don Hutto Residential Center in Taylor, Texas, was reportedly the subject of a lawsuit in 2007 on account of the allegedly poor conditions there for both children and undocumented adults. Unlike EU countries, the US has not ratified the CRC, but the inability of the authorities in either region to make decisions based on the best interests of a child, rather than the immigration policy concerns of the government, is equally blatant.

9.6 Other conventional techniques expected to stop migrating children being subjected to abuse

Other, conventional techniques used to stop children on the move from being exploited or abused include the following:

> Fixing a minimum age for admission to employment;

> Fixing a minimum age for children to leave school and making it obligatory for all children to attend school full-time prior to this age;

> Discouraging children from leaving home before a minimum age;

> Fixing a minimum age for recruitment into the armed forces;

> Making it difficult for children to cross borders without parental permission;

> Intercepting children in transit;

> Creating employment opportunities for children near to home and giving them careers advice;

> Refusing young people from other countries work permits and visas to do more than visit a country other than their own or study there until they reach the age of 18;

> Assisting children in exploitative situations to leave and providing them with assistance to be 'rehabilitated';

> Providing assistance to street children (accommodation, food, health care, NFE, etc.).

What is immediately apparent is that most of these techniques relate to the realm of public policy: the government stipulates how children, parents, employers and its own immigration service should behave and counts on this having a beneficial effect on children. The obvious exception is the last point, which involves NGOs and other civil society organisations, as well as some government agencies, providing assistance to street children, principally in developing countries. On the whole, the tradition that public policy can solve problems of development and human rights is one which is strongest in the West, even though the tradition of governments' telling their citizens how to behave was strongest in totalitarian states, such as the Soviet Union. In other regions of the world,

116 Melissa del Bosque, 'The feds and Texas quarrel over custody of undocumented kids', *Texas Observer*, 16 May 2008, accessed at www.texasobserver.org/toc.php?iid=277

the public is well aware that its government may adopt impressive sounding policies when frequently it either has no means to implement them or no real intention of doing so.

In such circumstances, NGOs and other civil society organisations have a major role to play in developing child protection techniques. They generally do so in a pragmatic way, looking for results which are beneficial to the children with whom they are in contact, rather than investing their energy uniquely in efforts to influence their government to adopt a policy which will only affect children in theory. As a result, NGOs become involved in providing NFE while formal education is left to government or privately funded schools, and NGOs provide children (and their parents) with advice on why it is worth staying in school, while it is up to government agencies to enforce any laws or regulations relating to either the minimum age for leaving school or entering employment.

However, supported by intergovernmental organisations and Western donor governments, the past decade has also seen millions of dollars invested in programmes to 'stop child labour' and to 'stop child trafficking'. As noted in Chapter 1, these rarely adopt a holistic approach, seeking instead to end a particular pattern of abuse which has received public attention, usually in the West. As a result, it has been noticeable that efforts to stop child trafficking have focused chiefly on the areas from which children migrate, rather than the areas to which they migrate (and where they are exploited), particularly when the exploitation takes place in a Western, industrialised country. As pointed out in Chapter 4, initiatives to stop child labour or child trafficking have tended to use scare tactics and to focus on the risks associated with migrating, rather than on empowering would-be migrants by suggesting what precautions they should take and how best to minimise the risks inherent in migration. They usually involve suggesting that children should stay at school (and at home) until they reach the ages of 14 or 15, the minimum age for admission into employment recognised by the ILO Convention on this issue, even when a large proportion of children start working full-time at a younger age and many children have no realistic chance of remaining at school when they are 12 or 13, yet alone older. In such situations, the programmes act as a form of advocacy for changing social norms regarding the average age at which children leave school. If accompanied by income subsidies or other material incentives to parents or children to stay at school for longer, they may begin to engage with other factors which contribute to children starting work before reaching the minimum age for admission into employment. However, many programmes do not.

It is also noticeable that the conventional techniques listed above, like those mentioned in the previous chapter, pay relatively little attention to protecting children who are in the process of travelling. They certainly involve interceptions, at borders and elsewhere, which those responsible for them consider to be child protection measures. However, these are a far cry from the practical support which would make it safer for young people to migrate by providing them, for example, with safe accommodation while they are travelling or once they arrive at their destination, or by confronting the people and institutions who abuse and exploit children, such as employers, corrupt police and the pimps and criminals who recruit children into brothels, criminal gangs and begging rings.

Conclusions

This study has mentioned many different types of initiative, each tried in different circumstances. At best, it is only possible to reach some provisional conclusions about what methods are likely to be most effective in keeping children safe when they move or migrate. The experience of projects which the author has not yet encountered and the benefits of particular techniques for children of specific age groups and in particular circumstances all need further analysis. The lessons which the author has drawn from the experiences reviewed in this study also require testing out with young people – the 'consumers' of endless efforts to influence and protect them – to confirm which ones are perceived to be most helpful by young people who have been 'on the move'.

With all these provisos, it is nevertheless possible to make a series of observations about the efforts which have been tried around the world, as well as some comments on what activities appear to be missing or least developed. These observations lead, in turn, to some provisional recommendations.

Conclusion 1.
Not enough assistance and support is provided to children who are actually in transit, moving from one place to another in search of a better future.

Although intercepting children who are on the move in order to return them home may occasionally be in their best interests, it would often be more appropriate to provide assistance and advice which would help protect children while they are in transit, rather than always trying to take children out of such situations, telling them implicitly that they have committed a mistake by leaving home or their place of origin. While some methods for protecting children in transit (such as providing safe accommodation) are already in routine use, it is clear that further efforts are needed to develop other techniques for use along the particular paths that young migrants follow. These include developing ways of tracking children on the move or enabling them to remain in contact, so that their parents or other family members know where they are and can take some kind of action if they disappear out of contact.

Whose responsibility is it for improving the protection available to children in transit? Because of the policies adopted by many governments (e.g., anti-immigration policies or policies encouraging adolescents to stay at school), it is difficult to imagine them taking action to do so. Furthermore, as the communities situated along the routes that children take see them as foreigners or outsiders (or as a nuisance), it is unlikely that they will take any initiative to help protect such children. Indeed, at this level (layer 2 of the protective environment), the priority is to reduce prejudice and to eliminate any suggestion that children who are 'outsiders', who do not belong to the community itself, are a fair target for abuse or require less protection than the community's own children.

Hence it is almost certainly up to NGOs and other non-statutory bodies to take the initiative to identify the opportunities to improve protection for children who are actually on the move.

Conclusion 2.
Better and more imaginative use could be made of communications and information technology to protect children, notably by ensuring they stay in contact with others.

The revolution in information technology over the past 20 years has created all sorts of possibilities. So too has the use of mobile phones. Migrants use these, but programmes and projects that set out to enhance the protection available for children have made relatively little use of them in ways which would specifically help protect children – despite the examples from India provided in Chapter 7. One result is that the dominant message from organisations specialising on child protection is that the Internet is a source of threats for children (e.g., on account of child pornography or the danger of being 'groomed' by a would-be child abuser) rather than a source of solutions. Similarly, mobile phones are seen to be popular (and affordable) for pimps and other criminals, while less beneficial or affordable for the rural poor or for migrants. However, a web based data-base can be used to enter data about children on the move and potentially to help trace missing

children (at least those who want to be traced by their parents or relatives) and put them in contact with their loved ones.

Similarly, e-mail, mobile telephones and cheap telephone cards have all played a role in enabling migrants, young and old, to keep in contact with others. This seems likely to have some protective impact, although this hypothesis still needs testing. Mobile telephones still represent a significant expense in some countries and, as in the case of the parts of rural Bihar mentioned in Chapter 7, some areas are not accessible to mobile phones or even to telephones using landlines. However, a huge proportion of adolescent migrants and younger children who have travelled away from home do end up in places where mobile phones function, although often they cannot afford to use them. This clearly has implications for any project which is trying to make migration safer (or less unsafe) for young people.

Other forms of communications technology play a crucial role: television, videos, photos and radio all make impressions on the minds of potential migrants of what they might expect on reaching a destination elsewhere. The problem is that so much of what is broadcast is propaganda rather than objective – both the gilt-edged view of that lovely life awaiting a young migrant in another country and the dissuasive propaganda that emphasises the risks, that is produced by some governments and UN agencies. Inaccurate propaganda probably has a long-term effect of undermining faith in any information disseminated in the same format. Ensuring accurate and objective information reaches young people should remain a priority for NGOs and others.

Conclusion 3.
Organisations engaged in efforts to stop children being abused and exploited are still not sure whether their objective should be to stop children migrating (or working) or to make it safer for them to do so.

A similar dichotomy was apparent in the 1990s, notably when two international conferences on the issue of child labour were held in 1997 (both in Europe, in the Netherlands and Norway). At that time the division was between organisations which wanted to stop children working altogether (usually children below the age of 14 or 15, as suggested by the ILO's Convention No. 138 concerning Minimum Age for Admission to Employment, adopted in 1973)

and those which felt the priority was to improve working children's conditions and the terms under which they were employed. In 2007 the ILO published a review of what it called the "worldwide movement against child labour",[117] which reviews many of the initiatives taken to stop child labour or to stop working children being exploited or abused. By 2007 it was clear that some of the more ambitious attempts to bring all forms of child labour (or all 'worst forms of child labour') to an end in a particular country by a specified date had failed.

As far as children on the move are concerned, the dichotomy is between those who think children should be discouraged from moving or migrating altogether and those who advocate making migration less unsafe. In the previous chapters we have seen examples of these two quite different approaches to keeping children safe. In many ways, the two approaches complement each other. Nevertheless, some advocates of the first approach argue that investing in the second strategy is a mistake, that providing protection along the path that children travel constitutes a sort of encouragement to young people to migrate in the first place.

The dichotomy surely looks false when the 'best interests of the child' is the principle criterion for determining which course of action is most appropriate for children. This may make it more difficult for policy makers, who look for blanket solutions that they can apply to all children, without taking the specific and varied circumstances in which children grow up into account. However, it suggests that it would be wrong for any organisations that want to defend children's rights to oppose children leaving their families and homes out of principle,[118] just as it suggests that advocates of measures to keep children safe while migrating should take care to ensure that their measures are not construed by children as an encouragement to drop out of school or to leave home prematurely.

The first approach involves trying to stop children putting themselves into the path of harm in the first place. Typically, the strategies required involve encouraging young people to remain at home and continue attending school, at least until the end of

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117 Alec Fyfe, *The Worldwide Movement against Child Labour - Progress and Future Directions*, Geneva, ILO, 2007.

118 For example, one report about human trafficking in Indonesia supported a campaign message that no child should be allowed to migrate before reaching the age of 18.

any period of compulsory school attendance. This approach tends to use information about the dangers involved in migrating as scare tactics. For example, it involves invoking the spectre of sexual predators waiting to exploit any adolescent girl who dares embark on a journey by herself. This is scarcely a form of propaganda designed to support the rights and independence of girls or young women in the 21st Century. It is also noticeable that some organisations which object to children travelling abroad to face exploitation pay relatively little attention to the same forms of exploitation when children experience these in their own country.[119]

Further, it is sometimes deployed without considering the evidence available about what awaits adolescent girls when they continue living at home (such as early or forced marriage or domestic abuse).

Similar arguments have sometimes been used by lobbyists who are committed to reducing child labour in international trade (i.e., reducing the number of young workers involved in producing cheap goods for export from developing countries to industrialised countries).

The second approach involves acknowledging that some children will pursue trajectories which are full of hazards, so it is important to be there at their time of need, with some sort of safety net, to provide protection and assistance. This approach also involves identifying the various hazards and sources of abuse that young migrants encounter, but in this case the intention is to suggest precautions and advice on how to avoid or respond to the hazards.

Over the past two decades, governments have tended to approve of the first approach but remain lukewarm towards the second. This not only keeps things simple for them (with everyone in their rightful place, as it were), but is consistent with one of the leading priorities of most governments of industrialised countries (and many others), which is to discourage any immigration that is not controlled and channelled by the government itself.

The approach advocated by powerful governments is naturally the one that most inter-governmental organisations also preach, for they are accountable to the governments which back them. They also find other justifications for not investing too much in advice on how to make migration safer. An employee of one UN agency pointed out to the author that if her agency suggested to a child how to avoid harm when migrating abroad and that child nevertheless encountered abuse, he or she might sue the UN agency and bring them into disrepute. Of course, this is a real risk – which has to be set against the current reality, that opportunities to give children advice which might help them protect themselves are systematically missed. How does this reflect, however, on agencies which have a legal (as well as a moral) obligation to make the best interests of the child "a primary consideration" in all their actions?

With governments and intergovernmental agencies demonstrating that they are in favour of the 'stay at home' approach, it is up to NGOs, in particular, to develop the advice that children might find helpful and ensure that as many would-be child migrants as possible have access to it. Clearly, they have a responsibility to children to ensure that the advice is sound, just as they have a responsibility to their management boards to ensure that they are not culpable of negligence, or of encouraging children to put themselves into danger. However, it is tragic if organisations that exist to defend children's rights decide not to give them vital advice, just because this might occasionally backfire.

Conclusion 4.
While it may sometimes be appropriate to try and stop young children from moving away from home and entering the world of work, it is not appropriate to assume that young people should remain at home until they are 18.

Too many projects aimed at stopping child trafficking or child labour seem to be based on what the programme designers (or their donors) would like to be happening in the world, rather than what is actually happening today. While it is perfectly appropriate for NGOs, governments and others to plan change in order to bring about a world in which children are able to exercise their human rights, to do so without planning all the steps required to bring about such change is either irresponsible or plain wishful thinking.

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119 This has been noted in the Republic of Benin, in West Africa, for example, where there were protests in the late 1990s at the exploitation of children from Benin working as domestic servants in the Republic of Gabon, while the employment of children in much the same conditions and on the same basis in Benin itself (as *'vidomégon'*, children sent to work in the households of others) was widely regarded as acceptable.

It is clear that in many of the examples described in this study, NGOs thought carefully about which age group of children they wanted to influence or to be affected by their activities. In the case of Latvia (chapter 4), for example, IOFA and its partners set out to influence young adults but also realised that older children (i.e., 16- and 17-year-olds) were leaving Latvia to find work abroad and also needed advice and preparation. However, they did not envisage providing information to 13- or 14-year-olds. In contrast, in Albania, where *Terre des Hommes* Foundation (Lausanne, Switzerland) saw children as young as 10 being taken to beg in Greece, it was essential for any initiatives to have an impact on much younger children. In this case, *Terre des Hommes* tried organising sessions in schools to make children in the appropriate age range aware of the dangers involved in dropping out of school and travelling to Greece, but soon realised that the children concerned were too young to be able to do much to counter their parents' wishes. On the other hand, some other children of much the same age reportedly responded to these sessions by providing information to *Terre des Hommes* or to others in their school when they heard that one of their fellow students was about to be taken away and put to work.

One lesson is obvious. Protection measures need to be age specific. This sounds like common sense, but seems often to be forgotten. If the aim is to make children aware that they might be subjected to a particular type of abuse, it is vital to provide them with relevant information before they reach the age at which such abuse may take place. Unfortunately, in the case of sexual abuse, the dominant cultural attitude in many parts of the world is still that sex education corrupts children in some way and that keeping them 'innocent' (i.e., ignorant) is more appropriate. As this attitude has also stopped life skills being taught in schools in at least one country, it remains important to collect evidence about the harm it causes and the advantages of giving children accurate information – and empowering them to make decisions on the basis of fact rather than fiction.

The other lesson is a more difficult one. While it is fairly clear that it is in the best interests of younger children to stay with their parents, and for NGOs to base their strategies on the assumption that this should be so, the cut off point where this is no longer the case and where it is better to concentrate on making migration safer for children is unclear. The

international standards set by the ILO are clear: its Convention No. 138 states that children should in principle not be admitted to full-time employment until they reach the age of 15, and that in exceptional circumstances (i.e., in developing countries) this age can drop to 14, with children allowed to enter employment on a part-time basis two years earlier (i.e., 12).

However, the ages specified by an ILO convention do not necessarily have much to do with the ages at which in reality children start work in developing countries, either while still living at home or away from home. The fact that the international community has decided this *should* be the case provides some mid- or long-term objectives, but the actual experience that children are having today should be the point of reference for any NGO planning an initiative to enhance child protection. As noted earlier, there is frequently a 'disconnect' between public policy and layer 3 of the protective environment, on the one hand, and the reality faced by children and the choices they and their parents and communities make (layers 1 and 2 of the protective environment), on the other. Addressing this and reducing the gap between public policy and reality should be a priority in the parts of the world where the gap is apparent.

Conclusion 5.
It is justifiable to intercept children when there is a strong probability that they will experience abuse if they are not intercepted.

The corollary of this conclusion is that intercepting girl and boy migrants is not justifiable as a routine technique to prevent them ending up in abuse, if there is no evidence that a large proportion do end up in abuse.

Like all decisions which have to be based on the balance of probabilities, this is a difficult one, for if those making the decision get it wrong, they potentially precipitate children into trouble.

There are various opportunities to intercept children while they are travelling (and possibly being trafficked) from their usual residence to another location. The most common one is when they cross an international border, as immigration officials or border police can check their identity documents and query why they are leaving or entering a country (asking questions either of the child or the person accompanying the

child). The authorities in many countries now insist that children leaving their own country who are below a certain age should carry a letter signed by one or both parents giving their formal permission for the child to leave the country. This is sometimes justified as a technique to prevent the abduction of children whose parents have divorced or separated, when one of the parents tries to take the child to live in another country. It is sometimes also presented as a measure to prevent trafficking. Some cases have been reported in which, because a child did not have this formal permission, immigration officials have been able to intercept a child who was being trafficked. However, there are many indications that traffickers swiftly learn how to circumvent this safeguard.

Important child protection measures which fall short of actual interception can be taken when unaccompanied children arrive at the border of a new country. With good intelligence (about the profile of children or adults who have been trafficked or abused in the past), the police and immigration service can identify the characteristics of children or adults who are at risk and use this intelligence to pick out travellers who need advice and protection (but not necessarily by intercepting them – yet alone sending them back to their country of origin when this is not what they want). Interceptions easily become arbitrary and abusive if children who are not being trafficked are refused permission to proceed with their journey. In regions where interceptions are common, such as West Africa or Nepal, there is also a danger that NGOs and others grow to depend on this method to prevent children reaching the stage when they are exploited, instead of investing in other methods to stop the trafficking business earlier on.

Interception on the basis of little specific evidence that the child concerned is in danger of harm would be justified if the children concerned are very young (i.e., too young to be able to travel by themselves or to identify the risks they are running), in which case interception may be a legitimate form of child protection. In the case of adolescents, it might be justified if there is substantial evidence that the vast majority of adolescents crossing a border or arriving at a particular place are being trafficked – such a large proportion that it is reasonable to make the presumption that most of the adolescents concerned are destined for exploitation. However, in the places where this is said to be the case (such as Nepal), the attitude taken to boys migrating has been very different to the attitude taken to girls. While gender may be a strong factor in determining what happens to boys and girls when they migrate or reach their destination, it is also clear that conservative attitudes to girls (and an assumption that girls and women should stay at home, while boys and men migrate) are often the main reason this strategy is adopted, rather than evidence that abuse is actually taking place.

It is also essential in such cases that the definition of what constitutes 'exploitation' has popular support, so that the police or immigration officials who intercept children are not perceived to be violating the freedom of movement of young people. Further, interceptions are acceptable when carried out by law enforcement officials such as the police or immigration officials and by representatives of a government agency responsible for child protection. On the other hand, the involvement of NGOs in stopping adolescents or young adults from exercising their freedom of movement is an abuse of power and of human rights.[120]

In different circumstances, NGOs run facilities to offer advice and practical support to young people who are on the move and who arrive at potentially dangerous destinations without knowing how to keep themselves safe. These include information booths at busy transport hubs (ports and bus or train stations) and drop-in or other social centres in places where young migrants congregate (such as city markets in West Africa). The safe residential accommodation provided for many years in cities around the world by the Young Women's and Young Men's Christian Associations (YWCA/YMCA) – to Christians and non-Christians alike – comes into this category. Providing support and offering advice are quite legitimate activities for NGOs, whereas detaining travellers is not.

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120 NGOs' intercepting children on the move, particularly adolescent girls, has been relatively common practice in Nepal, where NGOs told the author in June 2008 that a large proportion of adolescent girls arriving in Kathmandu for the first time were promptly recruited into the city's sex industry, which was reported to have grown rapidly since the end of the country's armed conflict in mid-2006. NGOs based in Nepal have also been involved in intercepting girls who were apparently intending to cross Nepal's border into India or being accompanied by adults who were regarded as 'suspicious' because they clearly came from a different ethnic or caste background.

Conclusion 6.
It is vital to listen to children, as well as involving them as actors in efforts to enhance child protection.

It is also difficult to avoid the conclusion that the best initiatives to improve protection for children on the move start by consulting children and young adults (who can talk about their experiences as children) and base the initiatives that they organise subsequently on the information provided by children who have relevant experience.

Nevertheless, large amounts of money continue to be invested in projects and programmes whose objectives are fixed initially by donors based in governments or international organisations located in Western countries. It seems ironic that Western governments, which generally consider themselves models of good practice when it comes to respecting human rights and child rights, have nevertheless been happy to see projects imposed on adults and children in developing countries rather than insisting that their needs be identified and their opinions heard and taken into account first. This is a general criticism of the way 'development' has been carried out for more than half a century, but appears as valid today, concerning various programmes to stop human trafficking, as it did when various development projects ended in catastrophe in the post-war period.

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Photo 10 *Information booth in Kathmandu city bus station (Nepal).*

Conclusion 7.
In most parts of the world, particularly developing countries, making gradual changes to existing protection systems can bring definite benefits to children.

Many initiatives to stop child labour or child trafficking start by asking the government to make major changes in the law or policy. This consumes a great deal of time and energy, often without bringing any relief to children experiencing abuse or exploitation. Of course, the hope is usually that the changes in law and policy will be just a first step and that substantial improvements will ensue. Occasionally, this hope turns out to be justified. However, it is clear that small changes can deliver substantial benefits to children.

Further, while efforts to stop a specific form of child abuse clearly have a role to play, it is helpful if the small changes contribute to the development of a more coherent and integrated child protection system. As government departments responsible for child protection in some countries appear unable to design such a child protection system or unable to manage the process necessary to develop it, NGOs have a responsibility to ensure that their efforts fit into the larger picture. At present, it is generally sufficient for them to be able to claim their efforts are 'sustainable', to satisfy the demands of donors or supporters. However, it would be more appropriate if all the NGOs active in protecting children on the move had a clear picture of <u>all</u> the steps necessary to bring about a more complete child protection system or a more adequate protective environment, so that they can see how their initiative can dovetail with those organised by others.

Conclusion 8.
Not enough attention has been given to understanding 'indigenous' practices which have the effect of protecting children from harm, either techniques which benefit children in particular or techniques which help migrants in general.

It is only in West Africa that a project was found that gives explicit attention to identifying local practices that it might be possible to enhance to make them more effective in protecting children. This is essentially a strategy which addresses layer 2 of the protective environment, the community, and seeks to improve

protection at this level. Possibly a problem everywhere else is that there is an assumption that child protection is something for experts to devise, rather than a set of good practices developed by ordinary people over decades or even centuries, from which we can often learn rather than trying to replace them.

In practice, some of the efforts to develop community protection networks among migrant communities in other regions of the world (such as Burma/Thailand) have also tried to build on 'indigenous' practices, without using any of the same terminology. A starting point for any such approach is <u>not</u> to assume that all the intermediaries and agents who recruit children are traffickers or crooks. Therafter it becomes possible to start distinguishing between those who provide acceptable services and those who really are likely to cause harm to any young people who come into their hands.

As recruitment and employment agents are key players as far as children on the move are concerned, the international standards concerning recruitment agencies, again developed by the ILO, <u>should</u> be relevant. However, in countries where such agents function entirely in the informal economy without any sort of government regulation or oversight, it would probably be meaningless or counter-productive to urge the government to assert its power over such people. NGOs and research institutions have a role to play in investigating the precise role that agents and intermediaries play in order to understand the strengths and weaknesses of existing practices and to identify ways in which they might be improved.

Conclusion 9.
Many of the forms of assistance provided to children on the move would be expensive to replicate for all such children.

There are excellent schemes to provide assistance to separated children and children on the move, such as street children and children arriving at bus or train stations in capital cities, who can be identified and provided with advice and assistance before ill-intentioned people get control of them. However, replicating these schemes at national level, so that they reach <u>all</u> relevant children always looks difficult. Perhaps the advantage of smaller scale schemes is that they are not trying to find a solution for every child or to scale themselves up to become a branch of the government's civil service. As far as street children are

concerned, NGOs offering services to such children have exchanged information for many years about what works and what does not. It is strange, however, that intergovernmental organisations which have expertise on the issue of migration continue to play such a negligible role in disseminating ideas about good practice.

Conclusion 10.
Coordination between different agencies is vital, including organisations based in different countries.

Possibly the main lesson from initiatives in places as diverse as Moldova, India and Thailand is that building child protection systems involves knitting together different 'actors' (individuals or organisations), by breaking down the barriers between separate institutions and persuading them to work together. In addition, creating coherent protection for young migrants means linking together the child protection networks created separately in the places where children come from and at the destinations to which they head. The challenge of doing so is greater when two or more different countries are involved. However, NGOs which try and do so have a distinct advantage, as they can link up more easily than police or government agencies. They still have to overcome language or cultural divisions, but usually they do not have as much complicated protocol and procedures to follow as government agencies.

The overall conclusion.
Prevent migration being unsafe.

Finally, there is the key message that was developed in Latvia (see Chapter 4) but which appears applicable absolutely everywhere in the world:

"Campaigns should not demonize migration in general but should instead focus on the risks of unsafe migration and how to prevent it".

Of course, even this slogan can be interpreted in two ways: preventing migration from being unsafe or preventing children from embarking on unsafe migration. The implication of this study is that emphasis has been put principally on the second option - preventing children from embarking on unsafe migration - and that further efforts are still needed to devise and invest resources in reducing the risks associated with young people migrating. The study makes it clear that it is feasible and desirable to improve the protection available to young migrants without this amounting to encouraging them to leave home or migrate.

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