

## **Child labor in unaccompanied refugee and migrant children on the route to Europe – between protection and agency**

Child labour, and child labour abuse, are one of the main areas where children's rights, defined by national and international legislation, are being violated. It is estimated that 152 million children in the world are exposed to child labour abuse, of which 73 million children were exposed to hazardous child labour (ILO, 2017).

In the context of migration, especially irregular and forced, the risk of children being exposed to the abuse of child labour is high, bearing in mind that migration itself contains all the elements that are otherwise defined as risks of children being exposed to this type of abuse: poverty, irregular school attendance, parental unemployment, etc.

Unaccompanied and separated children are particularly at risk, being that it is estimated that in 2018, 27,600 of them submitted requests for asylum in around 60 different countries (ILO, 2020). These numbers, however, should be taken with a grain of salt, as large numbers of unaccompanied children have not applied for asylum in any country, which puts them at even greater risk of various forms of exploitation, including child labour.

### **International legal framework for protection of children from child labour**

The central document in this area is the UN Convention on the Rights of the Child (CRC), adopted in 1989, which sets the framework for the protection of the fundamental rights of the child, so it is also the basic document when we talk about the protection of children from child labour abuse. CRC prescribes a set of universally accepted rules that the signatory states should respect in the protection of children under 18 years of age. In Article 32 paragraph 1, the obligations regarding the protection of children in the field of employment are prescribed: "The contracting parties recognize the right of the child to be protected from economic exploitation and from performing any work that could be dangerous or interfere with the child's education or would be harmful to the child's health or to the child's physical, mental, spiritual, moral or social development" (CRC, 1989). Paragraph 2 of the same article stipulates: "Contracting parties shall take legal, administrative, social and educational measures to ensure the implementation of this right." In accordance with the applicable provisions of international instruments, the contracting parties shall in particular: (a) ensure a minimum age limit or limits for employment; (b) ensure appropriate regulation of time and conditions of employment; and (c) provide for appropriate penalties or other sanctions to ensure the effective implementation of this Article" (CRC, 1989).

The International Labour Organization (ILO) adopted two Conventions related to child labour:

1. ILO Convention no. 138 (The Minimum Age Convention) adopted in 1973, calls for the establishment of a minimum age for work that is not lower than the age of compulsory

education. In many countries, this age is up to 15 years of age, or 14 years for developing countries, depending on local regulations on the length of compulsory education (MOR, 2009). This Convention also defines light work for children, emphasizing that: "The minimum age for establishing any type of employment or work that, by its nature or the circumstances in which it is performed, may endanger the health, safety or morals of young people, should not be below 18 years" (MOR, 2009).

2. The ILO Convention no. 182 (Worst Forms of Child Labour Convention) adopted in 1999, which refers to specific types of work that children may not perform (ILO, 2009). This Convention defines the worst forms of child labour and hazardous work.

The national legislations of the signatory countries of these three Conventions further define the aspects of child protection in the field of child labour. These national legislations regulate the minimum age for work in the country, sectors that are considered to be dangerous for child work as well as other characteristics of work - such as the length of working hours and night work. Because of this, it is difficult to generate a universal definition of child labour/work, and have uniform statistics in the countries, although nation-states are encouraged to have as similar definitions as possible in these aspects. This also affects the support systems that are organized in different countries, which makes it difficult to compare, identify and apply good practices from one country to another.

### **Beyond the legal framework – risks that push unaccompanied children into work**

Differences between the legal frameworks of the individual countries, through which unaccompanied children travel in order to get to their destination, can lead to children being allowed to work in one country, but not in other (Habib, 2019). Furthermore, the characteristics of migratory movements may be a factor that contributes to unaccompanied children's involvement in child labour. These characteristics include: not knowing the local language, lack of support network, unfamiliarity with local legal norms, and unequal access to education and health care in addition to their increased vulnerability being children (Braam, 2019). Additionally, the legal status of the children is important - depending on their legal status, the (in)visibility of these children to protection systems may also depend. An additional challenge is the lack of documents from the country of origin, which often prevents children from using some rights - especially education, which is recognized as one of the most important factors in protecting children from involvement in child labour (David et al., 2019; ILO, 2017; UNICEF & Save the Children, 2015; Habib, 2019). This is typical for transit countries, where children avoid being registered for fear that, when they arrive in the country of the destination, they will be returned to the country where they were first registered, in accordance with the Dublin Regulation (European Commission, 2008).

Another important aspect for children who migrate alone is the fact that they do not have the immediate support of family members on the journey, which is why they rely on people they meet on the journey - smugglers, local middlemen and employers - for support both when crossing the border

and for earning money (UNICEF & Save the Children, 2015). Given that children are often afraid to report violations of their rights due to the risk of ending up in detention or being deported (which is closely related to asylum policies of European countries as well as policies related to legal border crossings), this gives space to those people to exploit children for labour at relatively low costs and risks (David et al., 2019).

### **Protecting the children while appreciating their agency – a possible way forward**

Child labour accumulates a large number of risks for children's well-being, as a result of which international organizations and national states develop mechanisms to protect children. Relying on the protection mechanisms, institutions and organizations at the national level develop interventions aimed at protecting children.

The risks for unaccompanied children to be involved in child labour, especially in its worst forms, are related to the broader concept of vulnerability. Unaccompanied and separated children are often viewed within the discourse of vulnerability (Ogrocka, 2012), as shown by the UNHCR's categorization of unaccompanied and separated children as "particularly vulnerable groups" (Clark, 2007). Unaccompanied children are at particular risk of being exposed to child labour, and it is necessary to continuously work on the mechanisms of their protection in order to reduce the negative consequences that this phenomenon has on children (UNICEF & Save the Children, 2015; Habib, 2019; Braam, 2019). The importance of education as a protective factor that allows migrating children to stay out of the labour market, while at the same time creating better opportunities for employment in the future (David et al., 2019), is particularly pointed out. The importance of protection by competent institutions, especially the social protection system and the health system, in identifying, recognizing and intervening in the abuse of child labour is emphasized (Van de Glind & Kou, 2013).

The construction of specific mechanisms for the protection of unaccompanied children is important in order to minimize the consequences that involvement in work can have on them - interruption of schooling, injuries at work, illnesses due to work engagement and overall endangerment of children's well-being - current and future. In the case of children traveling alone, apart from vulnerability and risk, it is important to consider the agency of children. Defined as the ability to express one's will and act in the world, by setting one's own goals and acting independently, the agency includes aspects of independence and autonomy in decision-making (Boem et al., 2011; Larson, Angus, 2011; Orgocka, 2012; Hinjuszans, Baker, 2012). This aspect is important to take into account, as research has shown that children who travel alone are highly motivated to reach their desired destination country. One study with trafficked children found that they were extremely motivated to come to the US, with the hope of earning money to send to families in their country of origin or to pay the traffickers (Goździak, 2008). The children from this research did not see themselves as victims, which is in contrast to the perception of their vulnerability (Orgocka, 2012). The concept of agency is significant

when we talk about unaccompanied children and the processes that lead to their involvement in child labour during their journey. The motivation that children have to reach their desired destination refers to the means they use to reach their goal, which sometimes includes engaging in the (legal and illegal) labour market in transiting countries in order to cover living expenses, pay debts and get funds to continue their journey. In addition to the motivation to continue the journey, one of the factors of the agency are cultural practices of children from the countries of origin related to work. Research conducted in Greece showed that unaccompanied and separated children who came to Greece were very often involved in the labour market in their countries of origin in order to help the family, either because they lost breadwinning male family members in the war, or because the resources provided by the adults were insufficient for the survival of the family (Mishra et al., 2020).

Recent research<sup>1</sup> which involved interviewing 48 migrant and asylum-seeking children in Bosnia, shows that children are very often exposed to the conditions of work that can be considered child labour abuse. Children stated that they usually work in the jobs such as factories, picking fruits or olives and waste collection; they usually work long hours and get paid less than adults or citizens from the country in which they work. However, the children who have the experience of working during their journey do not seem to recognize it as a violation of their rights; they talk about the work as an obligation towards their families, they show pride while talking about the work and the only way to move from country to country once they spend the money provided by their families at the beginning of the journey. The children shared how they make decisions to work in the countries they travel through, as well as ways to form and keep relationships that protect them from getting injured or exploited and provide them with, what they call, “good jobs“.

Literature on the experiences of unaccompanied children on the move to Europe since 2015 is scarce, partly because the children are moving irregularly through countries, partly because they tend to hide the fact they are working, scared of possible consequences. Children tend to not report exposure to inadequate working conditions out of fear they will be deported or detained, but also that they will be forbidden to continue to work (Habib, 2019). The questions that need to be addressed in searching for ways to protect children on the move involved in work are: What alternatives do the protection systems provide to children who are removed from the labour market? How do protection systems across Europe provide children to fulfil the need to earn money and continue their journey, if not through work?

A new way forward should be considered in terms of providing children protection from exploitation and forced labour but with open possibilities to earn funds in a way that complements their wellbeing.

---

<sup>1</sup> The research was done by the Centre for Interdisciplinary studies of the University of Sarajevo with the research team from University of Belgrade Faculty of Political Science and with the support from Save the Children NWB. The author of this blog was part of the research team.

## References

- Assembly, U.G. (1989). Convention on the Rights of the Child. *United Nations, Treaty Series, 1557(3)*, 1-23
- Boem, D. A., Hess, J. M., Coe, C., Rae-Espinoza, H., & Reynolds, R. R. (2011). Children, youth and the everyday ruptures of migration. In C. Coe, R. R. Reynolds, D. A. Boehm, J. M. Hess, & H. Rae-Espinoza (Eds.), *Everyday ruptures: Children, youth and migration in global perspective* (pp. 1–19). Nashville, TN: Vanderbilt University Press.
- Braam, D. (2019). *Child Labour in the Context of Migration*. Geneva: International Organisation for Migration
- Clark, C. (2007). Understanding vulnerability: From categories to experiences of Congolese young people in Uganda. *Children and Society*, 21, 284–296.
- David, F., Bryant, K., Latham, J., Larsen, L. J. (2019). *Migrants and their vulnerability to human trafficking, modern slavery, and forced labour*. Geneva: International Organisation for Migration.
- European Commission (2008). Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), COM (2008) 820 final, 3 December 2008.
- Goździak, E. M. (2008). On challenges, dilemmas, and opportunities in studying trafficked children. *Anthropological Quarterly*, 81(4), 903–924.
- Habib, R. R. (2019). *Survey on Child Labour in Agriculture in the Bekaa Valley of Lebanon: The Case of Syrian Refugees*. Beirut: American University of Beirut.
- Huijsmans, R., & Baker, S. (2012). Child trafficking: ‘Worst form’ of child labour, or worst approach to young migrants?. *Development and Change*, 43(4), 919-946.
- International Labour Office. (2017). *Global estimates of child labour: Results and trends, 2012–2016*. Geneva: International Labour Office.
- International Organisation for Migration. (2020). *World Migration Report 2020*. Ženeva: International Organisation for Migration.
- Larson, R. W., & Angus, R. M. (2011). Adolescents’ development of skills for agency in youth programs: Learning to think strategically. *Child Development*, 82(1), 277–294.
- Međunarodna organizacija rada. (2009). *Poslodavci i dečiji rad*. Priština: Međunarodna organizacija rada.
- Mishra, D., Spiegel, P. B., Digidiki, V. L., & Winch, P. J. (2020). Interpretation of vulnerability and cumulative disadvantage among unaccompanied adolescent migrants in Greece: A qualitative study. *PLoS medicine*, 17(3), e1003087.

- Orgocka, A. (2012). Vulnerable yet agentic: Independent child migrants and opportunity structures. *New Directions for Child and Adolescent Development*, 2012(136), 1-11.
- UNICEF., Save the Children Foundation. (2015). *Small Hands Heavy Burden: How the Syria Conflict is Driving More Children into the Workforce*. Geneva: UNICEF.
- Van de Glind, H., Kou, A. (2013). *Migrant Children in Child Labour: A Vulnerable Group in Need of Attention*. In *Children on the move* (pp. 27 – 45).