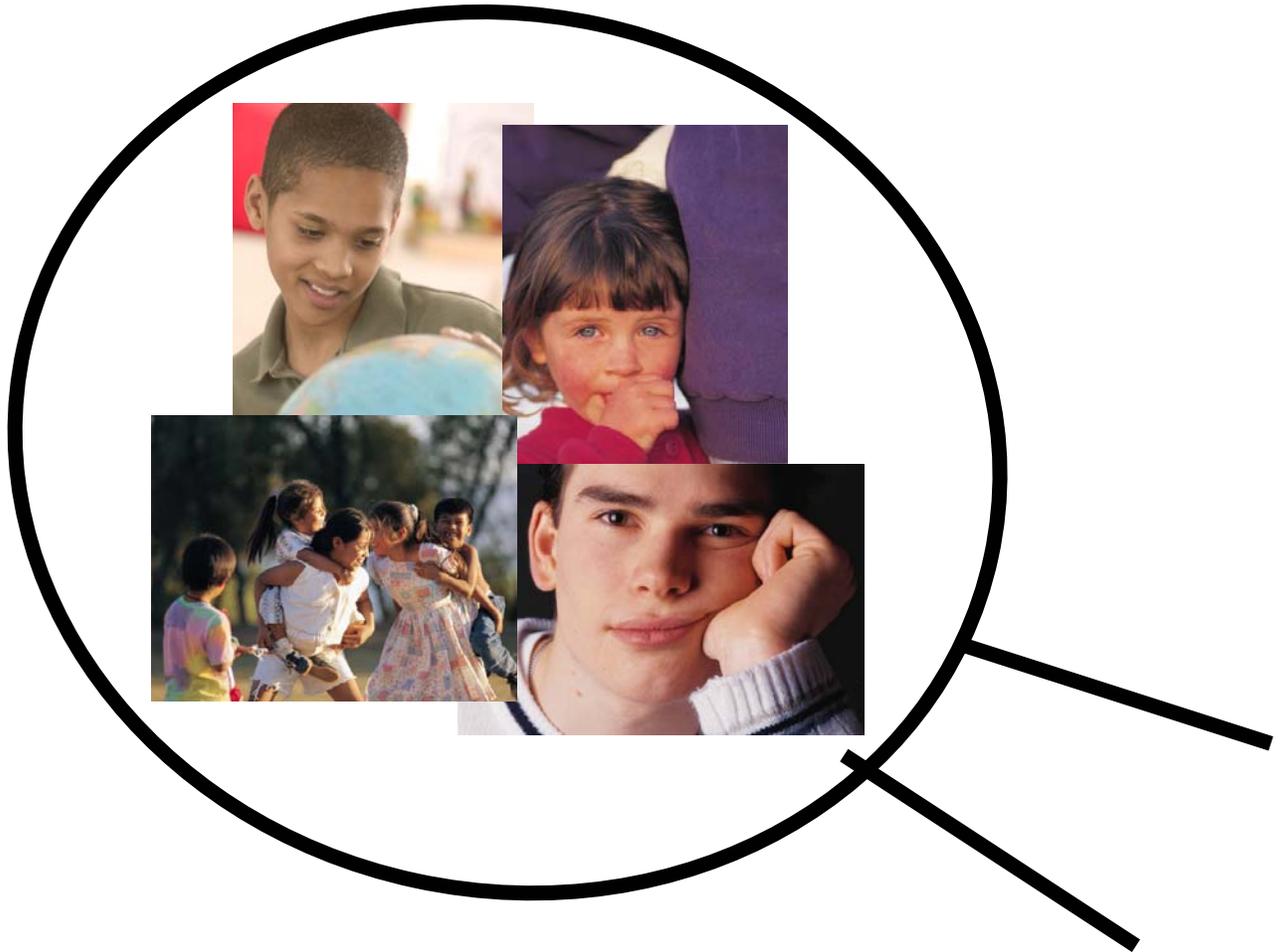


CONFERENCE REPORT

FOCUS ON CHILDREN IN MIGRATION

- FROM A EUROPEAN RESEARCH AND METHOD PERSPECTIVE



**A EUROPEAN CONFERENCE
WARSAW, POLAND 20-21 MARCH 2007**



European Network of
Masters in Children's Rights



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Conference Report: Focus on Children in Migration - From a European Research and Method Perspective.

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Organised by Save the Children Sweden, Separated Children in Europe Programme and European Network of Masters in Children's Rights

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INDEX

INTRODUCTION.....	2
A BROADER PERSPECTIVE TO PROTECT THE HUMAN RIGHTS OF CHILDREN ON THE MOVE – APPLYING LESSONS LEARNT FROM CHILD TRAFFICKING RESEARCH	3
DAJA WENKE	
A REVIEW OF EUROPEAN RESEARCH FINDINGS ON CHILDREN IN MIGRATION.....	6
CAITLIN FARROW	
CHANGING MIGRATION PATTERNS IN THE UK: IMPLICATIONS FOR THOSE WORKING WITH CHILDREN.....	9
JILL RUTTER	
CHILD-CENTRED METHODOLOGY: CHILDREN’S EXPERIENCES OF SEPARATION THROUGH MIGRATION: THE CASE OF TRINIDAD AND TOBAGO.....	12
ADELE JONES	
CHILD HELPLINE INTERNATIONAL: CONNECTING TO CHILDREN AND YOUNG PEOPLE.....	15
LETICIA VASQUEZ	
CHILD MIGRATION: A GLOBAL PERSPECTIVE.....	16
CATHERINE DE WENDEN	
CHILDREN IN MIGRATION: WHO ARE THEY AND HOW CAN WE ASSIST?	17
MIRELA SHUTERIQI	
DOES AGE-AT-MIGRATION IN CHILDHOOD AFFECT SOCIOECONOMIC STATUS IN ADULTHOOD?.....	20
SHAHIN YAQUB	
ETHICAL AND METHODOLOGICAL CONCERNS RELATED TO RELEVANT CHILD PARTICIPATION IN RESEARCH ON CHILDREN IN MIGRATION.....	23
DISCUSSION FORUM	
FREE MOVEMENT OF WORKERS AND AN EXPANDING EU: TIME TO THINK ABOUT CHILD MIGRATION.....	26
ROY B.C. HUIJSMANS	
HOW COULD ACADEMIC AND NGO RESEARCH INFLUENCE ACTUAL CHANGES FOR CHILDREN IN MIGRATION?	29
DISCUSSION FORUM	
HOW DO WE RELATE TO THE COMPLEX IMAGES OF CHILDREN IN MIGRATION?	33
DISCUSSION FORUM	
MIGRANT MALE SEX WORKERS AND ERRANT MOBILITY: STRATEGIES OF SURVIVAL AND RISK BEHAVIOUR	36
NICK MAI	
NOMADIC CHILD AND CHILDHOOD.....	40
DOINA BALAHUR & REBECCA BUDDE	
REFLEXIVITY AND RELATIONSHIPS IN CHILD TRAFFICKING RESEARCH	44
ZOSA DE SAS KROPIWNICKI	
THE CRC APPROACH TO UNACCOMPANIED FOREIGN CHILDREN REFUGEES AND ASYLUM SEEKERS: THE EUROPEAN CONTEXT	47
ROBERTA RUGGIERO	

THE IMPLEMENTATION PRACTICES OF THE CRC BEST INTEREST PRINCIPLE REGARDING UNACCOMPANIED ASYLUM SEEKING / MIGRANT MINORS IN EUROPE: CASES OF FORCED RETURN IN ITALY AND SPAIN	51
DANIEL SENOVILLA HERNÁNDEZ	
THE INTERNATIONAL PROTECTION OF MIGRANT CHILDREN – IS IT ADEQUATE?.....	55
KRISTINA TOUZENIS	
THE RIGHTS OF CHILDREN IN MIGRATION MUST BE DEFENDED	58
THOMAS HAMMARBERG	
THE SITUATION OF CHILDREN LEFT BEHIND BY MIGRATING PARENTS.....	61
CEZAR GAVRILIUC	
UNDERSTANDING THE MIGRATION EXPERIENCES OF CHILD DOMESTIC WORKERS: TOWARDS ALTERNATIVE PERSPECTIVES ON CHILDREN AND MIGRATION.....	64
AGNES ZENAIDA V. CAMACHO	
USING BEFRIENDERS TO ASSIST RESETTLEMENT FOR UNACCOMPANIED ASYLUM SEEKING CHILDREN.....	67
RAVI KS KOHLI	
YOUNG UNACCOMPANIED ASYLUM SEEKERS IN PRISON	70
MARIJKE BROUWER & ZAINA KARAKEZI	
ANNEX 1: CONFERENCE PROGRAMME.....	73
ANNEX II: LIST OF PARTICIPANTS.....	77

INTRODUCTION

This report is based on the contributions from the speakers at the European Conference “Focus on Children in Migration” which took place in Warsaw, Poland, on 20-21 March 2007. The Conference was organised by Save the Children Sweden, in cooperation with the Separated Children in Europe Programme and the European Network of Masters in Children’s Rights.

The objective of the Conference was to create, for the first time, a meeting arena for researchers and practitioners from universities, non-governmental organisations, European regional bodies and professional practitioners, in order to stimulate discussions on the latest research findings on various aspects of children in migration in Europe, from a child rights perspective. One aim of this Conference was to influence more and better research on child migrants, since the research up till now rarely has given these children special attention.

Migration of children in Europe is a multifaceted and complex issue. It involves children travelling with their parents to work, children escaping war and natural disasters, children being separated from their parents, children migrating unaccompanied for work or education, children left behind when their parents migrate, children being trafficked for exploitative purposes and many more.

To protect these children, the UN Convention on the Rights of the Child is the most important instrument. Another important instrument is the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which apply to children as family members but also, when relevant, as workers. These are two among many regional and international treaties and guidelines regulating how migrant children should be treated both when they arrive at the borders and when they are inside the country of destination.

Most importantly, however, is to recognise that migrant children are first and foremost children and that they have the same rights as others to enjoy all the rights of the child as stipulated in the UN Convention on the Rights of the Child.

We tend to analyse children in relation to migration as vulnerable and at risk for all kinds of exploitations. This is to a high extent unfortunately true but through recent research presented at the Conference we are now also informed about the incredible strength and resilience in these children as well as possible positive effects of migration.

Finally and most importantly we need to be better informed about the phenomena through the point of view of the children and young people themselves in order to find solutions and take good decisions in their best interest.

It is our hope that this report brings a continuation of the discussions that during the Conference flourished amongst NGOs and academic researchers and will stimulate new and groundbreaking research on the issue of children in migration.

Britta Öström
Regional Representative Europe
Save the Children Sweden

A BROADER PERSPECTIVE TO PROTECT THE HUMAN RIGHTS OF CHILDREN ON THE MOVE – APPLYING LESSONS LEARNT FROM CHILD TRAFFICKING RESEARCH

Daja Wenke

Conceptual clarity is still a major challenge in the differentiation of child trafficking and migration. This is the case despite the fact that there is an agreed upon international definition of child trafficking, as articulated in the Palermo Protocol and other international and regional instruments. The lack of clarity is partly due to the complexity of the trafficking phenomenon itself and the diversity of legal and operational definitions in use at the national level, and partly due to different, at times conflicting, agendas and interests of the numerous actors engaged in addressing child trafficking.

This paper aims to contribute to conceptual clarity in the context of child migration and trafficking. Drawing from lessons learnt in child trafficking research at the UNICEF Innocenti Centre, it further aims to stimulate discussion of a broader perspective to overcome the conceptual divide of closely related child rights issues.

Trafficking and migration – revisiting existing (mis)perceptions

Child trafficking is a violation of the human rights of a child. It is a criminal offence under international law, and under national law in nearly all European countries. Child trafficking is not a form of migration. It is a form of deliberate child exploitation that involves the movement of children to render them more exploitable.

Even though trafficking and migration are two distinct phenomena, it is nevertheless important to acknowledge and understand existing links. Migration or the wish to migrate can increase children's vulnerability to exploitation and abuse, including recruitment into trafficking. Migration and trafficking routes often coincide, and traffickers operate along these routes.

The aspect of movement, organised by a trafficker, is an integral component of the concept of child trafficking and distinguishes child trafficking from other forms of exploitation of children. Movement can occur within a country or across international borders. In the latter case, border crossing may be arranged illegally, but very often it does take place on the basis of legal travel documents.

In many cases, child trafficking is misperceived as a form of illegal migration and anti-trafficking initiatives are shaped accordingly to prevent, detect and restrict this form of movement. Government responses to trafficking over many years have focused on law enforcement, border control and visa regime, with a view to protecting national security and combating organised crime. In the light of these interests, 'the fight against trafficking' has been pushed relatively high on the agenda of governments, and more generally of the international community. Victim assistance has often led to prioritising the repatriation of foreign victims to their home countries. As the 'human rights discourse' entered the trafficking debate, 'anti-trafficking initiatives' have also been 'instrumentalised' to implement migration control measures under the human rights agenda.

The criminal aspects of the trafficking process, i.e. the exploitation and abuse of children, are critical and need to be addressed effectively. However, anti-trafficking responses have to go beyond, to address the broader socio-economic contexts in which child trafficking takes place.

A growing attention to trafficking: but has it benefited children?

Even after a decade of intensive and growing attention to the trafficking phenomenon, the real nature and extent of child trafficking in Europe is still unknown. There is no means to set child trafficking in a quantitative relation to other child protection concerns and thereby to justify the amount of resources and activities invested in the ‘fight against trafficking’, as opposed to resources allocated to other child rights issues.

Initiatives to enhance the identification of trafficked children in Europe are extremely rare. Moreover, IRC research reveals that even when trafficked children are identified, their rights as victims of crime are not always safeguarded and they might be treated as illegal migrants or as criminally complicit in their exploitation. They may also find themselves in situations where they have to claim their rights and can do so only in the asylum-seeking procedure.

As identification of trafficked children is difficult due to the clandestine nature of trafficking, and children may not want to be identified since this can lead to situations that are not in their best interest, it is appropriate to ask to which degree the focus on trafficking has really benefited children so far.

The attention to trafficking can be considered an opportunity and a challenge at the same time. The opportunity lies in the political will of Governments to prevent and address child trafficking and to allocate resources to it. Also the ‘child rights approach’ has become a standard wording when strategies and programmes on child trafficking are designed.

It is a challenge, however, to use these opportunities effectively and to make sure that the political will, the resources, and the ‘child rights rhetoric’ are translated into good practice, giving due consideration to the best interests of the child, recognising that children in all circumstances have agency, capacity, and rights. A major challenge in this regard is to broaden the perspective of the child trafficking debate by recognising trafficking as a broad child protection concern and looking beyond the narrow target group of children identified as victims of trafficking according to different legal and operational definitions, varying from one country to another.

A broader perspective to child protection

A ‘broader perspective’ means to acknowledge the close links of child trafficking to child rights issues related to migration, livelihood opportunities for children and protection of children from violence. It also means to consider how activities under the ‘anti-trafficking’ agenda can benefit a broader group of children, including children that are still often marginalised in the international debate and by Government services, such as victims of trafficking who are not identified or recognised as such, children who are victims of exploitation and abuse other than trafficking or who may be at risk of such. The CRC clearly affirms the right of the child to be protected from trafficking for any purpose or in any form, and from all other forms of exploitation (articles 35 and 36). While many standards and guidelines, institutions and services have been developed to provide assistance to children identified as victims of trafficking, it is obvious that many of them are also directly relevant for these other groups of children. Such services include referral mechanisms, shelter, counselling and health care, guardianship, access to education, legal advice, etc.

Making services for children conditional on identification and ‘classification’ according to a narrowly defined group of victims clearly does not represent a human rights approach to child trafficking. A broadening of the perspective is needed in order to avoid the perpetuation of a dichotomy between ‘deserving’ or ‘undeserving’ children, between a child identified and recognised as a ‘victim of trafficking’ who might receive assistance as opposed to a child identified as an ‘illegal migrant’ or ‘failed asylum seeker’ who might be subjected to criminal prosecution,

detention or unsafe repatriation. Access to services has to be de-linked also from the ability or willingness of a child to cooperate with law enforcement.

A broader approach also implies addressing the socio-economic context in which trafficking occurs. The international debate on trafficking has so far focused on the vulnerability of the child in the trafficking process, in particular the aspect of exploitation. In order to better understand the complexity of trafficking and how children get into it, it is important to relate the vulnerability of the child in the trafficking process to other challenges confronting children's rights, including structural ones, in a child's home or in situations of migration. Evidence suggests that the implementation of certain migration laws and the type and quality of services available for migrating and trafficked children in destination countries do not always give due consideration to the best interests of the child and can in fact lead to violations of children's rights and perpetuate their risk of exploitation.

A broader perspective therefore has to begin with effective prevention, protecting children from exploitation and abuse, and working for the empowerment of children. Children need to be aware of their rights and acquire life skills that enable them to take better informed decisions and avoid exploitative situations. In the debate on child migration, the objective cannot be to determine one solution that fits all, neither to prevent nor to encourage child migration categorically, but to create safe alternatives, including safe labour and migration opportunities for young people.

Due to the close links between violence against children, migration, and trafficking, these issues cannot be efficiently addressed in an isolated way. There is a need for better cooperation and information exchange between researchers, service providers and policy makers focusing on these and related child protection issues. Researchers need to communicate their findings more effectively beyond the academia, and enhance cooperation with policy makers by providing evidence based analysis. Cooperation must not stop here but follow through to implementation in order to evaluate the impact on children, and supporting children in their right to participation. Lessons learnt from child trafficking research can be of value to the emerging attention afforded to child migration, to raise awareness of differing interests, and to encourage researchers, service providers and policy makers to prioritise rigorously the best interests of the child.

<p>Daja Wenke: Assistant Project Officer, UNICEF Innocenti Research Centre. Conducting research on child trafficking with a focus on analysing the implementation of international standards for child rights protection.</p>
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A REVIEW OF EUROPEAN RESEARCH FINDINGS ON CHILDREN IN MIGRATION

Caitlin Farrow

Introduction: The Global Context

Although migration has for a long time been a global phenomenon, recent social and structural factors have meant changes to patterns of migration. The factors behind contemporary migration have been widely written about. Wars, conflicts, political upheavals, famines, environmental disasters, poverty and violence are all cited among the causes of the “forced” movement of people throughout the world. These movements have been shown to be both international – flowing from poorer countries into the more affluent – and internal – flows within regions. As well as what is traditionally known as “forced” migration, people-including children, may also migrate for other reasons: to find work; to improve their personal situations; or to explore the world and new places. Despite the fact that research suggests that children are very much involved with these diverse migration processes, policy-makers have paid little attention to broad questions about the factors prompting children to migrate, their experience as migrants, the effects of immigration policies on children, or the consequences of adult migration for children who are left at home. National and international focus has instead been on certain phenomena such as “child trafficking” and asylum-seeking and refugee children. Without suggesting these are not important areas of policy, it must also be recognised that children’s rights are affected by a much wider range of migration processes. This paper deals mainly with highlighting those areas of child migration that often fall outside of the focus of policy-makers and at times, researchers.

A Note on Conceptual and Methodological Problems

It is worth drawing attention to some conceptual and methodological problems that arise when dealing with research into child migration. Firstly, it must be recognised that the term “migration” itself is a loaded word. It is used with pre-conceived notions of what migration means, and which phenomena count as migration and which do not. For example, the child of a British expatriate in Hong Kong who is sent to boarding school in the UK would not usually be described as a child migrant, but the child of a West African family who is sent to live with relatives in the UK where they will also receive schooling is.

Migration has been until recently discussed mainly in terms of adult, male movement. Women and children have been viewed as migrating only as dependents, as following their male relatives. This has led child migrants to be considered as passive, vulnerable and necessarily exploited within the migration process. That is not to say that children cannot be passive, vulnerable or exploited, of course they can, but they are not necessarily so. As such, viewing child migrants in this way ignores the fact that some children do make a decision to migrate, and do so in much the same way as adults do. Assuming that children can only ever be forced or colluded into migrating is a falsehood that overlooks the reality of many children’s lives.

Added to these conceptual problems are the methodological difficulties that arise from researching into child migration. Migration in general can be a largely underground phenomenon which makes it a hard area to gain reliable research on. Furthermore, research into migration is often policy-driven and as such follows areas which governments deem as important.

The Effects of Immigration Controls on Children’s Rights

The effects of immigration controls and government policies on child migrants’ rights have relatively recently come to light through a small amount of research on the issue as well as the work of NGOs and support groups in Europe. The results have been often shocking reports of

abuse and rights violations that have taken place as a direct or indirect result of European policies. Two main areas that have been explored are the detention of children in immigration centres and deportation from destination countries.

Much of the research findings from detention centres have focused on the fact that these centres are usually ill-equipped for housing children. There have been reports of suicides, violence, a lack of schooling and time outside of the centre, and overcrowding. Other problems for children in detention are the lack of information given to them about their cases, the long time they can be kept in detention, the lack of access to immigration centres for outreach groups or service-providers, separation from family members and a lack of training and understanding of children's needs on the part of the centres' staff.

The effects of deportation policies on children who have migrated independently are often an increased sense of vulnerability and instability. In most European countries, children under 18 are granted unconditional leave to remain until they turn 18. Children who know they only have temporary residence in a country can experience immense problems in terms of integration and psychological and educational welfare. Staying in a country past the age of 18 usually means being without citizenship rights, being "illegal" and at times being made destitute.

Children who travel with their parents or carers are not, contrary to popular belief, necessarily any more secure. They are then usually dependent on their parents for immigration status. Thus the deportation of an adult will mean the deportation of their children as well. This is even becoming true for children who were born in the destination country. In the case of parents or carers who are abusive or exploitative of their children, there is little hope for the child migrant to become independent of them. It has been suggested that families are more vulnerable to processes of deportation because there are more of them in one group. Deportations are stressful to live through, and there is evidence of children being subject to mishandling, or witnessing violence or force against their parents.

There is a distinct lack of information or exploration on the effects of forced return on child migrants. Research has suggested that often children do not wish to be returned home, particularly when they, or their parents, have invested a great deal in their migration plans. Even children who have been "trafficked" and are therefore deemed to be in a vulnerable situation are not usually monitored on their return home. As with the detention and deportation of child migrants, it is vital therefore that systematic and routine research is carried out that records the effects of immigration controls and policies on children. Without this knowledge it is nearly impossible to make any clear assertions about the damage caused to children's lives by the immigration systems in Europe. Likewise it becomes difficult to form coherent changes and improvements to these systems.

Areas in need of more research: independent child migration, children who migrate with their parents; children left at home.

Although there is certainly not as much research into the potential of rights violations within these forms of child migration, the research that has been done warrants the need for further research into these areas. In terms of independent child migration, most research has focused on child trafficking sometimes at the expense of looking into situations that would not constitute "trafficking" in the strictest sense. Generally, the ability to migrate or travel legally without an adult is quite limited for children into Europe. This means that children are more likely to travel irregularly and risk exploitation or abuse. Of course there are no reliable statistics as to how many children are migrating without the correct documents into Europe. However, research into independent child migration suggests that it is usually older children who are involved in this phenomenon; that child

migration is usually at it's highest in regions where adult migration is also high; that independent child migration can be, and often is, a positive decision taken by the child with the aim of improving their life opportunities; and that child migrants, like adults, rely on their social and financial resource networks when migrating. The research into independent child migration not surprisingly suggests that it is possible for this kind of migration to be either a positive or a negative experience for the child and their life opportunities.

It is often assumed that children who migrate with their parents are in a more secure situation than those who migrate independently. However, as we have seen from the effects of immigration controls on child migrants this is not always the case. Further evidence for this comes from research that has found children working in exploitative situations with their parents. Many migrant children help in the family business or work and were found to be working much longer and more regular hours than their national counterparts. This may lead to negative effects on the health, education and integration into the new country. Furthermore, some reports suggested that migrant children's parents are much more likely to be working low-paid and long working hours jobs, meaning that these children may be left without adequate child-care. This has led some parents to seek out "foster parents" from within their community.

Finally, there is a distinct lack of research into, and information of, children who are left behind when their parents migrate. Studies that have been conducted in Europe suggest there are some areas where the likelihood of having at least one parent living abroad is high. The outcomes for these children were mixed. Usually they had improved life conditions but on the other hand were more likely to be suffering from symptoms of neglect like drug abuse, precocious sexual relationships and dropping out of school. Furthermore, children suggested their relationship with their parents had suffered from their absence. In conclusion, parental migration was likely to improve the long-term survival of the children but may well be damaging in other ways.

Conclusion

The variety of recent research into child migration in Europe clearly suggests that the current government and research focus on child trafficking and asylum-seeking does not represent the whole experience of child migration in contemporary Europe. In order to tackle rights violations connected with migration it will therefore be necessary to recognise how and where these violations are taking place and decide what types of policy and services are needed to alleviate these violations. The task for governments and researchers now will be to focus on gaining more reliable information on the effects of the broad range of child migrations.

Caitlin Farrow: Her research interests to date have been on the categorisation of migration as a phenomenon and the effects of government policy on the human rights of migrants. She is currently based in London.

CHANGING MIGRATION PATTERNS IN THE UK: IMPLICATIONS FOR THOSE WORKING WITH CHILDREN

Jill Rutter

During the last 20 years, the UK has experienced increased international migration. From 1989 until 2002, labour migration and student migration remained fairly constant, and asylum migration increased. Since 2002, asylum applications have decreased, but other migratory movements have increased, with UK Government responses framed by labour market needs. This paper outlines changes in migration patterns and how they affect services for children.

The paper is based on research comprising a national questionnaire to local government and ethnographic research at two sites: Lewisham/Southwark in London and Peterborough and its environs in eastern England. The latter included 20 life history interviews with migrant children.

Lewisham and Southwark are two neighbouring local authorities in south London, with a combined population of about 500,000 people. Here some 45 per cent of the population belong to minority ethnic communities and wealthy populations live in close proximity to those living in poverty. Peterborough, a city of 160,000 people sits on the western edge of the Fens, the UK's agricultural heartland. During the last ten years Peterborough and its environs has experienced increased international migration with new arrivals working in agricultural, food processing and food distribution industries. They are contrasting areas, but both face similar issues. Teenagers emerge as a vulnerable group. In both areas schools are struggling to meet the needs of the new migrants. New migrant children are often socially isolated and some experience racial harassment.

Migration

The research exposed complex and changing migration patterns. The number of children of labour migrants in British schools has increased substantially since 2002, with the two largest groups being Poles and Portuguese. Other significant national groups of labour migrants are Czechs, Russians, French, Nigerians and Ghanaians.

Many Portuguese adults are unskilled or semi-skilled workers, employed in agriculture, food processing or tourist industry. The migration of Portuguese is complex with families returning to Portugal, and then moving again to the UK. The return can be seasonal, or if a parent gets ill. Portuguese mobility within the UK is also high, with families moving as jobs change.

Since September 2005, the number of Polish labour migrants arriving with children has increased. Polish migrants are more diverse than the Portuguese in terms of class background, parental education and skills. I estimate there are 19,000-22,000 Polish children in UK schools, with larger numbers being of primary school age.

The numbers of asylum-seeking children has decreased, but there is evidence of forced migrants using other migration pathways to enter and remain in the UK – part of the migration-asylum nexus - for example as overseas students or with work permits, or as asylum or visa overstayers. In south London many forced migrants from Zimbabwe were using student visas or work permits to enter and remain in the UK, rather than the asylum system. However, in parts of the UK only children who are asylum-seekers receive a planned programme of induction and English language support in schools. We should caution against support for children being determined by immigration status.

There has been a migration of minority and migrant communities from other EU countries to the UK. The largest such migration is that of Somalis from the Netherlands, Germany and Scandinavia. Other large intra-EU migrations are Tamils (particularly from Germany), Congolese and Ivorians to the UK. Lack of labour market integration in Germany appears to be a factor in Tamil migration to the UK.

There is an increase in children living with adults who are not their parents or near relatives. Many of these children have been sent to the UK to gain an education and then to remit monies. Often children had little prior contact with the adults who become their new carers and there are often problems with these private fostering arrangements. At the start of the research I assumed that this practice was most prevalent among West African families. However, I found many other national groups of children who were privately fostered, including those from the former Soviet Union, Somalia, Jamaica. Few schools knew about such private fostering arrangements and did not believe it was their responsibility to inform social services unless a child was at risk.

In London it was easy to locate families who were irregular migrants. Many were living in stressful conditions. While it is impossible to make predictions about changes in the size of irregular migrant population, there seems to be an increase in children living in conditions that I term chaotic migrancy. This is, characterised by irregular or time-limited immigration status, housing mobility, household employment in informal sector or insecure employment, separation from usual carers, little or no contact with educational or welfare agencies, possession of little educational cultural capital. Their numbers include 'Violet', a 15 year old Sierra Leonean girl. In 2004 she was sent to the UK to live with an 'auntie' and was given 6 months temporary admission to the UK. Prior to arrival she had missed large parts of her education. She has now over-stayed her visa. No school will enrol her. Violet now has a boyfriend, an older man of about 25. He has a contemptuous attitude to her and has beaten her. Violet tries to save money for her upkeep and for her family in Sierra Leone by hair-braiding, shoplifting and some occasional minding of a shop.

Findings – education and welfare

Despite the demographic changes, many teachers, social workers and their managers were unaware of them, consequently did not develop services for new groups. There are fewer organisations working with newer migrant groups, than among refugee groups. This is because of the newness of some communities, but also the work demands upon migrants themselves means that adults have less time to invest in self-help organisations.

There are large numbers of newly-arrived children unable to secure school places in particular parts of England, despite a legal entitlement to a school place.

Mobility is high among some migrant communities, particularly those employed in seasonal work, or living in smaller towns in rural areas. As well as moving within the UK, there is circular migration, with families returning to the home country and then coming back to the UK. This challenges continuity of healthcare, social support and education. Children themselves also talked about how they resented frequent moves.

The housing conditions of some new migrant families are appalling – rented accommodation of poor quality provided by the 'employment agency'. Housing overcrowding impacted on children's education, health and welfare.

Many children of labour migrants were isolated as pupils. In schools visited in both London and around Peterborough the school population comprised a stable population of 70 – 95 per cent of pupils, then a mobile population of homeless children and international migrants. There was little

social interaction between these two groups. Pupil isolation has different causes; housing mobility and arrival after friendship groups have been formed are two reasons, lack of fluency in English and the perception of 'difference'. But there are also economic causes of pupil isolation. At school, friendship groups are cemented by visits to the cinema, shopping trips and birthday parties. Such activities require money and as many migrant households are employed in low paid jobs, their children are excluded from such activities. The boundaries between 'us' and 'them' are caused by poverty as well as mobility and lack of fluency in English.

There is also substantial educational underachievement among some migrant groups, for example of Portuguese children. In 2002 the Portuguese were the lowest achieving ethnic group in English schools. The causes are complex but include negative parental experiences of education in Portugal and a culture that encourages the early work of children. Mobility and circular migration mean that children never settle in a school. Limited academic literacy in English and Portuguese also causes underachievement, as does parental absences from the home due to shift work.

Recommendations

My research led to think about public policy responses to changing migration patterns. In the UK, debate about the real costs of providing English as an additional language support is needed. Other funding reforms are necessary, including contingency funding to provide English language support for the unplanned arrival of new migrants in a particular area.

There is a need for a discussion within Government on responses to children who are irregular migrants. If Government is to adopt a laissez faire approach to irregular migration, arguably children should have access to healthcare and education.

Central government also needs to take a more robust approach with local authorities (and schools) that fail to provide school places to new migrants.

At a regional and local level better planning in regards to new arrivals, sharing resources for new communities and experiences of working with them. More cross-school planning is needed for children who arrive in the UK late in their educational careers.

More outreach youth work and social welfare casework is needed with hard-to-reach migrant groups, including those living in conditions of chaotic migrancy. In South London I was impressed by the work of a home-school support worker, who worked with the parents and carers on new migrants, including many asylum-seekers and irregular migrants.

At a school level much good practice pioneered with in the 1990s with refugee pupils is equally applicable to other groups of new arrivals. Schools need to think about the how they welcome students, meet their language learning needs and counter the hostility and isolation experienced by migrant children.

Finally, here in Warsaw, we should note that all European countries are affected by migration, whether as countries of origin, transit nations or countries of destination. Most policies that deal with migration are national policies, yet migration is trans-national in its character and requires international governance, as well as trans-national cooperation between non-governmental organisations. In summary, international migration requires global citizenship.

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CHILD-CENTRED METHODOLOGY: CHILDREN'S EXPERIENCES OF SEPARATION THROUGH MIGRATION: THE CASE OF TRINIDAD AND TOBAGO

Adele Jones

Abstract

'There is a growing body of literature on the role of children and young people in research. The value of these methodologies, which lies not least in the opening up of dialogue about the power dynamics of research, is undermined when they are applied uncritically or when they make use of methods that would be rejected in any other setting. There are good and there are bad ways for children to be engaged in research... 'Good' research requires careful attention to epistemological and methodological issues and the adoption of a critical reflective approach to research practice' (Jones, 2004).

This paper reflects on the application of child-centred research in a study of children who were separated from their parents because of migration. Although set in Trinidad and Tobago, the findings and methodology are more widely applicable. Child-centred research methodology is defined as research that:

- Utilises methods that are easy for children to understand and meaningfully participate in
- Acknowledges that children's insights are important in generating knowledge
- Recognises the importance of children's rights of expression (Article 12, UN Convention on the Rights of the Child)
- Represents a shift away from the objectification of children and regards them as active subjects within the research process
- Utilises research findings to address children's voicelessness
(Jones, Sharpe & Sogren, 2004)

Child-centred methods were applied in the collection of data and in the dissemination of findings. In collecting data, both quantitative and qualitative methods were used. A self-report measure of depressive symptoms was administered across a population of 146 children aged 12-16 years. The data were analysed to obtain prevalence and extent of emotional problems, age, gender and ethnicity. From these results, purposive sampling resulted in 24 children taking part in an in-depth study of the meanings ascribed to their experiences. Findings were disseminated across several audiences (professional, academic, caregivers and children). A triangulated approach to dissemination for children resulted in the design of three methods: freeze-frame drama, voice-expression and information-giving.

Children separated from parents because of migration were more than twice as likely as other children to have emotional problems although their economic status was improved. One third had serious levels of depression or interpersonal difficulties affecting schooling and leading in some cases to suicidal ideation. Differences were found in relation to gender and ethnicity. Resiliency factors included school performance and belief in family reunification. Parents went abroad to improve the economic conditions of the family. Surrogate care arrangements (usually with relatives) provided for children's material needs but did not address children's emotional problems. While the findings of this study are important, the focus of this paper is the application of child-centred methodologies in migration studies as a tool both for generating deeper understandings of children's perspectives and for their empowerment in cultural contexts in which children are still expected to "be seen and not heard".

Introduction - Rights and Research

Universal discourses on children's rights are predicated on a view of children as vulnerable and thus in need of special treatment. While this is an important standpoint, the emphasis on protection can prevent us from embracing the child as 'political' subject – it is as if for children, the personal and the political are separate domains; a view which merely reinforces their powerlessness. Also, the 'special' status children are accorded often turns out in practice as treating them as disconnected from the social, familial and cultural context of their lives. It is not surprising therefore that children's views about the impact of these factors are marginalised when it comes to policy formulation. Child-centred research challenges prevailing ideas. It is an approach that regards children as active subjects in the worlds they inhabit, important players in the politics of social change and contributors to the production of knowledge.

The application of child-centredness - a case example

In the study of children in Trinidad whose parents had migrated referred to above, child-centred methods were applied in the design of the research, the methods used, interpretation of findings and in the dissemination of results. Each of these aspects of research requires us to think deeply about epistemological and methodological issues and to centre our reflections on the implicit and explicit barriers that we, as adults erect to children's participation. This paper discusses one aspect of child-centredness in research – the participation of children in interpreting and disseminating findings.

Interpretation of results may involve either converting quantitative data into generalizable conclusions or deriving meanings from qualitative data, however in both cases the contributions of children can be easily overlooked. The question is how can one transform what is said into what becomes known. As I have said elsewhere, the child's voice does not have ontological status simply because the child speaks – it is in the meanings attributed to what is said and the ways in which those meanings are theorised that experience of a phenomenon becomes knowledge about the experiences of such phenomena. If children are to be actors in research, their understandings of the phenomena they observe, measure or are part of must be integrated into the methods and process of data conversion. Furthermore it is important to ensure that children's interpretations are not tainted or distorted when the messages revealed are not what we (adults) want to hear or do not fit into positions that we hold dear.

The study of parental migration in Trinidad and Tobago revealed important questions about the limitations of attachment theory in understanding adolescents' emotional needs and challenged the strategies that adults use to justify the decisions they make when they sever children's attachments. By adopting a child-centred approach to interpreting data, it was shown that families used a range of 'devices' to promote to the external world that all was well within the child's world, even when it was not, making it extremely difficult for the child's distress to be acknowledged. Children's participation in the study was for some therefore, a means of direct action through which they could signal the extent of their pain.

All research raises different implications for different audiences and methods for dissemination should be tailored accordingly. There is no reason why children should not be involved in disseminating findings to all audiences however children themselves often choose to focus their involvement on audiences that they most wish to influence. The decision should include considerations of a) the wishes and suggestions generated by the children involved and b) the researcher's knowledge of the target audiences and understanding of child-centred methods of communication. In actuality it is likely that children will be involved in particular aspects rather than the whole of the dissemination process. For example, it might be considered particularly important to have children read over a report to identify language or terms that are ambiguous, or to eliminate unnecessary jargon.

In the Trinidad migration study, children's perceptions and skills were utilised both in sharing findings and in challenging three observations:

- ♦ Families' denial about the effects on children of separation
- ♦ Culturally-determined perceptions that children should be seen and not heard
- ♦ The assumption parents held that increased economic benefits of migration were worth the social costs

Drama-in-education methods were used to portray the main themes of the study to an audience comprising parents, care-givers, children and teachers. The actors designed and staged an interactive play based on the findings of the study. Composite characters were created to reflect the diversity and range of social circumstances of the children who participated in the study. The play was performed using 'freeze-frame' methods. This enabled key moments (based on issues that children wished to emphasise) to be frozen and children were invited to engage in the 'moment' to shape it as they wished; either by switching places and acting out the scene as they perceived it, or by changing the dialogue, situation or outcome, or by offering advice to the 'child' as to how he/she could manage the situation, or simply by directing the play. Each of these options provided children with the opportunity of altering the interpretation of the results of the study based on his or her perceptions of the issue being explored. This method utilised children in the construction, interpretation and verification of research about their reality. Using professional actors to play children gave authority and credibility to the information about the damaging effects of parental migration that would have been difficult to achieve had children staged the play themselves. The drama served as a foil to preserve confidentiality and the 'act' provided a mask for children to express their emotions while maintaining external presentations of self.

Conclusion

Child centred research is essentially a political act since it seeks to produce knowledge aimed at social change. Children's participation in political struggles has a long history and while we might wish children the freedom of the playgrounds and to be able to stay out of the messy business of politics, for many this is not an option. Migration policies and practices impact deeply upon children's lives and this is but one example of ways in which the personal and the political bleed into one another. Indeed it is often at the axis between the personal and the political that children's rights are overlooked, as is the case with much migration policy and it is at this juncture therefore that we must look to children's perceptions to both increase our understanding of migration and also to validate the status of children.

CHILD HELPLINE INTERNATIONAL: CONNECTING TO CHILDREN AND YOUNG PEOPLE

Leticia Vasquez

Child Helpline International (CHI) - a global network of children's helplines and outreach services, was launched in September 2003 in Amsterdam to strengthen and develop helplines for children and young people. To date, CHI works with 94 members in 83 countries. A child helpline is founded on the belief that children and young people have rights, and that they can identify their problems. Thus, child helplines provide children with an opportunity to express their concerns and talk about issues directly affecting them.

Reasons why children and young people call helplines

Children and young people contact helplines for different needs. Helpline data shows that child helplines across the world annually receive millions of calls from children and young people who need crisis intervention, rehabilitation, counselling or someone to talk to. Many children do not turn to others for help for fear of repercussions. A child helpline provides children with the opportunity to voice their issues and ask for the help and support they need.

Children in Migration

In 2004 child helplines across the globe received over 11 million calls. A significant number of these calls are related to children in migration. Some of the reasons why children in migration called child helplines include child prostitution, children used for begging, child trafficking and abandonment by parents. The table below records the reasons why children in migration in Europe call European child helplines.

Children in Migration (2004 Data)

Children in Migration		Europe	Global
		Total of Europe	All Regions
Commercial Exploitation	Children used for begging	2250	2666
	Child Trafficking	2	285
	Child Prostitution/Sexual Exploitation	676	2521
Homelessness/Runaway's/Basic needs	Resources and financial aid	262	6601
	Abandoned	1595	4164
	Missing children	509	22067
	Seeking shelter	462	27098

The most striking statistic is the number of calls received from children used for begging. 2250 or 84% of all calls on begging come from children in Europe. In addition, 1595 or 38% of all calls are from children that have been abandoned by their parents come from children in Europe. Another remarkable statistic for European helplines is the number of calls received on child prostitution/sexual exploitation. 676 or 27% of calls worldwide on child prostitution/sexual exploitation come from children in Europe.

Conclusion

Given the statistics mentioned above, it is evident that children in migration in Europe use child helplines when they are in need of care and protection. It is clear that child helplines are an effective strategy for child protection. Children have the right to voice their concerns and participate in the building of their future. A child helpline provides children with the means to realise these rights.

Leticia Vasquez: Head of Advocacy, Child Helpline International, the Netherlands.

CHILD MIGRATION: A GLOBAL PERSPECTIVE

Catherine de Wenden

The globalisation of migration has introduced a strong diversity of the profiles of migrants. Among them, the child and teenage migrants from southern and eastern countries have rapidly increased since the last ten years.

We can observe several categories of child migrants: those arriving with their families in the family reunification procedures (50% of the legal entrances in the European Union), children alone, who have fled their families or who have been sent by them in order to initiate networks for other arrivals, young girls in sweatshops who pay during hours and years the amount of their travel and false documents such as the Chinese, their emigration allowing the legal existence of their male brothers in the policy of one single child, preferably a boy, teenage girls who are introduced in prostitution.

The variety of these types of child migrants depends on the regions in the world, of the sex and of the cultural background. The stake of this young migration is very acute because it raises the question of criminalisation of illegal migration, equality of sex, human rights, health and human trafficking.

Very few legal instruments exist to protect these children in the texts relating with immigration at national, regional and international level because of the ignorance of the extent of this new category, of the blurred borders between adults and minors in some cases, because of the uncertainty about the will of these children to migrate.

CHILDREN IN MIGRATION: WHO ARE THEY AND HOW CAN WE ASSIST?

Mirela Shuteriqi

Introduction

The number of children who migrate to or within Europe is high. Many migrate together with their parents, others decide to migrate unaccompanied by them and leave their houses alone, with relatives or friends. Reaching the destination country might be easily and pleasant for many children, while for many others remain a source of abuse and exploitation.

Once there, however, a certain adaptation is required from all the children. In addition to the assistance needed through the adaptation phase, the child would also need assistance in keeping the link with the place of origin, relatives, language, culture, etc. The main responsibility to assist the child rests upon the parents. However, other actors also play an important role, either by assisting directly the child or by enabling and supporting the parents' assistance to the child. The role of actors other than parents becomes crucial when the child has migrated unaccompanied by them. According to the Convention on the Rights of the Child (CRC), when an unaccompanied child is found in the territory of a State other than its own, this State too becomes responsible for the protection of the rights of the child concerned.

The State's implementation of this obligation differs largely within Europe and it mainly depends on their national migration policies. This will be briefly elaborated through the three study cases below.

A.

Goran, 8 year-old, fled the country with his parents during the conflict in the former Yugoslavia. With friends' support, the family moved to Sweden, where they could obtain the refugee status. The family was assisted with accommodation. Both parents profited from a two-year "introduction program" that included language training and orientations on Sweden, vocational training and development of a plan to find employment. Goran also benefited from intensive classes in Swedish. He would also receive classes in Serbo-Croatian after entering regular elementary school.

Today Goran continues to live with his parents in Sweden. Every year he goes back to the grandparents. He enjoys the time spend there, but he prefers staying with his parents in Sweden. After studying, Goran would like to travel throughout Europe.

B.

Kristo had been unemployed since the fall of communism. His wife does not work. Her role is perceived to remain home, caring for their children. In 2004, Kristo left to Greece with a false 3 months visa, but he never returned. His family joined him later by crossing irregularly and they all reside in Greece.

Kristo cannot find a stable job. He is a low skilled, irregular immigrant. His Greek is very poor. From time to time he can work in agriculture, long working hours for nothing. The family needs incomes and these are mainly provided by the three oldest children: 5, 7 and 11 years old. They gather and sell cans. None of them attend school. Both their Albania and Greek is poor and they lack friends. They focus on their work, in which they are very serious.

The children were met while working by social workers of a Greek NGO. They were invited to attend the activities organized by this NGO and accepted only when told that the mother could also join.

The social workers gained the trust of the children and mother. Communication was easy since some of NGO staff came from the same origin country. They could assist the family with small things: second-hand clothes and food provisions. The children started to attend the activities and socialize with the other. They were enthusiastic of receiving some Greek lessons. The social workers discussed with the mother about sending the children to school. But the mother was afraid since they were residing irregularly. The father would initially not even accept that the children attended Greek classes. To him, this meant that the children would not work and the family would lose their incomes.

Currently, the NGO is helping Kristo to regularize his stay in Greece. Once this occurs, they would assist him in finding a job, even though this will remain difficult. The regularization of the children's stay in the country will also take years- if ever possible. It will require stable and high monthly incomes from Kristo. At present however, the children are allowed to attend in the afternoon Greek classes provided by the NGO staff. During the day they continue working.

C.

Ben is 16 year-old. He did not attend high school and sought for a year to find a job. He has 3 younger sisters and his family, being very poor needs his financial support. However there are no jobs available and a friend promises to help him reaching Italy by irregularly crossing over different countries.

Ben gets caught in Slovenia by police because he lacks an entry status to the country. He is put in contact with a NGO who advises him to apply for asylum. Ben is placed in a asylum seekers center. He leaves within the first week. He continues his trip and is caught by the border police in Italy. The authorities return him to Slovenia, where his asylum request was presented.

Back to the asylum centre, Ben is explained by the social worker of the NGO that there are no chances his asylum's request will be accepted. An evaluation of the family environment in Ben's home country will be conducted by a partner organization. However, the social worker explains to Ben that the economic situation will not play a role in his asylum decision.

The NGO will take in charge the travel costs for Ben to return to his home country. Ben accepts the fact that he will return home, but is afraid that his parents will be disappointed by his "failure". If they do not wait for him at the airport, Ben also knows that he will have to spend time from one police station to the other until reaching his home town accompanied by them. He is tired and very much worried. The NGO social worker assists Ben to contact his parents, but they cannot afford to travel to the capital's airport. Asked by the NGO in Slovenia, the NGO back home accepts to take in charge their transportation. Ben feels more relieved now. He is already thinking on how to leave his home country again.

Points for consideration

Many gaps remain in ensuring respect and children's access to their rights within Europe. Often this is due to development and human rights standards within the country. Child protection mechanisms remain underdeveloped in some European countries.

In other cases, the child reaches a country with a well developed child protection system, and still (s)he is unable to access his/her rights and the protection system available to the other children.

Despite the recognition of the non-discrimination principle in the UN CRC and most of the European States' legislation, very often children's entitlement to their rights depends on their origin. Migrant children are the first to experience this violation.

The above cases demonstrate the complexity of assistance needed by children in migration. The first case showed that many host European States are able to provide most of the assistance needed by the child. Many guidelines and good practices are developed to serve as reference in how to assist the children. Listening to the children and their parents easily tells to States structure what is needed. Even when the capacities of these structures are lacking, the non for profit sector can take over.

It is thus not a primary matter of capacity or lack of good practices. The national legislation and migration policy is often the only cause behind the lack of the assistance needed by children in migration. The current policies within Europe are mainly tailored to respond to the needs of adults and children migrating as result of violations of their political rights. Even though armed conflicts continue to cause child migration, the end of cold war, accompanied by the establishment of democratic regimes in the former socialists countries has proven that migration does not result only from political reasons. The present situation within Europe demonstrates that a powerful motor behind the migration of children as of adults remains the economic situation and lack of opportunities in the country of origin. Abuse and violence within the family and lack of intervention by the other stakeholders also force children to leave their homes. As adults, children often consider migration as a strategy of survival or improvement of their livelihood.

However, considerations of economical and social rights are ignored by existing systems. Even when some European States give a possibility to the unaccompanied child to regularize his/her stay in the country, their still fail to respond to the economic motive behind the child migration in first instance. Children 16-18 years old are accommodated in centres without access to labour market, while this remains their main objective. Often after spending years and even being adapted to the life in the host country, upon reaching 18 years old they are expected to return back home.

Due to these existing rules and practices, children who migrate irregularly accompanied by parents or not, chose to remain out of the reach of authorities. Instead, they often endure exploitation and abuse. This results in large profits and impunity for exploiters and traffickers.

The intervention of the non profit sector in such circumstances is insufficient, even though they still provide different forms of assistance. Having the trust of the child enables social workers to understand the real situation of the child and provide necessary information to guide the child in his/her choices. Small scale services are also directly provided. However, many question marks remain Is it for example a good practice to assist by ensuring a safe return of the child back home, even though the child would like to remain where he has opportunities for development and empowerment?

Very often, to substantially assist children in migration requires first of all regularization of their status in the country and often even that of the parents. Access to labour market and incomes is also required. Achieving all these goes beyond good practices implemented by non for profit sector and requires a comprehensive European commitment.

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DOES AGE-AT-MIGRATION IN CHILDHOOD AFFECT SOCIOECONOMIC STATUS IN ADULTHOOD?

Shahin Yaqub

Introduction

Age-at-migration refers to the age at which a child migrates (alone or accompanied), or a child's age when the parent/s migrate if the child is left behind. This paper examines whether a child's age-at-migration alters the impact of childhood migration on income, employment and other socioeconomic indicators in the adult phase of the child's life. Most research looks at the contemporaneous impact of migration on children, whereas this paper considers the longitudinal impact of childhood migration on well-being throughout life.

Why age-at-migration can matter: theory

The premise for thinking that age-at-migration might matter lies in research documenting the lifetime implications of childhood poverty. Considerable evidence exists to show that childhood sets the stage for lifetime cognition, physical vitality and personality. Such characteristics are significant in human capital models that explain incomes, household formation, social inclusion and other indicators of adult achievement. This directly links childhood to adulthood within a seamless development process sustained over the lifecourse. Longitudinal studies show that success in childhood is a strong marker for success in adulthood.

A strand of this literature distinguishes between different stages of childhood, identifying particular ages when various human functionings are sensitive to development (Bornstein 1989). For example, language acquisition is believed to be strongly age-dependent (and also, is a recognised factor in migrant labour market success). Also adult height is sensitive to growth spurts during certain ages in childhood, and this might affect physical labour capacity (Payne and Lipton 1994). More broadly, advances in neurology have revealed how early-age protein-energy malnutrition can cause lasting cognitive and psychological deficits (Scrimshaw 1998). Even at age 'zero', longitudinal studies show low birth weight is negatively associated with adult attainments in cognition, earnings and employment (Bartley et al. 1994; Ivanovic et al. 2000).

Confounding the issue of developmental sensitivity are two other potential age-related effects: resilience to harm and reversibility of damage. Knowledge of these effects comes from children that have been traumatised in some way. For example, recovery patterns from brain lesions suggest that reversibility of damage to motor functions decline rapidly in the first months after birth, whereas reversibility of damage to language centres last well into childhood (Huttenlocher 1994). Even in cases of extreme deprivation, full reversal of harm has been achieved amongst infants, but less so at older ages (Perry 2002). Another example relates to iron-deficiency: after age 5 years, iron supplementation can reverse deficits in learning ability and memory, but not in attention spans (Pollitt et al. 1986). Moreover reversal is impossible if iron-deficiency occurs in infancy, because at that age iron assists in permanent structural changes in the brain (Rao and Georgieff 2000). In emotion and behaviour, post-trauma recovery tends to be greater in older children (Fuemmeler et al. 2002). Resilience to morbidity may depend on immunocompetence developed at foetal and infant ages (Prentice 1998).

Research on age-effects in child development is still incomplete. What is clear is that the huge multidimensional expansion of capacities that children experience occurs at different rates and at different points in childhood. Migration at any age could alter these dynamic processes, such as by changing the level of resources available to the child, shifting intra-household allocations of

resources and care across ages and sexes (e.g. by altering household structures), and opening new socioeconomic opportunities (e.g. by modifying membership of community or country). These will partly depend on the characteristics of migration because children migrate under highly varied circumstances (some favourable and others harmful). But also, the impact may depend on whether migration coincides with aforementioned age-effects in terms of developmental sensitivity, resilience to harm and reversibility of damage.

Evidence on age-at-migration effects

Several studies show that children migrating at older ages ultimately achieve less education (origin education plus destination education). For example, migrants arriving in the USA aged 15-18 years achieve 3 years less education than those arriving before age 4 years (Chiswick and DebBurman 2003; Gonzalez 2003). In Canada the difference is roughly 1.6 years (Schaafsma and Sweetman 2001). Educational attainments of migrants arriving before age 4 years resemble that of second-generation migrants. The strongest adverse effect of being older-at-migration appears after age 10 or 11 years, which coincides with the end of the sensitive period for language acquisition (Bleakley 2003). For possibly similar reasons, in Sweden, children migrating at older ages catch-up maths more easily than other subjects (Bohlmark 2005).

Extra education at the destination, gained from migrating early, translates into increased earnings as adults (controlling for other characteristics). In Canada the earnings of a migrant arriving after age 45 years is 32% less than a migrant arriving before age 4 years (Schaafsma and Sweetman 2001). Migrants speaking an official Canadian language have 11-13% higher earnings, but this gain is less for migrants arriving after age 18 years suggesting the importance of 'native language acquisition' (Chiswick and Miller 2003). Australian data shows that earnings growth after entering work is higher for migrants arriving before age 15 years, rather than at older ages (Wilkins 2003). In the USA second-generation migrants and migrants arriving before age 12 years have similar earnings profiles, and have substantial earnings advantages over older arrivals (equivalent to half the earnings advantage of a university degree, or 10 years of work experience) (Allensworth 1997).

Variations in the effect of age-at-migration exist across time periods, ethnic groups and destinations, thus highlighting that contextual factors alter the impact of migration on child development. For example, Mexicans in the USA show the strongest decline in education with age-at-migration, and this may reflect their distinctive migration pattern with greater circular migration, and a high propensity for teenagers to leave school in Mexico to work in the USA (McKenzie and Rapoport 2006). Second-generation Turkish migrants have varied outcomes across European destinations, with better schooling in France, Belgium and the Netherlands as compared to Germany, Austria and Switzerland. Migrant children in the USA have worse health and nutrition if one or both parents are undocumented, underlining the importance of legal status (Kanaiaupuni 2000). Undocumented children who are repatriated at sensitive development ages, and who might also re-migrate, might be especially vulnerable.

Age-at-migration has not been studied for rural to urban migrants in developing countries. Similar processes could be hypothesised. Children migrating at older ages might gain less total education (rural plus urban) than those arriving at earlier ages, and may enter work sooner. Their rural education may earn lower returns than urban education, and they may face language and social barriers. On the other hand, rural schooling may be so bad that children might benefit from migration, if they can access urban schools (Giani 2006).

An important issue is higher child mortality in migrant households, especially at infant and early ages. Brockerhoff (1994) found that across 17 developing countries the chances of infant mortality increased sharply as a result of accompanying their mothers or being left behind, to levels well

above the mortality of rural and urban non-migrant infants. However infants born after migrants settled in urban areas had better survival chances than rural non-migrants. This raises the possibility that any benefits of migration at young ages might be outweighed by additional mortality risks, but being born into the urban context in the second-generation might be advantageous.

Conclusion

Childhood migration is under-researched in migration studies, and moreover, the age-specificity of the effects of migration is hardly evaluated. Given this, the paper made an initial study of the effect of age-at-migration using literature on the adult implications of childhood development. The issue was further examined using migration literature, especially on age-related effects in education and earnings. Developing country literature on the topic is extremely scarce.

Age-at-migration deserves further study, for several reasons. First, if age-at-migration effects are strong, it may be worthwhile for a destination country or region to invest in the human capital of migrant children to raise their adult productivity. For example, Gonzalez (2003) estimates that the benefits to the USA of providing 12 years of schooling (to early-age migrants) would have outweighed the costs by nearly \$30,000 per migrant child in 1989.

Another reason to study age-at-migration relates to literature on child migration as a livelihood strategy. This correctly questions the universal applicability of childhood defined as schooling, play and not work (Hashim 2005). However the evidence in this paper suggests that child labour migration, particularly at younger ages, has lifetime implications. Such considerations are inadequately captured in current debates that tend to focus on contemporaneous effects. Child migrants may make rational choices, but nevertheless the choices may still be myopic. This longitudinal trade-off needs to be better factored into child protection.

A third issue relates to trafficked children. Evidence cited in the paper is unlikely to be directly applicable, but age-related effects probably exist in child trafficking. Studies on abused children highlight age-related effects on resilience to harm and reversibility of damage. Some studies suggest greater reversibility at younger ages. On the other hand, older trafficked children might be more resilient due to their greater physical, psychological and economic independence. Parallel research on the impact of age-at-trafficking might lead to improved services for trafficked children.

References on request

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¹ The views expressed are the author's only. Thanks to Daja Wenke for comments.

ETHICAL AND METHODOLOGICAL CONCERNS RELATED TO RELEVANT CHILD PARTICIPATION IN RESEARCH ON CHILDREN IN MIGRATION

Discussion Forum

Facilitator of the discussion forum: Agnes Zenaida V. Camacho, Psychosocial Support and Children's Rights Resource Centre, Philippines

This discussion forum focused on the ethical dilemmas and aspects which are needed to be taken into account when involving children in research on migration.

The discussion forum was introduced by a short presentation. The presentation focused on ten topics including questions which can guide researchers when involving children in their work. The presentation was based on a book by Virginia Morrow and Priscilla Alderson (Ethics, social research and consulting with children and young people, Barnardo's, London, 2004).

The ten topics with related questions which were presented are:

1. The purpose of the research
Whose interests is it designed to serve – and how?
Do the chosen methods fit the questions and purpose?
2. Costs and hoped-for benefits
Might there be risks or costs?
Can risks be reduced and benefits promoted?
3. Privacy and confidentiality
How is the privacy of children (and others) involved secured?
Breaking confidences, risk of abuse: Do researchers discuss this first? Do they warn all children that this might happen? Disclosure: professional guidelines.
Will all records be kept in lockable storage space, and destroyed after the project?
4. Selection, inclusion and exclusion
How and why are the children selected?
Extra problems for disadvantaged groups? How to allow for these?
Are 'representative or typical' groups well selected?
5. Funding
Should we avoid donors whose activities can harm children?
Does funding allow enough time and resources for respectful contact with children and high standards of research?
Should children be paid or rewarded? If so, how?
6. Review of the research aims and methods
Have children or their carers helped to plan or comment on the research?
Has an ethics committee reviewed the project plans?
7. Information
Are the purpose and nature of the research, methods and timing, possible benefits, harms and outcomes explained?

Are the research concepts, such as 'consent', explained clearly?
Do children receive contact information to the research team?
If children are not informed, how is this justified?

8. Consent

Do children know that: They can say 'yes', 'no' or 'pass'? They can ask questions, talk to other people, and have time to decide whether to consent? They can refuse without this being held against them?

Are parents or guardians asked to give consent?

Is the consent written, oral or implied?

9. Dissemination

Are the children and adults sent short reports?

Is the research reported in popular, academic and practitioner journals?

Do researchers talk with practitioners and policy makers about using their findings?

10. Impact on children

How might the conclusions affect the larger groups of children?

Do they try to draw conclusions from the evidence, or use the data to support their views?

Do they use positive images and avoid stigmatising terms?

Do they try to report children's own views?

Do they try to balance impartial research with respect for children's worth and dignity?

Discussions following the presentation

The discussions following the presentation were focused around these ten topics and questions related to them.

One aspect that was brought up and discussed was the issue of how to deal with the expectations from the children involved in research. The children participating will most likely hope that the research will lead to some change for the better for themselves and / or other children. As adults we know that change is very difficult, even though we try hard. It is therefore necessary to communicate this to the children in a way that makes them see the possibility for change, without promising it to them.

This aspect was linked to the question of dissemination to the children involved of the research outcome. Too much information could be a burden on the child, since children rarely have the direct power to influence and change. One must also take into consideration the usefulness of the information for the child. Sometimes it might be more suitable to inform the parents of the children involved, than the children directly. At the same time, feedback and information on the research outcomes can be a sign of respect and a way to say thank you for the participation to the child.

Another aspect which was discussed was questions related to funding of research. To produce solid and time consuming academic research that will have an actual impact you need substantial funding. Unfortunately this is very difficult to receive when children are involved.

On the other hand, there are some founders of "soft" research that wants researchers to include children. However, usually these founders want concrete outputs like CD-ROMs, web sites etc. These outputs are usually decided upon without child involvement and might not be what the children want to have out of the research. It is therefore vital to involve children in the preparation of such research, to ensure that the output is user friendly for them. Children can also be involved, or consulted, when deciding what additional research is needed.

The question of whether or not children should be paid to participate in research was widely discussed. On one hand, it could be seen as the researcher values the time of the child in the same way as s/he would value the time of an adult. However, once you have started to pay for involvement, you have to keep paying, raising the costs of the research, which might not be covered by funders. In some cases, money might be the only option to have a child in the research (e.g. regarding children in prostitution), and money might also for a particular child be more interesting than information on the research outcome. Although the general thought of the discussion forum was that children should not be paid to participate in research, it was said that this should not be an absolute taboo.

One area in particular which was discussed was the issue of research on young offenders. Regarding these children, researchers usually have a problem of gaining their trust. It is therefore important to design the research and methodology according to the situation of these children.

A final challenge for researchers in this area was given to the participants. It refers to the safety of researchers. It is important not to romanticise children. Researchers who have included children in their work have sometimes worked in very hostile environments and some have been subject to sexual harassment. This is important to have in mind when preparing research which will involve children.

Finally, one of the most important aspects to have in mind when involving children in research is that it is absolutely necessary to in each particular case take into consideration the age and experiences of each individual child.

FREE MOVEMENT OF WORKERS AND AN EXPANDING EU: TIME TO THINK ABOUT CHILD MIGRATION

Roy B.C. Huijsmans

Central to the European Union (EU), as in essence an economic project, is the creation of a flexible European market. Key to this is enhancing the mobility of EU citizens, and most importantly its workers.² Although the term ‘worker’ suggests exclusive reference to adults and conveys masculine connotations, this need in practice not be the case since ‘worker’ is defined as:

Someone ‘who (i) undertakes genuine and effective work (ii) under the direction of someone else (iii) for which he is paid.’³

Since this definition lacks age-based criteria the worker in question could, in principle, be a child, thus below the age of 18. Nevertheless, the literature on children and migration in the EU, while touching on various other areas⁴, is remarkably silent on children as mobile workers. However, one particular kind of ‘migrant work’ by children receives much attention; human trafficking, the various forms of abuse and exploitation of children working beyond their localities. Despite the urgency required in addressing human trafficking, a predominant concern with the worst outcomes of migration for children obscures possible alternative experiences of children as migrant workers.

The sparse literature on children as migrant workers globally, and in the EU specifically, can be attributed to dominant notions of childhood. UNICEF (2005: 1) describes ‘childhood’ as ‘a time to grow, learn, play and feel safe’ with access to ‘essential services such as hospitals and schools’ and in protection of family and community. Such idealised visions of childhood have effectively marginalised understanding of the role paid and unpaid work plays in children’s life beyond that of socialisation, despite an everyday reality in which work plays an important and multiple role in children’s lives, also in the EU (Hengst 2001: 16-24). If work is seen as problematic in relation to children, this is particularly the case with migrant work. Children acting as migrant workers have, according to this vision of childhood, not only entered the adult arena of work prematurely, they are beyond what is regarded the safe environment of the family and community. Hence, ideas of exploitation prove to be extremely sticky in relation to children working beyond their localities even in cases in which empirical observations do not uniformly confirm this (Whitehead and Hashim 2005).

Since the EU definition of ‘worker’ does not exclude children from labour migration, it is in principle the member-states’ national minimum age for employment which determines whether children from other EU member-states can be employed. Most of the EU member-states have set the national minimum age of employment at 15 or 16 years of age.⁵ This suggests that children

² The free movement of workers is one of the founding principles of the European Economic Community, one of the forerunners of the current EU, established in Article 39 of the Treaty of Rome, dating back to 1957. Celebrating the year 2006 as the ‘European Year of Worker’s Mobility 2006: Towards a European labour market’, proves that almost fifty years later this principle has not lost any of its currency.

³ ‘Free Movement of Workers – Achieving the full benefits and potential’ Communications from the Commission. Commission of the European Communities (Brussels 11-12-2002) COM (2002) 694 final, p: 6.

⁴ There is an emerging body of literature concerned with the position of young people as children of migrant workers (Ackers and Stalford 2004), as well as on migration by young people, mostly for purposes of education (Baláz and Williams 2004). or so-called ‘gap-years’.

⁵ Estonia has set the minimum age of employment at eighteen, all other member-states use a minimum age of 15 or 16 years. However, it is common practice that certain types of employment of children under certain conditions are exempted from the minimum age (Melchiorre 2004). Thus in practice children can frequently legally be employed in certain types of jobs before attaining the minimum age.

from EU member-states could under free movement of workers legally work in other EU member-states.⁶ This observation bears particular relevance since following the 2004 enlargement many western European countries have seen a large inflow of migrant workers often employed in sectors, such as agriculture, that traditionally employ large numbers of children as well. At the moment, transitional measures may still entail age-restrictions.⁷ Yet, since EU member-states strive to release all transitional measures in the near future, the employment of EU children in other EU member-states may soon, in principle, be a legal option across the EU.

The EU's approach to youth is rather instrumental. 'Mobility' dominates EU's youth programmes and takes forms like studying abroad, voluntary work abroad and exchange programmes.⁸ The main rationale to this is that mobile youth will turn into mobile adult workers. The EU youth programmes don't evoke the same connotations as 'child migration', however, these institutionalised options tend to be realisable for only a fraction of the EU youth, heavily skewed towards the socio-economically better-off. At the same time images of modern lifestyles and opulent consumptions patterns are communicated by the media, not hindered by socio-economic, nor by geographical, boundaries (Hipfl et al 2003: 839). In other words, the 'paradox' Nieuwenhuys (1996) refers to in relation to 'child labour' in developing countries also relates to mobility and children in the EU. While the dominant ideology places a high value on children's activities which are in the short run economically unrewarding, such as education, voluntary work, exchange, the children are at the same time exposed to images of 'mobility', lifestyles and consumption patterns that can, by most children, only be realised by engaging in activities that sit uncomfortably with what is generally considered appropriate for children.

Following further enlargements the EU territory will increasingly be characterised by growing levels of uneven development between member-states. In such a reality there is an urgent need to gain greater understanding of how young people from different genders and backgrounds perceive, experience and engage with the images, challenges, opportunities and vulnerabilities an expanding and globalising EU presents. This means for the study of children and migration going beyond studying worst cases scenarios, and elitist forms of youth mobility to addressing the grey area of forms of children and youth mobility which are less easily classified as 'good' or 'bad'. Moreover, migrations cannot be seen in isolation from underlying processes. Yet, relatively little is known about qualitative dimensions of childhood and youth in fast changing socio-economic contexts as exemplified by the new EU member-states. How is, for example, EU enlargement, its associated project of 'mobility', as well as the roles for youth it presents, perceived and experienced on an every day basis by various young people?

Answering these questions involves rethinking Nieuwenhuys' paradoxical relation depicted above. This requires getting beyond static ideological positions and non-debates about the (in)compatibility of labour migration and childhood/youth. This is ultimately more easily said than done, since it necessitates overcoming a significant barrier; our own (adult) attitudes (Ennew 2000: 7). Thorne (1987: 102), already observed that qualitative and interpretive approaches 'are especially helpful in uncovering experiences and forms of agency that have been suppressed by dominant ideologies', and emphasises continuous reflexivity regarding representation in order to

⁶ Although I have not been able to locate any studies dealing with this specifically, the following seems to affirm this observation. First, data on 'A8 migrant workers' in the UK from the British Office for National Statistics presented in Ruhs (Ruhs 2006) uses the category 'migrants aged 16+'. In addition, the Dutch Ministry of Social Affairs and Employment has confirmed through its public information platform (personal communication with Y. Bekker, 20th November 2006) that children from 'old' member-states can be employed in the Netherlands subject to the same rules and regulations as their Dutch peers. Moreover, this will also apply to children from A8 countries once the transitional measures are released, planned to take place in 2007.

⁷ For example, most A8 workers in the Netherlands need as part of the transitional measures a work permit which sets an age-limit of 18-45 years, thus excluding children.

⁸ The EU defines youth as 15-25 years of age. For more details on EU youth programmes see http://ec.europa.eu/youth/index_en.html

refrain from imposing our own, often very sticky, assumptions which hinder appreciating alternative and varied experiences. In this respect, it should be emphasised that children and young people are not simply a main resource that can be mined using participatory methods. This would forego a series of serious ethical dilemmas as well as being true to the principles of participation. Qualitative approaches may lay bare how children and youth negotiate, engage with or resist social realities in ways that either conform or challenge widely held normative views. However, qualitative data does not just speak for itself. Issues of representation remain, as do dilemmas of young people's agency vs. structural relations. All this may however not be an excuse for not engaging with difficult questions and responsible and relevant participatory methodologies still seem, despite their own problems, to offer greatest scope for this.

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HOW COULD ACADEMIC AND NGO RESEARCH INFLUENCE ACTUAL CHANGES FOR CHILDREN IN MIGRATION?

Discussion Forum

Facilitator of the discussion forum: Sven Winberg, Senior Consultant at Save the Children Sweden

Introduction to Discussion Forum

I have been asked to moderate this Discussion Forum and to open it with some introductory remarks. I am not a researcher by profession but I have been dealing many years with research planning and implementing of research findings in different capacities, the last years as an NGO within Save the Children Sweden.

My introduction will be quite short in order to leave most of the time for all participants to exchange views and experiences. After my introductory remarks I will introduce the plans for how to organize the remaining hour of this Forum.

I have been asked also to include in this Forum how academics and NGOs could co-operate and relate to each other in their efforts of making the lives of children, and specially migrating children, better.

My starting point refers to an article by Bridget Anderson and Julia O'Connell Davidson: "Border Troubles and Invisibility: Child Rights and Migration in Europe" in which they challenge the conceptual borders that traditionally have been used to explain the causes and consequences of migration. They regard the traditional approaches to migration as a part of the problem as they make children invisible. They argue that Western social scientific research on migration has been driven by a rather narrow set of policy concerns and simplifications which for example have been based on adult men's migration as reference and too often ignored women and child migrants. Unaccompanied asylum seekers and trafficked children are notable exceptions.

Therefore any research programme on child rights and migration in Europe should have as an essential element to deconstruct and reconfigure these conceptual borders.

Anderson and O'Connell Davidson further argues that "...the preoccupation with 'illegal immigration' means that children who enter the country legally, for family reunion etc or who migrate into exploitative situations through irregular channels, are mostly unseen." Researchers, policy makers, media, and activists have concerned themselves mostly with "trafficked children" over the last 6-7 years. It has mainly been framed as a problem of organised criminal involvement in cross border movements rather than violations of human rights / children's rights.

Anderson and O'Connell Davidson argues that instead of focusing primarily on prostitution, and defining migrants as either legal or illegal, trafficked or smuggled etc, in research carried out by researchers, media, NGOs etc, focus should be on exploitation and children's rights and policy should target experiences of abuse and exploitation. This would lead to a very different picture of the scale and nature of the problem and point to rather different policy responses and another agenda for research.

If their conclusions are correct, which I think they are, we have to ask ourselves if we, as NGOs, have accepted simplifications in analysing root causes and effects of migration based on binaries such as, internal versus international migration, voluntary versus forced, temporary versus permanent, legal versus illegal and so on. And that we by accepting those simplifications may have

fed ineffective means and even advocated for inadequate solutions for children in migration. Further, we might have focussed too much on media coverage and funding results.

It is important to accept migration in itself as an underlying, driving force behind many of the problems that children face. Children's own reasons to migrate for social and economical reasons, to improve their own life, are also underestimated as driving forces for migration. Many problems that children face in migration are neglected in research and migration policies, for example children's own reasons for receiving asylum. The fact that many countries at the same time can be the country from which children depart, to which they come and even for transit, also makes the analysis of the effects of migration more complex.

There are a lot of quantitative data available on migration but a lack of qualitative analysis of the reasons for and effects of migration. On the other hand relevant statistics about unaccompanied asylum seeking children, working children and child trafficking are missing.

I think all of you can add to this list, from your research and advocacy work, different experiences of both success stories and shortcomings in relation to what Anderson and O'Connell Davidson calls "traditional approaches to migration".

It seems obvious to me that there is a need for closer cooperation between representatives of scientific research and the NGO community. Ideally, scientific researchers can offer useful concept analysis; explanations based on theory development and empirical evidence which can help us to challenge our own conceptions and sometimes limited scope of thinking. Research mappings and reviews can offer summaries of the knowledge available within a specified area, etc.

On the other hand NGOs can offer experiences of direct contacts with children, with policy makers and media as well as a wide network of committed organisations and individuals on different levels. The credibility that many NGOs experience among the general public, media and sometimes even politicians, can be used for offering researchers partnership in creating and acting on an arena for public attention to the problems children in migration face.

From my experience of NGOs like my own, our research has had a surprising impact on the attention that media has paid to many important problems that children face. An impact which sometimes is based on much weaker empirical evidence and shaky theoretical basis than many important scientific research findings that never reaches the public area and the decision makers.

On the other hand, the *raison d'être* for NGOs like ours is to make a difference for vulnerable children and the aim of scientific research basically is to generate knowledge. Still, many researchers of course also want their findings to be used for changing the society which they are an important part of.

Sometimes Save the Children Sweden has carried out joint ventures in areas of common interest with scientific researchers in which we have invested funding and general public credibility and the academic researcher have added knowledge, scientific credibility and methodological skills. It has been a very fruitful cooperation. It requires courage of the researcher as parts of the Scientific Community find this kind of cooperation inappropriate and some courage of us as we could risk our credibility in publishing results which could be controversial or scientifically inferior.

Big NGOs have their own professional staff with journalists, writers, advocacy people, researchers, fundraisers etc who spend most of their time to influence different arenas and to influence the public debate.

Many Research institutions and Universities on the other hand make increasing efforts to disseminate results of their research but too many ignore the importance of communicating their important findings to the public and to decision makers. They basically care about publishing their results in articles in scientific periodicals.

In conclusion, I think that NGOs and Academic researchers really can make a difference by cooperating and thereby adding new perspectives and ideas as well as scientific evidence as how to make changes for children in migration. But, there are a lot of obstacles involved in it but possibilities as well which I want you to explore and discuss out of your experience.

The remaining time of this discussion forum is planned to take off from this starting point.

Discussion groups

The introduction was followed by small group work to make SWOT analysis of possible co-operations.

The outcome of the SWOT in the groups was:

Strengths

- co-operation = more capacity
- academics and researchers have specialized skills and strong methodology
- NGO are active in the field – have hands-on and up-to-date experience
- academic approach can be more long-term – may contribute to larger trend identification to assist NGOs in future practice
- academic results – more facts, more context – strengthen advocacy efforts
- evidence based research – more authoritative, objective and reliable
- NGO advocacy – provides a moral framework
- we can challenge each other – develop better arguments and messages through our dialogue
- NGOs can facilitate access for researchers

Weaknesses

- academic research – too long, not user friendly
- academics – sometimes lack of participation/consultation
- academics – different aims/findings
- NGO concern/problem – unusable research – tension – gap in expectations
- NGOs want certain outcomes
- there are too few people who can ‘translate’ research findings for use in advocacy
- different timing / funding cycles
- often academic and NGO focus/needs from research diverge -- theoretical versus practical
- research results may challenge or discredit NGO approaches
- two levels of bureaucracy, review and decision making (academia + NGO)
- difficult to use research results
- gap in expectations and perceptions
- timing of research – when you can use results – advocate well
- findings of research – may just sit on the shelf
- methodology does not always take account of children’s voice or opinion of frontline staff

Opportunities

- co-operation from planning stages
- need clarity from the start

- outside consultant/researcher can help show gaps and develop new arguments
- new findings
- professional research/methods – linked with reality
- shared network
- shared co-operation to create insight
- challenge each other
- possibility for mutual respect
- need to adapt policies according to findings
- people in the field should feed into research
- packaging of findings – but be careful not to dumb it down
- have academics/researchers on NGO board – to ensure consultation – and focus on the ‘real’ issues at start of co-operation
- NGOs need to advertise tenders publicly
- need to identify targets of results from the outset
- agree upon ownership of results
- get advice from other stakeholders
- NGOs can help identify gaps and needed research

Threats

- potential disagreement of direction -- both with policy and research
- academics and NGOs often speak different ‘languages’ and have different research goals
- lack of independent academic research in some places
- government funding could compromise results/advocacy
- information may not be used if too concerned about critique of government
- results/advocacy could jeopardize future government funding
- focus on a few topics – donor interest
- limited resources – research may not deliver
- threat to research if NGO pushes for 1 position/result
- disagreement – problems with outcomes and efficiency
- investment of scarce resources in research may not deliver results
- unclear expectations
- ethical problems if NGO staff are doing research instead of an external researcher – internal staff may be less impartial/objective/independent
- danger of exhausting resources of NGO
- danger of jeopardising relationship of NGOs
- media and government responses – this may lead to moderating academic results into the ‘right’ messages

HOW DO WE RELATE TO THE COMPLEX IMAGES OF CHILDREN IN MIGRATION?

Discussion Forum

Facilitator of the discussion forum: Marie Wernham, independent consultant CREATE

We were shown different images of children in migration through a power-point presentation made by the facilitator.

A photo of children from Sierra Leone, whose mothers were abducted from villages by rebel forces during the conflict, and who have since been rejected from communities and, as a result, are now living on the streets. A question was raised. Are these children: victims? nomads?, migrants?, kidnapped? A photo of a working street boy was shown: Is this child exploited? worker? autonomous? A photo of a young migrant child: Are these children unaccompanied? illegal migrants? displaced? trafficked? economic actors? migrants with consent? etc.

Who are we? It is important to understand that we put different labels on children according to who we are, i.e. UN, government, NGO, academics and others,

When looking at children in migration we find many risk-factors like discrimination, poverty, xenophobia and corruption, but also protective and positive factors like education, new opportunities, additional labour market and multiculturalism,

Current thinking

Dr Brenda Carina Oude Breuil (The Netherlands)

In child trafficking from East Europe to France you find links between inhumane treatment and devaluation of young people's bodies and marginalisation in countries of origin to co modification and inhumane treatment at destination?

Are children active agents rather than passive victims?

Dr Doina Balahur (Romania) and Rebecca Bude (Germany) proposes a critical approach to concepts like migrant, trafficking, unaccompanied, kidnapped, exploited, vagrant, which are negative connotations and propose instead an umbrella concept of nomadic child- continuum of meanings and situations- which are positive connotations.

Roy B.C. Huijsmans (UK)

EU proposes free movement of labour by 1 May 2011.

The Netherlands are dropping work permits for new member states from January 2007.

This will open the labour market to child migrant workers- who have the same rules as Dutch children. Should a 16 year migrant worker from Italy be treated in the same way as an unaccompanied child 16 years of age from a developing country who have asked for asylum and wants to work in the Netherlands ?

Should children be seen as actors in migration or should they be shielded from it?

This can lead to power imbalance and unequal social relations.

The Convention on the Rights of the Child and the best interest of the child

The best interest is often judged from an adult created construction. You must respect a child as a person and a worker with rights. The starting point must be the child's own perspective.

Certain types of child migration are condoned whilst other is condemned and there are influences from political, economics, cultural and social forces. There is a shift of control from nation-state to market forces in child migration.

References was also made to Agnes Zenaida V. Camacho (Philippines) describing migrants as proactive, socially, embedded, intencional agents who are influenced by the social contexts in which they are located (Findlay and Li, 1997) and Thomas and O’Kane, 1998, is describing children as social actors with their own distinctive abilities to understand and explain their world.

There must be a child centred approach. There are many complexities, nuances and subjectivities. There must be respect for children as persons, as workers with rights and as contributors to families and societies.

We must reject to description of simple victims and autonomous agent polarisation

How do we relate to children in migration?

We look through lenses depending on our power, gender, age, ability, ethnicity, religion, legality and culture.

Our analysis are different depending on Child Rights Best Approach – choice, informed consent, presence/absence of coercion, life, survival and development, best interest, non-discrimination, participation.

The stating point must be the child’s own perspective.

We were asked to sort relevant terms related to child migration into three piles:

Positive, negative and neutral, and to find out from whose perspective? The child’s? NGO fundraiser’s? Immigration officer’s?

We were asked to look at the policy and legal implication of these terms.

We were also asked to look at the complex images and rank them for or against, to accept and to reject, and the implications of adopting a more nuanced and complex scale.

A few notes from the group discussions which followed

- It would be useful to get rid of the terms 'legal' and 'illegal' in relation to people (as opposed to processes).
- Huge complexity within terms (such as 'nomad') as well as between terms:
- Interpretation depends on particular context.
- Not keen on the umbrella term 'nomadic children' as suggested by Dr Balahur: has connotations of 'roots' and 'uprootedness' and also has very strong, specific, traditional connotations in certain countries such as Mongolia & Kyrgyzstan.
- The key is how to communicate your story or message to your audience in a way they understand it, without compromising your own 'image' projection of the children involved.
- Clarity of terms is very important - especially where they carry legal weight / legal implication of rights attached to certain terms - and beware that the same term can have different meanings in different legal systems.
- What is difficult is the situation of a child being in 'limbo' - not accorded an official status as yet; lack of 'labelling' can lead to lack of action as people are not sure how to deal with a child without a label.
- Terms have acquired changing connotations over the years - e.g. the impact of 'public security' debate and protectionism in trade.
- Is it useful or not to try to convey the complexity of images in relation to influencing policy, resource allocation and/or decision-making in the case of an individual child? Need to balance the image of a child as a 'social actor' with combatting (e.g.) the moves to lower the age of criminal responsibility which might be a knee-jerk criminal policy reaction to such a message.
- The anti-immigration lobby has a very simple message which is more media and policy-friendly than the complex and sometimes contradictory messages of the pro-immigration lobby: we are fighting an uphill battle.

Each actor gives a fragmented picture of the child. But if and when we describe a more complex image it can lead to less concrete action for children in migration.

- People who are anti migration often give a very simple message.

MIGRANT MALE SEX WORKERS AND ERRANT MOBILITY: STRATEGIES OF SURVIVAL AND RISK BEHAVIOUR

Nick Mai

Main focus of the project

The main aim of this research is to analyse the cultural, social, economic and psycho-social determinants of 'errant mobility' (errance). This is a form of mobility many minors and young people engage in, characterised by:

- the constant displacement between EU cities in different national contexts,
- the recourse to predominantly illegal and dangerous strategies of survival (sex work, drug smuggling, theft, exploitation in the unskilled and unregulated sector of the labour market),
- the aspiration to a rapid, linear and 'easy' economic and social emancipation,
- the inability to reconcile moral worlds which are both aspired to and difficult to reconcile with the background context.

In this respect, errance means both 'drifting' from normativity and 'wandering' in search of adventure. This is a social practice characterised by multiple levels of social, cultural and affective uprooting. Most importantly, the research addresses the relation between:

- the lack of social and cultural capital characterising errant young people when leaving 'home',
- the nature of their affective and social uprooting from home,
- the utopian nature of the migratory project they elaborate through transcultural consumption of Western media productions and engagement in sex tourism at home,
- their 'erratic' form of mobility through the European migratory space,
- the conditions of risk and social exclusion they are confronted with in Europe,
- the vulnerability to criminal behaviour and HIV/AIDS infection,
- socio-culturally and economically sustainable policies and initiatives of social intervention.

The main aim of this project has been to determine the psycho-social, economic and cultural co-ordinates of this form of mobility. The research starts from the de-construction of the victimising paradigms shaping research and social intervention targeting unaccompanied minors and errant migrants. Acknowledging the agency of the subjects involved, the complexity of their needs and priority and the reasons at the basis of their affective detachment from 'home' is the only way to respond efficiently to their needs through social interventions.

Although the initial idea of this project was to investigate the social and cultural co-ordinates sustaining the errant mobility of young Moroccan migrants across the EU area and on their strategies of survival, after a few weeks of preliminary fieldwork in France and Spain, it became evident that this initial focus was inadequate because the places and practices of 'errant mobility' were shared by a plurality of migrant groups and individuals. In particular, after a first series of reconnaissance missions (in Belgium, France, Greece, Germany, Spain and Turkey), it became apparent that Romanian as well as Turkish and Kurdish young migrants were the main groups involved in the form of mobility and in the strategies of survival under examination. As a consequence, the main focus of this research project was broadened and the research ended up by focusing on the migration experience of unaccompanied minors and 'errant' young people from the Balkans (Romania and Albania), North Africa (Algeria and Morocco) and Turkey (Kurdish population) into the European Union (Belgium, France, Germany, Italy, the Netherlands and

Spain), with a specific focus on their strategies of survival and on the risk behaviours which are consistent with these.

Methodology and Timetable of the Project

The two main methodological tools through which the research was carried out were:

- the ethnographic observation of the strategies of survival and risk behaviours of unaccompanied and young errant migrants,
- the semi-structured interviewing of both errant young migrants and people working for the projects of social intervention targeting them.

The research was funded by the French region PACA and was undertaken during a period of 20 months, from spring 2004 to the end of 2005 in 18 cities, distributed across 10 EU and non-EU countries. The current analyses are based on 82 semi-structured interviews with young people in a situation of errant mobility.

Main analysis

In the last twenty years world's societies were characterised by an unprecedented polarisation between the rich and the poor and by a dramatic outburst of social antagonism, conflict and war within and between nations. This was consistent with an increase in the number of young people among the world's poor and with a transformation in the magnitude and quality of migratory flows, which have been characterised by an unprecedented level of mobilisation of young people, adolescents and minors, alongside women, in the imagination, enactment and management of migration and survival.

In Europe, the phenomenon of the so-called unaccompanied or separated children raised particular concerns. These are groups of underage young men and women leaving 'home' in search of a better future for themselves and in order to secure the economic survival of their families. Although separated children are entitled to protection as minors and are as such catered for by social services and other projects of social intervention in all EU member states, the way they are addressed by these initiatives does not respond to the complexity of their priorities and needs. These contradictory conditions are shared by young neo-adult migrants, who become even more vulnerable by coming of age, as they are no longer entitled to protection and face the risk of deportation.

The condition of vulnerability characterising separated children and errant youth originates from the contrast between different cultural constructions of adolescence in relation to different socio-economic and cultural backgrounds. Whereas in the West adolescents are conceived primarily as bearers of rights, in many other contexts they are seen primarily as bearers of duties. Whereas European social services and institutions address them mainly as vulnerable victims in need of protection, the subjects see themselves as young adults who have to provide the means of subsistence for their families left at home and for themselves. In fact, they feel victimised by the very instruments of protection preventing them from work as a way to avoid child exploitation. As a result, many leave the institutions and the programmes targeting them and decide to live in the street, which is seen as offering better opportunities to respond to their aspirations and priorities. Paradoxically, the street and 'errant mobility' are the only spaces of social interactions allowing them to express their contradictory aspirations to a late modern lifestyle of fun and self-realisation (freedom) and the necessity to provide for their families at home (money).

Unaccompanied minors and 'errant' young migrants are seen as a potentially vulnerable social group in three main respects. Firstly, as they usually have to smuggle themselves into the countries of destination, they can become an easy pray for the criminal networks providing illegal

transportation services, which then force them to beg, sell sex and drugs or by 'employing' them in sweatshops and other highly exploitative activities. Secondly, since their undocumented status prevents them from accessing legal sources of income, unaccompanied migrants often experience very powerful dynamics of social exclusion and have to rely on drug smuggling, theft and sex work to survive economically. Finally, the lack of the cultural capital and life experience necessary to understand Western capitalist societies in their complexity produces a very utopian migratory project, often based on idealisation of the West as a place where 'everything is possible'. Once confronted with reality, many of these young migrants experience strong feelings of disappointment and recur to sex work, theft and drug smuggling as the only viable ways to sustain their utopian life trajectories. These survival strategies can involve a high risk of criminal behaviour and of HIV/AIDS and other STDs infections. Understanding the way these strategies of survival become economically, socio-culturally and morally sustainable is a fundamental step in the elaboration and implementation of efficient migration-related policies and initiatives of social intervention.

At the basis of young migrants' 'erratic mobility' is the incapability to accept the failure of the utopian migratory project in whose name they have left 'home'. Typically, once this project fails in the first country of entry into the EU, it is reproduced across different countries, which are ranked according to an upward trajectory of perceived modernity: thus first Italy, Greece and Spain, then France and Germany, then the UK and the Netherlands. The mobility patterns of errant young people are characterised by the contrast between the imagination of linear emancipation from social marginality by moving upwards into the perceived core of European modernity and the spiral relapse into social marginality at each stop along the trajectory. Typically, most errant young people end up by returning to the country through which they first entered the European space. The fear of 'losing face' by returning home empty handed is the main factor forcing them to stay on in Europe, errant mobility and marginality being all is left after the collapse of their imagined life trajectories of utopian emancipation.

Conclusions

'Errant mobility' can be seen as a particular route within the adolescent search for psychological autonomy and individual fulfilment and one which is characterised by these four interrelated main factors:

- 1) an irreconcilable tension between models of personhood belonging to different socio-economic and cultural contexts,
- 2) the endurance of a utopian understanding of modernity in the elaboration of the migratory project,
- 3) a condition of unresolved uprooting from 'home' as the locus of both identification, morality and emotional attachment,
- 4) the subjection to multiple forms of social exclusion.

Errance is characterised by the incapability to take responsibility for one's ambitions and desires. Many errant young people can not see the reasons why they choose to lead the lives they do as they can not accept their moral implications nor do they see the worth in investing on themselves to change. The consequence is the inability to locate a suitable 'settlement' or 'return home' (re-territorialisation) as all opportunities available are not economically viable, morally acceptable nor psychologically sustainable in terms of self-esteem.

In other words, the impossibility and incapability, rather than the unwillingness to re-territorialise is the defining dimension of errance.

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NOMADIC CHILD AND CHILDHOOD

Doina Balahur & Rebecca Budde

Brief synthesis

The authors build a critical approach on the meanings of a wide variety of “concepts” (migrant, trafficked, unaccompanied, kidnapped, exploited, refugee, asylum seeker, vagrant etc) used to describe the movement of children from their country of origin to a different one. Based on the recent research studies and reports on migration⁹ and also on the analogy with ‘women’s studies’ the authors propose a different ‘umbrella concept’, nomadic child and also identify the virtual migration as the special new form of nomadism without movement (D. Balahur) whose main actors are children. According to the authors, this will be one of the strongest flows of children migration/nomadism in the 21st century which will overpass by far the existing ones. While for the traditional, modern forms of migration, even if in (very) imperfect ways states have been at least aware of the phenomenon, regarding children’s virtual migration (which is already a mass phenomenon, so as the ICT companies report) both public and private actors are completely ignorant. The authors propose the development of a new type of social services – digital services and assistance- for parents and children in order to prevent the possible harmful effects this new form of nomadism could have on children’s health and moral development. Protecting the rights of the virtual migrant children is, according to the authors, one of the most challenging tasks the social services providers will be confronted with.

Landmarks for new perspectives of understanding migration and children in migration

1.1 Children in migration became an umbrella term used to describe, many times uncritically, a wide variety of situations – migrant, trafficked, unaccompanied, kidnapped, exploited, refugee, undocumented, asylum seeker, vagrant etc child. The data in the recent World Bank Report, Development and Youth Generation (2007), show that “the proportion of children and youth migrants varies across destination countries, ranging from a low of 17–20 percent of the flow into Canada and Russia to a high of 50 percent of Nicaraguans migrating to Costa Rica and women migrating to Côte d’Ivoire. Less age-specific information is available on refugees, but children and youth are also a large share of asylum seekers in some countries. Overall, about a third of the migrants from developing countries are children and youths, perhaps 20–25 percent of the stock. Broadening the definition of youth to also include 25 to 29-year-olds gives them half the migrant flow and a third of the stock. Based on these patterns, 32–39 million children and youth migrants are from developing countries.”¹⁰

This wide variety of situations and circumstances and, sometimes, the weak and out of date clarifications, definitions and regulations in international, European and national law makes it difficult to get the real picture and statistics of children who are outside of their country of origin (see the diagram below). It also severely restricts the possibilities of supportive interventions and actions – which results many times in strong and persistent violations of children’s rights. Consequently, so as the recent joint report of the non-governmental organizations Save the Children, Sweden and Separated Children in Europe Programme: How to make children visible in

⁹ UNDP Report: Youth and Violent Conflict: Society and Development in Crisis?, 2006

World Bank: World Development Report , Development and the Next Generation,2007; UNDP Report: Youth and Violent Conflict: Society and Development in Crisis?, 2006; Global Commission on International Migration, Migration in an Interconnected World : New Directions for Action, 2005

¹⁰ Moving and communicating across borders, in World Bank: World Development Report 2007, Development and the Next Generation, 2007, p.189

migration¹¹ mentions: “it is difficult to get an overview regarding migrating children and families in Europe. Data are few and practice of collecting data varies from country to country”. We have to add to this observation that even when data are collected the quantitative statistical analysis is many times biased due to the chosen methods¹².

Great dissatisfaction regarding the visibility of children’s movement among countries and regions has accumulated. Children’s movements are identified merely on statistical estimations and less in an empirical form. On the other side, the definition(s) generally used to depict the flows of people’s movement at regional and international level are based on the image of a state centric world. The last decade of the 20th century, has brought important changes. The UN-Commission for Global Governance appreciates that we are now living in a multi-centric world, where traditional political borders among the states are not only more flexible but, so as it is the case of the European Union, they are removed. Under these circumstances the traditional definitions of migration used to set up the statistical indicators which try to depict peoples’ movements are not accurate any more or at least not at a global level¹³. In our opinion the visibility of children in migration flows should start with the definition of migration itself. We also assume that the phenomenon as such, or, to be more specific, the perception of it has to be changed. Considered many times, in the modern world of nation states, a phenomenon with important negative connotations, migration is recently seen also as an important resource of development for both ‘the country of origin’ (in terms of income revenues and remittances) and ‘the country of destination’. In the next sections of the intervention we will briefly depict some of the major changes that would legitimate a new type of understanding and definition of ‘migration’.

1.2 The open society: back to nomadism. Nomadism has historically been a natural condition of mankind. Since immemorial times people have migrated – moving (most of the time) in groups, from a geographical and cultural area to another. Reasons for such movements were/are very different: economic ones, social and natural threats (natural catastrophes, political persecution, armed conflicts, etc). Nomadism is perceived as a natural behaviour of people. Not accidentally, restrictions and limitations of the individual’s movement have been considered one of the toughest forms of punishment a person can be sentenced to and it was used, since early times, against persons who committed severe and violent offences against other people or against the fundamental values of the group and community.

Its value has been strengthened in the early modern times through its codification as the freedom of movement by the international Human Rights Declarations (in 18th and 19th century). The UN Universal Declaration of Human Rights (1948) reaffirms its strong status. Art.13 states that any person has the right of freedom of movement and the right to chose his/her own residency within the territory of a state as well.

We did not randomly remind the value attributed to nomadism – re-baptized in the 19th century with the rise of the nation state, as migration. In modern times migration was used to designate, explicitly or implicitly, a status that is opposed to those of the citizens. Citizenship represented the legal “connection” between the person and the nation state. Being the citizen of a certain state meant, among others, to have domicile or at least a permanent residency on the territory of that

¹¹ Save the Children Sweden and Separated Children in Europe Programme, *How to make children visible in migration*, Seminar Report, Warsaw, 2006, p.7

¹² See OECD Report on World Migration, 2006. This Report proposes a set of common indicators to be used by states in reporting studies on migration and also a common methodological frame. However children’s movement is integrated in the wider category of “migration flows”.

¹³ Most of the definitions of migration, including UNO and IOM, are based on people’s movement ‘from a country of origin to a host one’ for at least 12 months (long term migration) or for less than 3 months (short-term migration). But when borders no longer exist, like in the Schengen area, it is obvious that we cannot use these kind of definitions any more.

state, to have a set of guaranteed rights and obligations as well. Among these ones loyalty has been of paramount importance. Migration has been perceived more like an exceptional situation – having merely negative connotations and rising from very difficult circumstances - political prosecution/ asylum; refugees (armed conflicts, or in state mass victimization etc). International Law, especially International Human Rights Law established clear legal instruments, forms of assistance and remedies for asylum seekers, refugees, displaced and trafficked persons etc. For all these categories migration is a consequence, but secondary, and is the effect of different difficult circumstances. Generally at the international and regional level there are specialized strategies and statistical indicators which describe the quantitative and qualitative aspects of these phenomena. However, in our opinion all these categories should remain out of statistical data regarding migration.

At the level of the European Union, the traditional definition of migration is even less appropriate to depict people's movement. The internal market, as an area without borders, guarantees four fundamental freedoms among which the free movement of persons is one. From this point of view the fact that a person is the citizen of one EU Member State and has its usual residence and work place in a different one is less and less relevant. These persons are not migrants (any more) but people who enjoy the fundamental right of free movement guaranteed by the Treaty. We describe this phenomenon as movement without migration or simply as nomadic. Children in European member states as persons who get rights 'per se' enjoy, of course, the right to free movement. Consequently children, either accompanied or unaccompanied, can freely circulate within the Schengen area with no track record of their movement and with no visibility and possibility of intervention and support – if need be. Their movement is also part of what we have called movement without migration or nomadism. They represent a different category – different from the one in e.g. the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families different for the children who migrate undocumented. How can we protect the rights of these children? This is an open question we address to the attendees of this conference!

1.3 The open society. The changed world the children are living in in the 21st century: from virtual social relationships to virtual migration and nomadism. Here we would like to briefly introduce another challenging topic: Migration without movement and closely connected to it virtual migration.

In a recent workshop of the Board on Children, Youth and Families (2006), Robert Blum took note of some unprecedented challenges facing children and young people at the start of the 21st century: they are the first generation to grow up in a world characterized by instantaneous global communication and the threats of both AIDS and the widespread use of terrorism as a political weapon. They are the first generation to fully compete in a global economy and the first generation of whom the majority spends at least part of childhood in a single-parent household. The professionals who work with young people in this fast-changing environment need a clear understanding of the processes of adolescence, yet models for understanding this phase of life are rapidly changing in ways that can significantly influence practice.¹⁴

It is already agreed, but only very recently approached as a research topic, that the ICT has radically changed social relationships. According to a recent analysis carried out by Robert Latham and Saskia Sassen, *Digital Formations: IT and New Architectures in the Global Realm* (Princeton University Press, 2006) the communication and information structures largely constituted in electronic space have remolded social relations. In the world of today a new mix of social, electronic and communicational structures have emerged called by the authors digital formation.

¹⁴ A Study of Interactions: Emerging Issues in the Science of Adolescence Workshop Summary (2006) Board on Children, Youth and Families (**BOCYF**), THE NATIONAL ACADEMIES PRESS, Washington, D.C., 2006; www.nap.edu.

Digital formation is the construct they use to designate these specific types of information and communication structures¹⁵.

In this world of digital formation children less than 12 years of age have become a significant consumer group for advanced computing and communications services. According to the statistical data provided by Panda Software Company, in 2005 children less than 12 years old represented more than 50 percent among the internet navigators. Together with those under 18 years old they made up almost 75 percent of the internet explorers. Most of them 'travel' unaccompanied by parents or other guardians. They have visited a wide variety of web sites – among them also e.g. porno or hate speech ones. According to the experts, the amplitude of the phenomenon is much greater. It is not yet mapped; it is not taken into account by official statistics. It provides the newest form of child migration, actually of nomadism, - because it represent at its best the 'traveling and movement' in a free virtual open word: child virtual migration/nomadism. How can we defend the rights of children in this totally changed environment, how can we assist and support child in virtual migration, etc., are questions we all, as researchers or practitioners should ask. Our, provisional answer, is: by developing an (absolutely) new type of social services to children, parents and other interested persons: the digital services.

Instead of conclusion: We need to rebuild not only our definitions on migration/child in migration but our vision and theories on it in order to update it according to the new world of child and childhood. Otherwise our intervention actions could be jeopardized from the beginning.

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¹⁵ Robert Latham and Saskia Sassen, *Digital Formations: IT and New Architectures in the Global Realm*, Princeton University Press, 2006, p.2

REFLEXIVITY AND RELATIONSHIPS IN CHILD TRAFFICKING RESEARCH

Zosa De Sas Kropiwnicki

In September 2005, Save the Children commenced Phase Two of the Regional Child Trafficking Response Programme (CTRP) in seven countries/entities in South East Europe, namely Albania, Bulgaria, Bosnia-Herzegovina, Bulgaria, Montenegro, Romania, Serbia and the U.N. Administered Province of Kosovo. As there is limited understanding of why some children are more likely to be trafficked than others, this programme identified participatory, child-centered research as a priority to develop effective interventions in this context. This research project was designed at regional level and was carried out by 40 coordinators and researchers. In April and May 2006, each researcher participated in a 5-day training workshop. National and regional reports will be launched in March and April 2007, respectively. This paper will describe the research methodology that was employed in this project and will highlight the successes and challenges that arose in the field.

In order to develop an in-depth understanding of the perceptions, experiences and decision-making of children, relationships were given primacy in the research process. As both researcher and respondent play a role in setting, negotiating and contesting the research process, the methodology was designed to allow for flexibility in terms of format, time-frame and geographical location. Throughout the course of this research, child respondents actively exercised their right to participate or not participate in this project, and defined the extent and nature of their participation. Field research was conducted with children living and/or working on the streets, children living in state institutions (e.g. homes for children without parental care or centres for children in conflict with the law), internally displaced children in state camps or social centres, children in shelters who have witnessed or experienced violence, children from socially marginalized groups, and identified victims of trafficking. These children have been identified as 'at-risk groups' in existing studies on child trafficking and in key informant interviews. This research sought to arrive at a more in-depth understanding of the complexity of factors that expose some children to higher risks of trafficking. In total, 113 focus groups with children (4-12 children in each), 14 focus groups with adult key informants (state and non-state actors), 160 key informant interviews, and 288 semi-structured and unstructured interviews with children have been conducted. These children were accessed by means of snowballing.

Snowballing has elsewhere been used in recruiting respondents from 'hidden' populations that are not readily accessible. Initially focus groups and interviews were held with key informants, then focus groups in shelters and institutions with children. At each interview or focus group, key informants and children were asked for referrals, which created multiple chains of contacts. It was very time-consuming because it relied on the respondents' willingness to contact each other. Researchers had to build up high levels of trust with their respondents so that they would be willing to provide advice or further contacts. This technique also depended on the existence of children's social networks, and thereby introduced a level of bias. All attempts were made to minimize this by making contact with individuals from a range of populations and organizations. Although this study is not representative, it does offer detailed insight into the experiences and understanding of children in a wide-range of settings - children whose voices tend to be ignored. All efforts were made to ensure that confidentiality agreements with children were not breached during the snowballing process.

Semi-structured and unstructured interviews were the main methods employed in this research. A semi-structured interview has been likened to a guided conversation in that it is informal and relaxed, but driven by certain key themes and guidelines. The field researchers highlighted a range

of challenges with this method. Time-constraints affected the quality of these interviews. Some researchers received contradictory information from their respondents and attributed this to initial fear or mistrust. With this in mind, most researchers conducted multiple interviews and spent between one and three months developing relationships with children in a local community. A number of researchers found that their respondents shared more information in informal settings when the tape-recorder was removed. The feedback that the researchers received from the children was overwhelmingly positive. For many children, this was a new experience and one of the few times that adults had listened to them. It enabled them to reflect on their past experiences and consider how they could help themselves and others. They even referred the researchers to children whom they believed this research could help. The children also attempted to use the researchers as a mouthpiece to express their own views and get their needs met.

All of the researchers attested to the value of focus group discussions with children. This tool enabled them to build rapport with children, observe children's interactions with others and learn about power dynamics and group norms. The approach and particular activities selected were tailored to suit the participants, their particular age, gender, culture and so forth. In general, the field researchers received positive feedback from the children who had participated in these groups. They found the activities enjoyable and stimulating, and were happy to share their feelings, thoughts and perceptions with interested adults. Many enjoyed the fact that they could keep their drawings and posters, and suggested that this was a source of status within their peer groups.

The researchers did, however, encounter a number of challenges. It was often difficult to find suitable venues in which to conduct these focus groups, especially when working with children living or working on the street. In institutions children often repeated the messages that they had received from psychologists and adults. Alternatively gatekeepers only allowed particular children to participate or insisted on being present during the focus groups. To overcome this, the researchers had to develop relationships with staff over time. In addition, through the snowballing sampling technique researchers attempted to contact children's peers who were not living in institutions. Many of the researchers divided these groups on the basis of age or gender, but researchers still had to navigate power dynamics and deal with children's relationships with each other in these groups. In some cases, children teased each other or competed for attention. A few children were self-conscious about their participation and constantly sought the researchers' approval. Some of the researchers found it difficult to cope with this diversity, whereas others found that it stimulated discussion. Some researchers found it difficult to facilitate large groups of children, particularly when children exhibited disruptive tendencies. So children were invited to create 'ground rules' and define 'punishments' (e.g. hopping around on one foot or singing a song). Researchers also preferred to work with smaller groups of children with whom they had interacted informally in the past. Nevertheless, they often found it difficult to contain the size of the group as many children wanted to participate. Researchers constantly adapted their focus groups to ensure that children remained interested. They also incorporated recording equipment - a major source of distraction - into their activities.

The researchers described their field experiences in positive terms. For many, it was an opportunity to learn more about children's perceptions of their problems and strengths; it was a chance to share experiences and information with representatives of local communities; and for some it was a period of personal growth in which they questioned their own assumptions and belief-systems. For instance, they started to think critically about the labels and terms they employ such as 'anti-social', 'delinquent', and 'dysfunctional'. From the outset, researchers were asked to reflexively review how their own characteristics, backgrounds and perceptions affected the research process. It was discovered that certain personal characteristics (e.g. age, gender, culture) helped them develop relationships with their respondents. Many of the researchers were trained as social workers,

psychologists and teachers, and often found it difficult not to approach the children from this angle. When suspected cases of abuse emerged, they had to carefully consider whether intervening in a child's life is necessary, particularly when the children themselves do not regard the situation to be negative or dangerous. In these instances, ethical guidelines were followed, the child was consulted and researchers actively discussed their concerns with their line managers in Save the Children.

A further challenge that many researchers encountered in the field was that of expectation-raising as many children (and their families and wider communities) expected direct or indirect assistance in return for participation in this research project. The ethical protocol underlying this research project discourages any remuneration or direct assistance to participants although children who took part in focus groups were rewarded for their participation with food or other tokens of gratitude such as books, notebooks and pens. Children who were interviewed received guidance, advice, referrals and transport. However, no financial payment was provided to children to avoid raising their expectations, distorting the respondent-researcher relationship, and obliging respondents to participate. Researchers emphasized the longer term benefits of this project, and that children's input will be used in interventions that help other children in this community and others.

In general, this research was only possible because researchers invested in relationships with children, and reflexively considered their assumptions about children's perceptions and lived experiences. This research has provided unique insights into the complex range of factors at individual, interpersonal and macro-levels that enhance the likelihood that some children will be more at risk of trafficking. This 'evidence' will inform future programming under the framework of Save the Children Norway's Regional Child Trafficking Response Programme in South Eastern Europe.

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THE CRC APPROACH TO UNACCOMPANIED FOREIGN CHILDREN REFUGEES AND ASYLUM SEEKERS: THE EUROPEAN CONTEXT

Roberta Ruggiero

Analysing the necessity of special measures of protection for children in migration within Europe it is not possible to leave out consideration of the guiding principles provided by the wording of the Convention on the Rights of the child – CRC (1989) and by the work of the Committee on the Rights of the Child, through the elaboration of general comments, general discussions and concluding observations on the periodic national reports presented by all the countries that ratified the CRC.

Central point of the CRC approach to this phenomenon is, beyond any doubts, article 22 of the CRC¹⁶, which deals with the rights of refugee and asylum-seeking children to receive appropriate protection and humanitarian assistance. Article 22 refers in particular to the essential protection needed by those children who are still waiting the conclusion of the request for asylum and it claims, in particular for unaccompanied and separated children, a special attention on the base of the fact that if accompanied children assume their parents refugees status, unaccompanied children have to prove by themselves their refugee condition.

Of course, article 22 should be read in combination with other CRC articles, in particular:

- **article 9** related to the separation from parents only when that is considered indispensable in the best interests of the child
- **article 10** related to the right to family reunification, that has to be implemented in a positive, humane and expeditious manner
- **article 20** related to the protection of children without families
- **article 37** related to the deprivation of liberty as a measure of last resort and
- **article 39** related to recovery and rehabilitation after experience of armed conflict, torture and other forms of abuse.

However, article 22 should be interpreted also in combination with the General Comment no. 6 of the Committee on the Rights of the Child, dedicated to the treatment of unaccompanied children outside their country of origin¹⁷.

The UN Committee on the Rights of the Child provides practical and operative indications on how to implement the CRC. On the base of this assumption in 2006 the Austrian government in occasion of the EU Austrian Presidency entrusted the ChildONEurope Secretariat with a mandate to carry out a survey on the UN Committee concluding observations on the last EU Countries' reports presented and discussed in front of the Committee by the 27 EU Countries and 2 candidate Countries (Croatia and Turkey)¹⁸.

16 Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

17 General Comment no. 6 (2005), Treatment of unaccompanied and separated children outside their country of origin, adopted by the Committee on the Rights of the Child, Thirty-ninth session, 17 May ÷ 3 June 2005, p. 6.

18 To be precise this survey had been commissioned by the Austrian Federal Ministry of Social Security, Generations and Consumer Protection.

Aims of the survey are the intention to identify the issues most frequently examined by the CRC Committee, the points of strength and weakness in the EU Countries CRC implementation process and to point out the issues on which EU Countries can improve their policies of intervention.

The present survey analyses the principle areas of concerns and recommendation identified on the base of their “quantitative” presence in the CRC Committee observations, underlining both positive and critical information. The different issues had been addressed following the structure of the CRC and that of the Committee’s concluding observations and in particular in the section dedicated to the Special measure protection we find a consistent number of observations dedicated to the special measures of protection for children in migration.

The ChildONEurope survey outlines that in commenting on Committee’s concluding observations formulated in relation to article 22, the Committee appreciated the effort made by 23 EU Countries¹⁹. In particular the **positive achievement** were formulated to 17 Countries out of the 29 analysed and the main results to be related to the effort to discuss and/or approve national legal reforms to improve the legal situation of asylum-seeking children and to pay more attention to their needs²⁰ i.e. giving priority to cases involving children and appointing a guardian to separated children in deportation procedures; increasing the number of services dedicated to refugees and asylum-seeking children²¹; and paying special attention to the needs of this category of children²², for example by enhancing the quality of reception and interviewing for asylum-seeking children²³.

Other specific positive achievements noted by the Committee were: the creation of special institutions for unaccompanied minors for *inter-alia* managing their request to stay²⁴; to increase the number of services dedicated to refugees and asylum-seeking children by better providing them with assistance during their time in the holding area²⁵; the establishment or increase of special accommodation/reception centres for unaccompanied minors and separated asylum-seeking children²⁶; to facilitate the access to primary and secondary schools for children with temporary refugee status giving them the possibility to be enrolled in primary and secondary schools under the same conditions as national children; to speeding up the processing of applications of unaccompanied children and refugee cases; to address the situation of unaccompanied minors by providing them with assistance during their time in the holding area from an ad hoc administrator who replaces a legal representative; to provide the systematic recording of information on unaccompanied minors and to cooperate with UNHCHR in drafting foreigners who are also unaccompanied minors.

Whereas for what concern the **critical points and the most frequent concerns** manifested by the Committee key recommendations were formulated for 23 countries out of the 29 analysed²⁷, with a specific attention to the need to adopt national legislative reforms²⁸. The subject of legislative reforms are various and very specific, all of them concerning the almost rights of refugees and asylum seeking children. Example of this particular concern of the Committee are related: to the necessity to draft and adopt laws on the creation of guardianship services; to the harmonization of

¹⁹ Austria, Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Greece, Hungary, Italy, Malta, Poland, Slovenia, Sweden, United Kingdom, Croatia, Romania

²⁰ Belgium, Cyprus, Denmark, Finland, Greece, Italy, Malta, Slovenia, United Kingdom, Croatia, Romania.

²¹ Czech Republic, United Kingdom.

²² Czech Republic, Sweden, Croatia.

²³ Sweden.

²⁴ Belgium, Italy

²⁵ Czech Republic and United Kingdom.

²⁶ Austria, Belgium, Hungary.

²⁷ Austria, Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, Spain, Sweden, United Kingdom, Croatia, Romania, Turkey.

²⁸ Belgium, Cyprus, France, Greece, Italy, Malta, Netherlands, Poland, Portugal, Croatia

the procedures among the EU States in order to dealing with unaccompanied minors throughout the State party in a common way and in the full respect of their best interest and necessity; to develop a specific refugee status determination procedure for minor asylum-seekers; change the definition in the laws of unaccompanied minors seeking asylum so as to bring it into line with international standards; introduce specific laws or administrative regulations or directives that provide special procedures and address special needs of unaccompanied asylum-seeking and refugee children, and in particular ensure that these children have proper accommodation.

Concerning the legal aid and the legal assistance²⁹, the Committee focused on the necessity of qualified guardians, their systematic assignment to unaccompanied and separated asylum-seeking children and their functioning³⁰. The guardian should be consulted and informed regarding all actions taken in relation to the child and should have the authority to be present in all planning and decision-making processes, including immigration and appeal hearings, care arrangements and all efforts to search for a durable solution. Other specific observations made by the Committee on this issue are i.e. to: ensure that the so-called “accelerated procedure” respects the due process and legal safeguards for asylum seekers; consider means to reduce delays in the consideration of asylum requests and in subsequent administrative and judicial proceedings, which affect children; consider appointing a temporary guardian within 24 hours of arrival for each unaccompanied child; carry out a review of the availability and effectiveness of legal representation and other forms of independent advocacy for unaccompanied minors and other children in the immigration and asylum systems.

Other important concerns are linked to the location where these children are placed, the Committee focuses its attention on the characteristics of the reception centres³¹ and are all concentrated on the characteristics of those reception centres: there must be enough special reception centres for unaccompanied minors, with particular conditions such as access to education and health³² with a duration of the permanence for the shortest time possible³³.

The Committee, in particular, recommended that States should ensure adequate living conditions and full or equal access to education, health services, including psychological care for unaccompanied or separated children, displaced or refugee and asylum-seeking children³⁴, in particular for those who are victims of any form of neglect, exploitation or abuse. Nevertheless, the Committee recommended that States should guarantee special protection and care to all child asylum-seekers with respect to their special needs; provide supervision by qualified persons to ensure their physical and psychological well-being; consider preferential treatment for refugees to benefit from exemptions from reductions in tuition fees for upper secondary and university education.

Another specific issue faced by the Committee is the implementation of existing laws. Among the recommendations related to this subject there are few in which the Committee requests the implementation of national legislations³⁵, whereas the majority of them concern very different and specific subjects mentioned in the national legislation and to be implemented, i.e. refugee and asylum-seeking children have access to basic services such as education and health, and that there is no discrimination in benefit entitlements for asylum seeking families that could negatively affect children or to all refugee children below the age of 18 years or to an increase in repatriations without adequate follow-up.

²⁹ Austria, Belgium, Czech Republic, Denmark, Greece, Finland, Luxembourg, Slovenia, Sweden, United Kingdom

³⁰ Austria, Denmark, Slovenia, United Kingdom.

³¹ Austria, Belgium, Denmark, Italy, Luxembourg, Poland, Slovenia, Spain, United Kingdom.

³² Austria, Denmark, Luxembourg, Slovenia, Spain.

³³ Italy, United Kingdom.

³⁴ Belgium, Cyprus, France, Greece, Malta, Poland, Portugal, Slovenia, United Kingdom, Croatia, Turkey.

³⁵ Czech Republic, France, Germany, Italy, Slovenia, Spain, Croatia.

There are also some recommendations on the issue of the detention of unaccompanied or separated children³⁶. In this regard, according to article 37 and article, unaccompanied or separated children should not, as a general rule, be detained. Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof. Where detention is exceptionally justified for other reasons, it shall be conducted in accordance with article 37 (b) of the CRC that requires detention to conform to the law of the relevant country and only to be used as a measure of last resort and for the shortest appropriate period of time. In consequence, all efforts, including acceleration of relevant processes, should be made to allow for the immediate release of unaccompanied or separated children from detention and their placement in other forms of appropriate accommodation.

Another important subject of concern to the Committee is the issue of family reunification in the country of origin, which should not therefore be pursued when there is a “reasonable risk” that such a return would lead to the violation of fundamental human rights of the child³⁷. In this case the Committee requests States to respect in the applied procedure the principle of the best interest of the child³⁸ and to guarantee the follow-up for those children who are repatriated³⁹. For example in certain cases the Committee recommends that States fully take into account the principle of the best interests of the child when deciding on the deportation of unaccompanied and separated asylum-seeking children and avoid their placement in custody pending deportation; reduce the length of the procedures for children seeking asylum and deal with an application by a child or his/her parents for the purpose of family reunification in a positive, humane and expeditious manner; take all measures to prevent irregular procedures in the expulsion of unaccompanied foreign children.

Concluding, from the results of the comparison realised it could be said that in a certain way the Committee seems to demand to develop an approach based on a “positive discrimination”, in other words it is not only asking to implement process treating these children under the same conditions as national children, but it demands to go further, paying more attention to children belonging to such vulnerable group⁴⁰.

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³⁶ Czech Republic, Greece, Italy, Lithuania, Netherlands, United Kingdom, Romania.

³⁷ Austria, Belgium, Finland, France, Germany, Hungary, Italy, Luxembourg, Spain.

³⁸ Austria, Belgium, Italy.

³⁹ Italy, Spain.

⁴⁰ The information here presented are derived from full report of the Survey on the UN Committee on the Rights of the Child Concluding Observations on the last EU Countries' Reports, coordinated by Erika Bernacchi, Joseph Moyersoen and Roberta Ruggiero and published in the ChildONEurope web site <http://www.childoneurope.org/activities/pdf/su00-Survey.pdf>

**THE IMPLEMENTATION PRACTICES OF THE CRC BEST INTEREST PRINCIPLE
REGARDING UNACCOMPANIED ASYLUM SEEKING / MIGRANT MINORS IN EUROPE:
CASES OF FORCED RETURN IN ITALY AND SPAIN**

Daniel Senovilla Hernández

The purpose of this presentation and the discussion to be carried out later is to set out and analyse in which situations and in which way the children's Best Interest Principle (as defined by the article 3 of the United Nations Convention on Rights of the Children) is being interpreted and implemented when working out national policies and legislation that regulate the situation of Unaccompanied Migrant or Asylum Seeking minors in Europe. As you all know, when studying the EU governments' policies regarding children in migration, we find two main models: the first is represented by countries confronting the migration of separated children from an asylum perspective (such as Germany, United Kingdom, Scandinavian countries, etc.) and the second is represented by South Mediterranean EU countries which consider the migration of children as a part of mainstream migration based on economic grounds. During my presentation I will address the situation of unaccompanied minors in Italy and Spain, which are probably now the most exposed countries to this type of migration in Europe. Both countries have set up similar policies identifying the forced return of unaccompanied children as the primary and best suitable solution in their best interest. Afterwards I will especially focus on analysing if the implementation of forced returns agrees with the CRC and particularly whether it is in the children's best interest.

Regarding the general treatment of unaccompanied minors in Italy and Spain; in contrast to other European states, most children are considered as classic migrants (although there is a lack of official figures, asylum applications coming from unaccompanied minors are uncommon in both countries). Both legal systems deem that UM are in a state of risk or neglect (as defined by their respective Civil Code) and are therefore treated as any other national or foreign resident child in an "in-need" situation. Both legislations plan direct access to their care systems and the prompt appointment of a guardian. In both countries, unaccompanied minors have the possibility of achieving immigration legal status with some requirements. In Spain, children can be documented if they stay at least 9 months under the care of social services as long as family reunification is not possible. In Italy, the "*minori non accompagnati*" are directly entitled to a residence permit, although the renewal of this document is submitted to restrictive conditions. However, both countries' legislations allow and even promote the forced return of unaccompanied migrant children to their countries of origin, whether for family reunification or to put them under the authority of local care services.

Regarding Spain specifically, the legislation emphasizes forced return of UM as the first and foremost solution, which is why integration (and documentation) only takes place when it has not been possible to carry out return or it has been unsuccessful. The Spanish central and regional authorities relied on the implementation of this policy for years despite its low effectiveness: on one hand, the forced return rule has not been able to stop the new arrivals of children searching a better future in the country and, on the other hand, only a low number of unaccompanied children are finally returned. In 2004, there were 111 repatriations, a number that decreased to 61 in 2005 and rose again in 2006 to 111 (most from the Madrid region.) If we consider that in 2004 the number of unaccompanied minors entering the care system was more than 9.000, we can conclude that the forced returns policy is far from efficiency.) In addition, once these young people are under the care of social services, the continuous threat of being returned causes them an extreme stress. As a result they are often driven to leave the care system and become even more vulnerable and

uprooted. After the signature of a Memorandum with Moroccan authorities at the end of 2003 attempting to make repatriations easier (and which is now a “bilateral agreement”), the last initiative adopted by the concerned Spanish institutions to increase the number of returns has been the building and shared running of centres bound for taking in children that are sent back. At the present time, eight centres have been planned, financed by the Spanish Labour and Social Affairs Ministry and the authorities of the regions of Madrid, Catalonia and the Canary Islands.

As far as Italy is concerned, in the last few years there has been a decrease in the number of UM returned to their country of origin. During the late 90’s, the relevant authorities implemented this policy of forced returns, mainly with Albanian children who were the most represented nationality of unaccompanied minors at that time. If we consider the destiny of these returned children, the results of this strategy were not particularly acceptable: the International Social Service carried out a quantitative survey on a sample of 256 minors that were returned to Albania between 1999 and 2001, which showed that more than 60% had emigrated again despite the fact that a reintegration programme had been carried out after their return. Another reason to explain the decreasing number of forced returns could be the frequent judicial resolutions that have overturned decisions adopted by the *Comitato per le minori stranieri*, institution tasked with ordering repatriations. In fact, when the Committee is notified of the presence of an unaccompanied minor, they immediately try to locate and to monitor the situation of the minor’s family in the country of origin. The legislation has not established clear criteria to decide when a decision on forced return should be taken. Usually, the Committee puts forward the “right to family unity” without considering the views of the child and of his family and neglects to take into account the degree of integration that the child has achieved in Italian society. If the *Comitato* decides on repatriation, the unaccompanied minor has the right to appeal this decision to an Administrative Regional Court. In the last few years, the magistrates overturned numerous decisions coming from the Committee concerning the forced return of unaccompanied minors. In 2004 only 46 minors were sent back home, a number that fell to 20 during the first six months of 2005. Most returned minors during this period came from Romania, followed by Albanians and to a lesser extent, Moroccans⁴¹. Some recent programmes to promote the voluntary return of unaccompanied minors have achieved good results, with a reduction of repeated migrations.

From a more theoretical point of view, I would like to examine next whether a policy of forced returns is in agreement with the rights that unaccompanied children are entitled to in both countries in accordance with their ratification of the CRC and, more specifically, to determine if such returns are really appropriate and in the child’s best interest. To carry out this analysis, we must distinguish between two different goals of a forced return: the first one being the effective reunification of the minor with his parents or guardians; and the second, to put him at the disposal of care institutions in his country of origin.

I would like first to deal with family reunification. The most important element in this case is the **consent** of those affected (the minor and his family.) Regarding consent, we can consider four different situations:

- When, irregardless of the root causes of the migration, the desire to reunite is mutual, we can consider that decision on return would always be in the child’s best interest (except for those exceptional cases in which it may imply a risk to the minor.)
- Another situation is when the minor wishes to stay in the destination country but the family desires his return. Competent authorities must always verify that there are no anomalous

⁴¹ These figures and updated information on unaccompanied minors repatriation projects in Italy are from (2006) “*Pratiche di Accoglienza I: Aggancio, inserimento, mediazione e rimpatrio*” Progetto Equal Palms: Percorsi di accompagnamento al lavoro per minori stranieri non accompagnati.

situations –abuse or exploitation- that advise against return. Moreover, they should evaluate the educational and welfare facilities that the child has access to in the destination country before taking a decision.

- A third case is that in which the minor wishes to return but his family refuses to take him in. Despite the fact that it may seem improbable, this situation can become real when families have spent their savings on a child's migration and, unaware of his uprooted situation in the destination country, they are reluctant to relinquish such an investment. The evaluation becomes especially complicated in this case and the relevant authorities must take into consideration the opportunities for the child in both countries.
- Lastly is the situation in which the minor is returned against his will and that of his family, who is not even consulted in most cases. This policy of forced return identifying the child's right to family reunification as in his best interest instrumentalises articles 3, 9 and 10 of the CRC. No rule contained in the articles of the Convention establishes as an obligation that the child must live compulsorily with his parents. The Convention considers familiar unity as an absolute right in articles 9 and 10 but in both cases this unity is based on mutual agreement between the family members. The Convention in no way establishes that party States can impose such a union⁴².

I would like now to examine forced return of UM with the goal of putting them under the custody of children care institutions in their country of origin. This policy is much more difficult to justify as a suitable measure in the child's best interest. In this sense, I agree with the Italian author Rozzi in her consideration that the New York Convention establishes in no way a child's obligation to live in his country of origin⁴³. In fact, the rights of the children established by article 30 –the right to their own cultural life, their own language and to practise their own religion- are precisely planned for those situations in which a minor lives abroad or is a member of a cultural or ethnic minority in his own country).

Furthermore, the Convention establishes a pack of social and economic rights aimed at guaranteeing the minor's welfare: among others, the right to health and to healthcare services (article 24 of the CRC), the right to social security (article 26), the right to a proper standard of living (article 27), the right to education (articles 28 and 29) and the right to leisure, recreational and cultural activities (article 31). Moreover, article 6.2, one of CRC's main principles, refers to party States' duty to guarantee, as much as possible, the child's survival and development.

Consequently, we have to consider that all forced return of an UM to his country of origin, whose scope is not that of achieving the reintegration of the minor with his family, must ensure that the child receives an educational, sanitary, social and economic standard at least equivalent to the one provided by the destination country. Otherwise, such a measure will be executed against the minor's best interest⁴⁴.

⁴² See the interpretation of articles 9 and 10 of CRC carried out in HODGKIN, R. and P. NEWELL (2004). "Manual de aplicación de la Convención sobre los derechos del niño (edición enteramente revisada)". Geneva, UNICEF, pages 145 -166.

⁴³ See ROZZI, E. (2002). "The evaluation of the best interests of the child in the choice between remaining in the host country and repatriation: a reflection based on the Convention on the Rights of the Child", Save the children Italy.

⁴⁴ To support the arguments that have been developed, see:

- (2004). "Save the Children and The Separated Children in Europe Programme Position Paper on: Returns and Separated Children" SCEP, especially when it states that it must be an independent (judicial) authority who takes the final decision on repatriation
- The European Court of Human Rights Tabitha judgement. Reference: Mubilanzila Mayeka et Kanini Mitunga c. Belgique (au principal et satisfaction équitable) n° 13178/03 of 12 October 2006. European Court of Human Rights, paragraphs 68 and 69. Pages 22 and 23.
- (2005). General comment n° 6 (2005) Treatment of unaccompanied and separated children outside their country of origin. Committee on the Rights of The Child, paragraphs 84- 86.
- European Network of Ombudspersons for Children- ENOC statement on State Obligations for the Treatment of Unaccompanied Children, approved in the Annual Meeting in Athens on 26-18 September 2006

In conclusion, the data clearly point out that Governments have extensive difficulties carrying out a policy of forced returns. Very few repatriation orders are eventually executed. Furthermore, this policy has not been an effective tool to reduce the migration of children: Italy and Spain present probably now the highest numbers of unaccompanied minors in the European Union. Moreover, an important part of those minors who are sent back, eventually migrate again some times only a few days after their return. Finally and most importantly, as we have seen a policy of forced returns does not respect the intent of the CRC best interest principle.

While Italy seems to realize the shortcomings of this policy and is now trying to encourage voluntary return of children, Spain still relies on its implementation and has just signed a bilateral agreement with Morocco in this sense. Time will tell.

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THE INTERNATIONAL PROTECTION OF MIGRANT CHILDREN – IS IT ADEQUATE?

Kristina Touzenis

Children may migrate alone to join family members or to seek employment. They face a range of risks, beginning with the journey itself. Children who migrate alone and have no support system at their destination may end up living and working on the street, these children are exceptionally exposed to violence and exploitation, and are likely to lack access to basic services. On the other hand there is no doubt that young adolescents who migrate are extremely resourceful and that any kind of protection should take into consideration their migrating project.

Basically migrant's rights are human rights and children's rights are migrant children's rights. This should signify that migrant children enjoy the same protection that national children enjoy when they arrive in their destination country. Most children's rights are social and economical rights—right to education, right to health, right to family life, right to leisure. However in some cases violations may extend to children's civil rights – right to life in the most extreme cases, infringements on the prohibition of torture and, especially, ill treatment.

Human rights protection for migrants remains much less developed than the international refugee protection system and no international institution has yet a protection mandate comparable to that of the UNHCR. Migrants nonetheless have rights under two sets of international instruments: first, the core human rights treaties such as the ICCPR and ICESCR whose provisions apply universally, and thus protect migrants; and second the UN Convention on Migrant Workers and the ILO conventions which specifically apply to migrants, and in particular to migrant workers.

In many situations, there is a disparity between the rights that migrants, both regular and irregular, enjoy under international law, and the difficulties they experience in the countries where they live and work and across which they travel. This disparity between the principles agreed to by Governments, and the reality of individual lives, underscores the vulnerability of migrants in terms of dignity and human rights.⁴⁵ Human rights protection for migrants remains much less developed than the international refugee protection system and no international institution has yet a protection mandate comparable to that of the UNHCR. Migrants nonetheless have rights under two sets of international instruments. First of all, the core human rights treaties such as the ICCPR and ICESCR, the provisions of which apply universally and thus protect migrants; and secondly, the UN Convention on Migrant Workers and the ILO conventions that apply specifically to migrants, and to migrant workers in particular.⁴⁶

Hence, even if the legal protection of refugee children leaves something to be desired, immigrant children lack the special protection granted to refugees. They are therefore able to avail themselves only of the protection of the CRC and, in limited cases, of the UN Convention on the Protection of All Migrant Workers and their Families.

The CRC protects every child, regardless of nationality or immigration status. States have obligations, outlined in the Convention, towards each and every child within their jurisdictions.⁴⁷ These obligations include, among others, the right to a nationality, to physical integrity, to the highest attainable standard of health and education, and the right to be free from discrimination,

⁴⁵ Stefanie Grant, International Migration and Human Rights, Paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, September 2005, p. 1.

⁴⁶ Ibid.

⁴⁷ Art. 2 is extremely important in this context.

exploitation, and abuse. The rights of migrant children are not addressed specifically. There are nevertheless several provisions particularly relevant to migrant children, including Article 10 on family reunification, Article 36⁴⁸ on protection from all forms of exploitation and Article 37⁴⁹ on protection from torture or other cruel, inhuman or degrading treatment or punishment, and from unlawful and arbitrary deprivation of liberty.⁵⁰ These rights obviously address the more extreme violations to which migrant children may be subjected but, as studies show, these rights are too often violated. The important factor is that States are under an obligation to protect all children and respect all of their rights as found in the CRC. It must be remembered that the core principles of the child's best interests, participation and non-discrimination continue to apply to migrant children.

The entire CRC, as well as many provisions in the ICCPR and ICESCR are valid for migrant children no matter what their legal status may be. In theory. In practice the situation is different and discrimination, both de facto and de jure, prevents children from enjoying their most basic rights. The fact that the CRC is always valid for children is not enough to satisfy the specific needs of migrant children. It would have been preferable if a specific article had addressed this group of children, obviously underlining the need to apply the entire Convention to migrant children. The fact that special protection is required is emphasised by the fact that even if the ICCPR and most of the ICESCR apply to all, specific instruments regarding migrants have been created, demonstrating the need for special attention and protection of this group. Particular attention to migrant children within the CRC would therefore have been preferable.

The International Convention on the Protection of the Rights of All Migrant Workers reaffirms the rights set forth in the CRC.⁵¹ This convention does, however, not apply to unaccompanied minors, unless they are migrant workers which might in itself violate some basic rights, such as the right to education and leisure. Moreover the Migrant's Rights Convention suffers from a serious lack of ratifications.⁵² Children of migrant workers, whether such children migrated with their parents or were born in the host country, and, to an even greater extent, unaccompanied children, who do not benefit from any kind of adult protection, run the risk of being denied access to basic services, including schools and health services. Language difficulties are also a serious impediment to a child's schooling. Children who are not in school – whether due to denial of access or the result of pressure to contribute to family earnings – turn to the labour market. They are also vulnerable to the worst forms of child labour, including the sex industry.⁵³ Articles in the Migrant Worker Convention that address children do so considering them as children of migrant workers and never as minors migrating alone.

No specific consideration has been given to the fact that also minors may end up as migrant workers and as such would have specific protection needs. Perhaps this has not been included since it would be an acknowledgement, and in part a legitimisation, of a phenomenon which should be prevented. In any case, it is important to recognise that “work” an “exploitation” are not synonymous,⁵⁴ and that, since reality is different and since minors migrate as workers, it would be preferable to have their particular needs protected. It would have been preferable that the need to

⁴⁸ Also particularly relevant for victims of trafficking – see Chapter 5.

⁴⁹ Mentioned in Chapter 2 and likewise relevant for victims of trafficking – see Charter 5.

⁵⁰ *HRW nowhere to turn: State Abuses of Unaccompanied Migrant Children by Spain and Morocco*, p. 15: Almost all the children we spoke to in Ceuta described spending time in a “punishment cell”, a small, dark, filthy room with only a few mattresses and no toilet. Following a 2000 complaint by the Office of the Ombudsman, officials at San Antonio said they had improved the room, adding light and a window.

⁵¹ *A Child-rights Approach on International Migration and Child Trafficking. A UNICEF Perspective*, UNICEF, 2004 p. 2.

⁵² By September 2005 it had been ratified by 33 States – non of which are countries of immigration.

⁵³ *A Child-rights Approach on International Migration and Child Trafficking. A UNICEF Perspective*, UNICEF, 2004 p. 2.

⁵⁴ The distinction is evident also in Art. 32 of the CRC – which establishes that children should be protected from 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.

protect minors who are working – not those who are being exploited, which is a different case – so that they may do this in dignified circumstances while their special rights continue to be protected had been included. “Work” is thus prevented from becoming “exploitation”. Working children are exploited when the financial remuneration or the services in kind are less than what would be paid to adults or when it is undertaken at too young an age and is detrimental to the well-being of the child.⁵⁵ Obviously the CRC will cover such situations. But the considerations above regarding the special attention needed for this group, is equally valid for minors who migrate to work – and who should be enabled to do so in circumstances which respect their special situation, needs and rights, thus facilitating their sound development and integration in their host society.

Economic migration can be considered as the movement of people within a country or cross-border in order to draw a social benefit from it. Children are no exception to that rule and there is no reason why they should not leave home and migrate in search for better life. Experience has shown that a minor can make an informed choice to leave her or his country of origin and shape a migration project in search for a job, either with relatives or alone. Of course, such migration processes are not necessarily meeting the best interests of the child, and can be harmful, especially for very young children.⁵⁶ All the more reason to establish a specific protection regime which takes these factors, and reality, into consideration.

A recognition of the fact that children do migrate as workers should be kept within the framework of Article 32⁵⁷ of the CRC, in conformity with Article 10 of the ICESCR.

Minimum age and regulation of hours and conditions of employment are especially crucial. Such detailed regulations should be enacted and enforced for all minors who find themselves on the labour market because, in this context it should be kept in mind that youngsters also in Europe do work before they turn 18, but as long as this is duly regulated it can be accepted. The ILO Convention n. 138 establishes that States should set a minimum age for employment or work that should be no lower than the age of compulsory schooling and in any case not lower than 15 years.⁵⁸ If child migrants work in the same controlled conditions as nationals, when the latter have controlled hours and conditions and a minimum age for admission, Article 32 is respected. Rigorous control is clearly needed and it is especially important that the principle of non-discrimination is applied. It is, however, equally clear that children’s right to be children should be promoted, including the possibility to grow up with their families without the need to go abroad “seeking their fortune” and running the risk of ending up in exploitation and misery.

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⁵⁵ Van Bueren, *The International Law on the Rights of the Child*, p. 264.

⁵⁶ Contribution and comments by the International Federation Terre des Hommes to the Green Paper on a Eu approach to managing economic migration Com(2004) 811 final.

⁵⁷ See also Chapter 5.2.a.

⁵⁸ Art. 24 allows for an initial minimum age of 14 for States with an insufficiently developed economy.

THE RIGHTS OF CHILDREN IN MIGRATION MUST BE DEFENDED

Thomas Hammarberg

International norms on the rights of the child are more demanding than some governments may have expected when they agreed to them. They do also apply to migrant children.

Let me give you an example. During a discussion some years ago with a Scandinavian government delegation about asylum-seeking children, the UN Committee of the Rights of the Child had to make clear the principle that children do have rights - even if their stay in the country is not regularized.

The government delegates were not convinced. “These children should not be in our country, why should we care for their schooling and health?” they asked. “Because you have ratified the UN Convention”, was the answer.

The Committee found that the children in question might be deprived of essential rights if the host country did not provide for education and health care. The Convention does not specify any exception for children without citizenship or residence permit. Therefore, the government had an obligation to satisfy the rights of these children as long as they were within its jurisdiction.

Indeed nowadays there are agreed European and international rules and guidelines on how migrant children should be treated both when they arrive at the borders and when they are inside:

- All aspects of the UN Convention on the Rights of the Child are relevant, including the General Principles relating to non-discrimination, the best interests of the child, the right to development, and the right to be heard.
- The Committee on the Rights of the Child has also adopted a General Comment (No. 6) on the treatment of unaccompanied and separated children outside their country of origin.
- The UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families apply to children as family members but also, when relevant, as workers.
- The Council of Europe Committee of Ministers adopted a Recommendation in 2004 on the legal status of persons admitted for family reunification.
- The Parliamentary Assembly of the Council of Europe has adopted Recommendation 1093 on the education of migrants’ children. Recommendation 1596 deals with the situation of young migrants in Europe.
- The UN High Commissioner for Refugees has issued a number of recommendations on refugee children.

The rules and guidelines are there, but they are not always enforced or even understood. Indeed, decision-making politicians appear sometimes to be confused about how to treat migrant children. On the one hand, they state their full support of the idea that children do have rights and also recognize that our aging continent will need migration, not least young migrants. On the other hand a number of them appear not to be able to draw the necessary conclusions.

One reason is obviously xenophobia. There are extreme political parties and groups promoting prejudices and fear in several European countries today. Some of them have got a foothold in parliaments or local assemblies. They are still in a minority, but, unfortunately, some of the bigger political parties have adjusted their message to reflect such tendencies instead of exposing them. Extremist media have also played a negative role and disseminated stereotypes and in some cases even hate propaganda.

One result is increased tensions not least in suburban municipalities. “Skinheads” and boys from immigrant backgrounds have fought one another. Even in cases where right wing extremists have provoked the clashes, their targets have also been tainted as trouble makers – an image which extreme right-wing groups can and do use in their further propaganda. This is the vicious circle that must be broken.

Of course, not all youngsters with roots in other countries are angels. Poverty, exclusion and discrimination do have social consequences. Gaps in the schooling reduce the chances of future employment. The feeling of not belonging and the lack of hope about the future contribute to a destructive atmosphere.

It should be noted that some of the same social features – not least youth unemployment – are the breeding ground for xenophobic extremism among part of the majority population. We are again reminded that there is a connection between welfare policies and harmony - mutual respect - between individuals in society. Efforts for social cohesion are particularly essential for today’s Europe.

Xenophobia and fear of xenophobia have tended to focus the migration debate on border security – whether migrants should be let in or not – rather than on the broader picture of migration in all its aspects. This has become worse after 11th September and the increased Islamophobia during recent years. The consequences have also been negative for those migrants – children and adults – who already live in our societies. Very few politicians highlight the value of diversity and multiculturalism today.

What should be done in concrete terms to protect and promote the rights of migrant children? How should the norms and guidelines be implemented?

First, there is a need for more facts. Statistics and other relevant data are missing on almost all aspects:

- about those coming to the borders, who they are and what happens to them;
- about those who are in the country without a permit, whether they are in school or work and with whom they live;
- about those who have residence permits and their social situation.

More efforts are needed to increase our knowledge about these essential aspects in order for us to identify the necessary resources and to respond appropriately. We certainly need more information about the extent and nature of trafficking and other forms of exploitation.

Secondly, it has to be recognised that migrant children are first and foremost children and that they have the same rights as others to enjoy all the rights of the child. The principle of the best interest of the child means that each child must be seen as an individual and special consideration must be given to his or her particular circumstances.

For instance, many migrant children have been uprooted once or twice or even more times. Separations from earlier homes, relatives and friends can cause traumas. Children separated from parents – those we name “separated children” – require special attention and support. The recommendation of the Separated Children in Europe Programme that a legal guardian or representative be appointed should be implemented. It is important that such children are met with respect and by personnel who have training and capacity to understand children.

Another consequence of applying an approach based on human rights is that migrant children should have the possibility to express their own views, and be able to influence their situation. Children coming with parents are not just belongings, and could have their own reasons for migrating.

Thirdly, whatever the background, the right to education is absolutely central. Migrant children should also be ensured access to compulsory education – irrespective of their or their parents’ legal status. In some European countries – for instance, in France and Switzerland – migrant parents with irregular status hesitate to send their children to school fearing that their registration would lead to the expulsion of the family. Such situations must be avoided.

The right to schooling also raises the issue of the quality of education. In some countries there is a lack of teachers who can care for migrant children ably. A particular problem is language. The experience is that all children benefit from learning the majority language. At the same time it is important that they are assisted in developing their mother tongue. On the whole, an intercultural approach to teaching is the way forward.

Fourth, the right to health should be given priority. Poverty and poor housing conditions undermine health in general. Also, many migrant children have a background of very difficult experiences which may require psychological support – this is an area where schools have a key role not least for the detection of problems and the follow through with supportive treatment.

Considerations of health are also a strong argument against detention of children at any stage of the migration process. It is shameful that unaccompanied children are still locked up – also in Europe - while waiting for decisions about their fate or before being deported.

Fifth, family reunification is an urgent need for some migrant children. The Council of Europe Parliamentary Assembly has recommended states “to facilitate the family reunification of separated children with their parents in other member states even when parents do not have permanent residence status or are asylum seekers, in compliance with the principle of the best interest of the child” (Recommendation 1596).

This is a controversial position but fully in line with the agreed norms on child rights. The right to family reunification applies to all children. Those governments which have limited this right only to the younger children – for instance, only to those below 14 years of age – should be reminded about their child rights obligations.

Would a policy towards migrant children based on agreed standards undermine our security? Of course not – but to allow the spread of xenophobia would.

Would a rights-based policy draw too heavily on our state budgets? No, it would not – but to allow gaps to widen in society would be very costly.

Thomas Hammarberg: Commissioner for Human Rights, Council of Europe. Former positions in selection: Regional Advisor for Europe, Central Asia and the Caucasus at the office of the UN High Commissioner for Human Rights. Chairman of the International Council on Human Rights Policy. Special representative of the UN Secretary General for Human Rights in Cambodia. Secretary General of Amnesty International.

THE SITUATION OF CHILDREN LEFT BEHIND BY MIGRATING PARENTS

Cezar Gavriluc

This study was carried out by Child Rights Information Center (CRIC) in 2006 with the financial support of UNICEF Moldova.

Argument

For many Moldovan families, it became a normal way of living to see some of the family members go abroad and earn money in order to financially sustain them. In the latest years, this phenomenon increased considerably, as a result, were developed numerous industries of documentation completion in order to work abroad, as well as transportation of persons and goods abroad and from abroad. As one of the most popular strategies for escaping from poverty, the migration is also responsible for many negative consequences in the economic and social spheres.

One of the subjects which were not taken into consideration, related to the migration phenomenon, is its impact on the development of migrants' children. In order to obtain a lot of money, as well as, because of the illegal character of their stay abroad, the migrants spend years there. Thus, they live for years far from their children, communicating with them sporadically by means of telephones and parcels, containing money, food products and clothes.

Methodology

The study aimed at investigating the situation of migrants' children mainly from the qualitative perspective, highlighting the impact of children's separation from parents on their social and emotional development.

The research was conducted between September 2005 and April 2006 in three communities in different geographical areas of Moldova. 231 persons participated in the study. The information was collected from 159 children aged between 10 and 18, as well as from 62 adults. Ten young people between the age of 14-17, who are opinion leaders in their hometowns, were consulted on the analysis of the data.

Data collection was realised through the following methods:

- Workshop using participatory techniques for children from the study's object group and the comparison one;
- Questionnaire for all the children of 10-18 years-old from the communities involved in the study;
- Focus group discussions for teachers and form masters;
- In-depth interviews for caregivers, representatives of community services, representatives of central and local public administration and international organisations.

The greatest part of the collected information was processed using content analysis, and the data supplied by the Questionnaire, and that obtained within the Dot Voting on Likert Smiley Face Scale, was analysed statistically. Drawings by children were analyzed based on children's own comments rather than based on researchers' interpretations.

After primary analysis, the information collected from children, teachers, and caregivers was used for consultations with a group of selected youth.

During the process of data collection and consultation, the research team was guided using the following ethical principles: the informed agreement of the participants in the study; confidentiality

and the protection of the psychological welfare of the involved children; non-discrimination of opinions and children's participation in data analysis.

Main Results

In the communities involved in the study, more than a fourth (27.6%) of the questioned children asserted that they had one parent abroad. 9.3% of the children said that both parents had migrated. The telephone and the parcels are the main ways of connection between children and their migrated parents.

The living conditions of the migrants' children improved; they got access to more services than their peers. At the same time, they are more vulnerable to various risks related to drug abuse, dropping out of school, precocious sexual relationships, and socially undesirable behaviours.

The data show that parents' departure has an impact not only on children's material conditions, but also on their emotional development, social relations, and their school performance. These can be both complex long-term or short-term changes, depending on a multitude of factors, ranging from the period of separation from parents, child's preparation for an independent life, and the relationship with caregivers to the attitude of community members towards migrants' children.

After parents' departure, children experience difficult and unpleasant emotional states. The longing, the sadness, the loneliness and the feeling of insecurity felt by migrants' children are complemented by the lack of ability to control and express, non-aggressively, the emotions in different situations. Children feel the most affected right after their parents' departure and in cases when this is the first experience of this kind.

Parents' departure abroad modified considerably children's sphere of relationships, generating important changes related to the volume and quality of communication. In most cases, children's relationships with migrated parents become colder within time, even after their return.

Children's relationships with caregivers are not close enough, and as a result, the latter do not manage to meet children's needs of moral support because of their old age and style of communication.

Migrants' children prefer to communicate in small groups of peers, as a rule, sharing the same experience of parental separation. They are concerned about finding reliable persons with whom they can approach various subjects of their interest, including their private thoughts and feelings.

After parents' departure, children's academic performance changes in both directions. In most cases, school efficiency decreases because of the lack of parental support and encouragement; in some cases children become more responsible towards school, as a reward for their parents' efforts to work and earn money abroad.

Teachers have various attitudes towards children left without parental care: envy of their better conditions of living or sympathy and emotional support.

Migrants' children are not prepared for the independent life and they do not benefit from any special training in developing abilities of self-management, management of their resources, as well as leading a healthy life style. The support provided by caregivers and other close persons does not always satisfy children's needs.

Even if, as a rule, children's opinions concerning parents' departure abroad are rarely taken into account, the older children's views matter more in the family decision-making process. Household duties and the lack of encouragement from adults determine many migrants' children not to participate actively in school and community activities.

Most migrants' children associate their future with life abroad, together with their families. Their optimism about pursuing education is determined more by their parents' financial possibilities than by their own aspirations and knowledge.

National policies on migrants' children are based only on their registration by the educational institutions at the beginning of every school year. At a local level, the community institutions are not concerned with the situation of migrants' children because they are considered more a privileged category rather than a vulnerable one.

Cezar Gavriiuc: The Executive Director of the Child Rights Information Centre (CRIC) Moldova. He graduated from the Law Faculty, and have been working in the NGO field from 1999, coordinating child rights, child participation projects, and juvenal justice program at CRIC.

UNDERSTANDING THE MIGRATION EXPERIENCES OF CHILD DOMESTIC WORKERS: TOWARDS ALTERNATIVE PERSPECTIVES ON CHILDREN AND MIGRATION

Agnes Zenaida V. Camacho

This paper explores the migration experiences of children, with particular focus on child domestic workers in the Philippines. It examines how children are conceptualized in migration literature, and subsequently suggests alternative perspectives on children and migration, informed by recent developments in childhood studies. Specifically, the paper explores why children migrate and what motives they have for migrating. Through this, it hopes to have a clearer understanding of the child's role in the decision making process. Who are involved in making decisions about children's migration? What types of social networks do they rely on? One of the challenges of this paper is to explore the changes that can be observed in relation to children's families, as well as links between children's migration and education. The paper also intends to bring out the voices of the children in the hope of informing the victim/trafficking discourse.

This paper sees migrants as "pro-active, socially embedded, intentional agents who influence and are influenced by the social contexts in which they are located" (Findlay and Li, 1997:34). It approaches children as "social actors with their own distinctive abilities to understand and explain their world" (Thomas and O'Kane, 1998:338). It is from these perspectives that a life story interview was used for exploring and understanding the migration experiences of child domestic workers. The author shows that through children's life stories, one can analyze children's social relations and subjective experiences to arrive at nuanced understandings of their migration experiences.

The paper finds children to be at the periphery of interest of migration researchers. On the other hand, the migration of children has been largely construed as trafficking in child labour literature, reducing children to a "victim" position. The author argues that to have clearer understanding of the complexities and subjectivities of migration experiences of children, a child-centred approach is in order, integrating recent developments from the fields of migration and childhood studies. A child-centred approach begins from a position of respect for children, both as persons and as workers with rights, for the contribution they make to their families and communities, and for their capacity to shape their own lives as well as those around them (Bautista et al., 2001; Boyden et al., 1998; James and Prout, 1997). I showed that through their life stories, one can analyze children's social relations and subjective experiences to arrive at nuanced understandings of their migration experiences. The following are excerpts from the conclusion of the research.

The migration experiences of working children are too multi-faceted to warrant neat categorizations. To start with, family and personal goals are interwoven, thereby rejecting migration motivations as solely rooted on economic reasons. Cultural expectations of a "good child" motivate children to migrate, and while benefits to the self and family have been reported, this could have serious costs also. Education figures prominently in the personal projects of children, but their access to education enables their siblings' access to education as well. By working, they are able to send themselves to school, hence ceasing to be "welfare recipients" at an early age. This enables the family to redirect scant resources to the education of remaining siblings and to other family needs.

Children's migration decisions demonstrate that "negotiation is a legitimate and normal activity" (Mayall, 1999:205) at home, where decisions are usually made, with children as active players. Indeed, children may have initiated the idea of migration but decisions are often made with parental

involvement so as not to rupture family relations. Negotiations and interactions vary according to social contexts which serve to determine children's decisions and choices. For instance, parental involvement in migration decisions is gradually reduced as the site of negotiations shifts to the workplace from the home. Children's migration is cumulatively caused by migration social networks which they access, create and expand depending on the social context. Whereas children's access to family or community-based connections is commonly thought to be mediated by adults, children can access, create and expand migration social networks on their own, thus facilitating their subsequent moves, and even that of other children.

The children felt that they were not too young to migrate, having finished basic education. Biological age is not a primary consideration in deciding when one is ready for migration and work. Beyond age, they cited previous work experience of domestic work and capacity to do housework and assurance of safety at the place of destination. Having made the move, children are able to facilitate the migration of other children. Children out of school tend to be more targeted for migration than others. The complexities of the risks and benefits involved in children's migration warrant a flexible and context-specific approach instead of a dichotomous approach to their situation.

Family and community-based social network not only makes migration feasible, they are also expected to provide support and assistance to working children at their place of destination. But the nature of domestic work places constraints on children's ability to share time and space with families, friends, relatives, and community members at their place of destination, a process essential to make this social network not only exist, but function as well. In its place, children create "family ties" with fellow domestic workers, initially in the neighbourhood. Children also transform the domestic space, also their workplace, by negotiating relationships with their employers to make it beneficial for all concerned. But underlying the process of negotiating family ties with employers are tensions; their acceptance into the "family" is subject to restrictions and limitations in a space that is highly skewed in favour of the employer.

Children have left home to pursue family and personal goals. Even if family members are dispersed in space, with child domestic workers challenging the stereotype of migrant children left behind, children remain embedded in their home families and they try to sustain family ties across space. Notwithstanding the physical separation, children perceive their status in their families to have improved; they are being consulted, they are treated more as adults, and they have more courage to give their opinions on family matters.

Undoubtedly, there are problems and risks attendant to the process of migration. But on the whole, children felt positively about their migration experience; seeing the benefits to themselves and to their families compensates the difficulties experienced and affirms their decision to migrate. However, that they perceive migration to be a better alternative is not to relieve the family and society of their duty to children. As Hashim aptly puts it (see above, p. 18), children's positive views about migration "tell us only what people choose given their circumstances, not what they would choose given the alternatives."

What this paper has sought to emphasize are the nuances of children's migration experiences, and the various ways it affects configurations of families and linkages with education, thus acknowledging a complexity that goes beyond the simple notion of migration and work as detrimental to children. In the same way, acknowledging the complexities and subjectivities in children's migration experiences calls for an approach that rejects the conventional contrast between children as passive pawns and vulnerable preys or as active and autonomous agents in the migration process. Hence, the invariable need to begin with a position of respect for children,

seeing them as capable of understanding and explaining their worlds. This study is but a start in the exploration of the migration experiences of working children. Further research is needed, not the least, to understand the migration experiences of boys. It would also be interesting to explore different viewpoints on children's migration, bringing in the voices of parents, siblings, and employers of child domestic workers. Research on migration to different types of domestic work relations, e.g. "fostering" as opposed to paid domestic work, is also important. Finally, while this study has focused on the migration experiences of child domestic workers, it goes without saying that the migration experiences of other working children also need to be explored.

Agnes Zenaida V. Camacho: works at the Psychosocial Support and Children's Rights Resource Center (PSTCRRC). The Psychosocial Support and Children's Rights Resource Center (PSTCRRC) engages in research, documentation, publication, and training that cut across the areas of childhood, children's rights, child protection, and psychosocial support.

After a teaching stint in the Department of Political Science of the De La Salle University (Manila), she served in various capacities in child-focused organizations such as the Children's Rehabilitation Center, the Salinlahi Foundation, an alliance for children's concerns, and the University of the Philippines' Center for Integrative and Development Studies-Psychosocial Trauma and Human Rights Program. She received formal academic training in political science, sociology and international studies at the University of the Philippines and obtained her Masters in Development Studies at the Institute of Social Studies in The Hague. She has published researches and articles on topics relating to child labour, child abuse, children in the sex industry, trafficking, child soldiers, and children in situations of armed conflict. She was a 1999 Academic Distinction Awardee given by the President of the University of the Philippines for her study on child domestic work and migration.

USING BEFRIENDERS TO ASSIST RESETTLEMENT FOR UNACCOMPANIED ASYLUM SEEKING CHILDREN

Ravi KS Kohli

Unaccompanied asylum seeking children

UASC are children and young people below eighteen years of age who 'are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so' (UNHCR, 1994:121) and have made an application for refugee status, and been granted temporary admission to the host country while their claim is considered. In 2006 there were 3,200 unaccompanied minors in the care of Social Services in England. About two thirds were male, and one third female. 2000 of them were in London, and another 460 in South East England, with others in the Midlands (440 UASC) and in the North of England (270 UASC). Contemporary reports estimate that there were between 100-200 UASC in Scotland in 2006 and about 70 UASC in Wales in 2003. Research in the UK confirms that many are troubled by their past and present, and a minority of these children and young people require specialist psychotherapeutic help in order to recover from their experiences (Kohli, 2007). This paper outlines the work of one scheme in the UK that uses befrienders to assist unaccompanied minors.

What is befriending?

Befriending has been defined as 'a relationship between two or more individuals which is initiated supported and monitored by an agency that has defined one or more parties as likely to benefit' (Heslop, 2005:27). So, while it contains the offer and provision of friendship, there are two elements that distinguish it from both parties simply being friends with each other – firstly the involvement of a specific service provider as the go-between and arbiter, and secondly that the relationship has a defined purpose which is clear to both parties from the beginning of the relationship. It is also important to note that befriending relationships are not private; nor are they designed to be of equal benefit to both parties, even though both may benefit in some way by them. In general terms they are designed to:

- ♦ Reduce isolation by having someone to contact, see, and talk to regularly
- ♦ Introduce those who are befriended into everyday activities and facilities
- ♦ Allow informal networks of care, friendship and protection to grow over time
- ♦ Integrate the person who is befriended into groups of people who share the same interests
- ♦ Help those who are befriended to feel part of a community of belonging

So in some respects, befrienders are like glue. They help to bind together formal and informal networks, converting the potential those networks contain for help into real and sustaining support. But they are also more than that. Research that considers the benefit of befriending also confirms that befrienders help people who are vulnerable to make a bridge between their memories and their hopes, so that remembering good stories from the past knits together with finding new trusted relationships.

The work of the Medical Foundation for the Care of Victims of Torture

The Medical Foundation is a UK wide organisation established in 1985, which offers free medical, psychological, emotional and social assistance to survivors of torture and organised violence. Part of the Foundation's work is to provide a psychotherapeutic service to children and young people who are deeply troubled by their experiences in the aftermath of surviving violence and being separated from their families of origin. The Befriending Project is one element of the Child and Adolescent Psychotherapy Team's work. Its overall aim is to allow trusting relationships between

unaccompanied children and adult UK citizens to grow, in order for the children to feel resettled over time. While the group of children that are likely to be referred for psychotherapy at the Medical Foundation are exceptional in the sense of the depth and persistence of their troubles, they have the same wishes and feelings as all unaccompanied minors in terms of three aspects of resettlement.

- ♦ order and safety, where the practicalities of immigration, education, health care and social care by responsible adults are re-established
- ♦ peace and belonging, where children remember those that they have separated from, and rebuild their friendship and family groups so that natural networks of support and protection grow around them
- ♦ rhythm and success, where day to day life becomes predictable and is no longer seen as dangerous, and children can aim for and sometimes achieve educational and financial success

The befriending project is the only service of its kind in the UK, within which adult befrienders are carefully selected, trained and supervised to care for and support unaccompanied minors in meeting any aspect of the three elements above. In order to ensure that the children remain protected, all befrienders undertake police checks to guarantee that they have committed no crimes. Training covers areas such as the impact on child development of political violence, loss and separation, mental health issues for young torture survivors, an overview of the asylum process in the UK, child protection and child safety, and the development and use of networks of care and support. All befrienders make a commitment to the project of a minimum of one year, and during this time the project coordinator matches the child and the befriender and monitors how the relationship develops to the benefit of the unaccompanied child.

While many befrienders find their work rewarding, they also face challenges, tensions and dilemmas. Helping to be part of the scaffolding that allows trust, empathy and confidence to grow back in children whose protective relationships with adults have decayed or been destroyed, requires befrienders to enter worrying worlds. So the apparently simple acts of befriending listed above carry deep emotional colours for those involved. For example, trust is hard to establish, and befrienders describe instances of the children being very wary of them to begin with, and only beginning to talk after extensive periods of reassurance, during which the befrienders have to make sure they are experienced as reliable, honest, fun to be with, understanding, clear, realistic and precise. Sometimes witnessing the great distress that can envelop some of the children can lead to befrienders feeling helpless, as well as living with an overwhelming need to rescue the child emotionally. Finding the resilience to be a witness is a difficult lesson to learn. Also, their role as safe navigators in the new territories that the children live in means introducing the children to the habits, customs and places within the asylum country. But importantly, safe navigation also means helping the children to reach the goal of citizenship, and befrienders can become frustrated at the complex and sometimes arbitrary way in which decisions about asylum take time, are inconsistent, or if the decision threatens the child's stay in the UK. Similarly, while they are not parents to the children or legal guardians, they can be seen as representative or symbolic parents by the children, perhaps as an aspect of the longing to re-create ordinary family life. So befrienders have to find a way that allows the children to feel comfortable with them, but does not confuse their role with the legal or psychological aspects of being a parent. These boundary issues require group based support via monthly sessions conducted by the Befriending Project Manager. Things can go wrong for the children in many ways. Their mental health is sometimes fragile. Sometimes the relationship with the befriender does not work out or endure. They can experience chance encounters with threatening situations that puncture their sense of their own capability. And they are exposed to the raw power that government agencies use to decide their future status.

These challenges can contort the lives and feelings of the children and their befrienders, and the success of the Project appears to depend on:

- ♦ Choosing people carefully after a thorough interview and assessment process, and ensuring that references are taken up and are positive
- ♦ Matching the child to the befriender gently, on the basis that both are ready to begin a clear and well defined relationship
- ♦ Providing basic training and induction programmes for befrienders
- ♦ Providing continual support group for befrienders, and open ended contact for advice and assistance with the Project Manager
- ♦ Keeping lines of communication clear between therapists and befrienders via the Project Manager
- ♦ Ensuring that legal and advocacy work is done by designated professionals within the Medical Foundation

Conclusion

In the Medical Foundation's work for the victims of torture, layers of good acts by therapists, doctors, lawyers and volunteers are laid down over time. These layers thicken up the protective membranes that asylum seekers need to recover and resettle in their new environments. An evaluation of the Befriending scheme at the Medical Foundation suggests that while therapists focus on the children's inner worlds, particularly around their good and bad memories, befrienders work on their external worlds and their connections to others. So for this particularly troubled group, there is a balance between remembering and re-remembering, as the children evoke people who are now gone, and meet others who will be an enduring part of their lives as they grow up in the asylum country.

Ravi KS Kohli: Dr., University of Bedfordshire, UK. Kohli is a social work researcher who will focus on the ways unaccompanied children are assisted to resettle through growth in formal and informal networks of care and support.

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YOUNG UNACCOMPANIED ASYLUM SEEKERS IN PRISON

Marijke Brouwer & Zaina Karakezi

SAMAH – Organization of interests for unaccompanied young asylum seekers

SAMAH seeks your attention to point out a forgotten group in the detention of aliens: young asylum seekers between 15-25 years old who came as minors by themselves to the Netherlands. They have no father, mother nor relatives, who will rise for their rights.

In the year 2000, the amount of single under 21 asylum seekers in the Netherlands went up to 6700 and in the same year, namely on the 7th of March 2000, SAMAH was officially set up as a foundation.

SAMAH commits themselves to put up for the rights, interests and position of unaccompanied young asylum seekers and supports these young people, judging by their own strength, at the interpretation of their life and future perspective. SAMAH works as independent foundation, “under the wings” of Humanitas: participate in the society is – beside a humanist basis, characterising for Humanitas and for SAMAH.

It’s of course reality that the question of asylum seekers is much larger than “only” that of the single young asylum seekers between 15-25 years old. SAMAH sets limits however aware to this group because she is one of the most vulnerable ones and because these young people are mostly completely on their own. Vulnerable in a “forest of rules” in which they have to find their way; vulnerable because the Dutch legislator puts them frequently, long term, in detention of Aliens. And vulnerable because the forced illegality often brings the risk of human trafficking, prostitution or crime along.

SAMAH commits itself for a justified treatment of this problem. And tries to find the way to offer the young adults a decent human perspective from their position.

The young asylum seekers and the detention of aliens

SAMAH has a lot of contact with young single asylum seekers between 15-25 years old, who don’t have a residence permit (yet). Many young asylum seekers were until recently, tolerated. They still received money to survive from the guardianship, institution Nidos and went to school or college. As response to the increase of young asylum seekers the policy has been tightened up and became much stricter. We have to deal with all facets of this strict alien policy, on a daily base. A policy that, as far as we’re concerned, is more interested in a good functioning logistical system for “handling” the young asylum seekers in which all carefulness and attention for this group has disappeared.

Since a couple of years the young asylum seekers run a large risk to be placed in the detention of aliens, after the setting up of the identification requirement. The practical experiences show that young people without the right residence permit have a bigger change to be held up by the police. This could happen during the smallest offence of the law, like running a red light, travelling with public transportation without a ticket, a “razzia” on the Bijlmer’s sub tenancy market, etc.

The impact of the apprehension and possible cloistering can be very radical for the young asylum seekers. At the police station they establish the identity and the state of their residence permit of the youngster. If you’re lucky, and your papers are in order, you’ll be back on the streets in no time. But if you’re not lucky because they don’t believe your story, and they have doubts about the

documents, they'll transfer you to the alien police force and you'll be locked up in the detention of aliens for six months. During that period the IND will try to fix the outward journey papers for eviction. If they don't succeed, you'll receive a note which says: "You must leave the Netherlands within 24 hours". They release you and you disappear by force of circumstances in the illegality. MOB (Met onbekende bestemming) Left With Unknown Destination, they'll call it in proper Dutch.

When young asylum seekers are been taken up by the police, they will hardly get any or no information on the pace of matter how the detention of aliens works, what they can expect, eviction or not, how long everything will take, which rights or possibilities they have etc. Youngsters, who know SAMAH, will contact us. Fortunately employees from the detention centres will contact us too, to find out if there is anything they can do for the young asylum seekers. Sometimes they'll contact us just before the eviction, sometimes when the young asylum seekers will be put back on the streets.

It became clear from individual conversations with the young asylum seekers that there is a real need for: How to spend the day, workshops and courses, information, conversation and visitors.

Practice stories

To illustrate the above, I want to share a practice story with you:

Claudio Pedro from Angola

Claudio is 16 years old and born in Angola. He has come to the Netherlands with his 18 years old brother and 14 years old sister.

Claudio goes to school and has good contact with his guardian and he has a girl friend. In the summer holiday Claudio goes to pick fruit as a job, with the identity card of a friend, because he doesn't own a valid document himself anymore. When the police comes to check out the "fruit pickers" he gets caught. He is been locked up in the detention of aliens in Tilburg because he used someone else his document and gave a false name.

His guardian tries to get him release through a lawyer, but the judge decides that he remains where he is. His girl friend phones SAMAH and they contact him. Claudio is desperate and doesn't understand why they locked him up. His family can't visit him because they don't have valid identity papers. Claudio keeps on asking about his rights, obligations and changes. We try to inform him about what can happen now he is locked up. An employee from SAMAH visits him in the detention of aliens. Together with Claudio we work out 2 plans: 1 for if they release him and he has to leave the Netherlands on his own, and 1 for if he is being evicted.

Being locked up becomes too much for Claudio, he phones SAMAH almost every day and he indicates that he can't keep it up being locked up. Claudio has been locked up with 22 other young asylum seekers in the detention of aliens, together with others who have been locked up because of a criminal offence. Being able to do sports or work is limited for the rest there is nothing else to do. In former days the groups control had sufficient manpower to guide the young people to their return by for example a course on bricklaying. Even in the weekend it was possible to do extra things with the young people. But unfortunately they economized on this. This means that the young asylum seekers spend most of their weekend sitting in a one person cell. They can only get out to get some outside air.

Because Claudio could not handle his imprisonment, he decided to return voluntary with the International Organisation of Migration (IOM).

What does SAMAH do for young unaccompanied asylum seeker in detention of aliens?

- ♦ Giving information about rights, obligations and explaining how the procedures may happen in detention of aliens.
- ♦ Explaining the states of affairs about juridical issues
- ♦ Regulating regular visits and emotional support by a volunteer
- ♦ Giving support in making plans for the future, in which we inform the youngsters about their possibilities and impossibilities
- ♦ Rising for their interests in consultation with involved people and agencies

As far as SAMAH concerned the Netherlands – which used to be a guide-country in the field of asylum policy – has the duty to:

- ♦ Keep young asylum seekers out of the detention of aliens
- ♦ Offers perspectives aimed at a future and humanitarian existence, during their stay in the country and – if eviction is the standard procedure – to ensure a viable return

Marijke Brouwer: Project leader, SAMAH Frontdesk. She leads a project to help young unaccompanied asylum seekers in the procedure or who are illegal in the Netherlands. This includes visits, informing them about their rights, and mediation. Formerly worked with the Refugee Council in Amsterdam.

Zaina Karakezi: Volunteer for SAMAH. She is a youth representative of young unaccompanied refugees in prison and works with various ways on improving the circumstances for these youngsters. She was born in Rwanda and came to the Netherlands at the age of 16.

ANNEX 1: CONFERENCE PROGRAMME

TUESDAY 20 MARCH 2007

FOCUS ON CHILDREN IN MIGRATION - FROM A EUROPEAN RESEARCH AND METHOD PERSPECTIVE

09.30-10.00 **REGISTRATION AND COFFEE**

10.00-10.30 **WELCOME & INTRODUCTION**

Britta Öström, Regional Director, Europe Office, Save the Children Sweden
Terry Smith, Conference Facilitator

10.30-11.00 **EUROPEAN CHILD RIGHTS VIOLATIONS RELATED TO CHILDREN IN MIGRATION**

Thomas Hammarberg, Commissioner for Human Rights, Council of Europe

11.00-11.30 **THE CRC APPROACH TO UNACCOMPANIED FOREIGN CHILDREN, REFUGEES AND ASYLUM SEEKERS: THE EUROPEAN CONTEXT**

Roberta Ruggiero, External Professor, University of Molise, Italy and Legal Consultant on Children's Rights, ChildONEurope Secretariat

11.30-11.45 **BREAK**

11.45-12.30 **LATEST RESEARCH ON THE SITUATION ON CHILDREN IN MIGRATION**

A Review of European Research Findings on Children in Migration

Caitlin Farrow, Consultant, Nottingham University, UK

This seminar addresses a general background on children and migration in Europe focusing on specific areas of concern. It provides a brief overview of the migration flows and its root and immediate causes and the role of key actors (international bodies, governments, NGOs, media and commercial entities).

C Nomadic Child and Childhood

Doina Balahur, Professor, PhD, Alexandru Ioan Cuza University, Iasy, Romania & Rebecca Budde, Dipl. Internationale Academie, Freie Universität, Berlin, Germany

This seminar builds a critical approach on the meanings of a wide variety of "concepts" (migrant, trafficking, unaccompanied, kidnapped, exploited, vagrant etc) used to describe the movement of children from their country of origin to a different one. By analogy with 'women's studies' this seminar proposes a different perspective called "nomadic child".

D The Implementation Practices of the CRC Best Interest Principle Regarding Unaccompanied Asylum Seeking / Migrant Minors in Europe

Daniel Senovilla Hernández, Consultant, PhD Candidate, International Juvenile Justice Observatory, Universidad de Comillas de Madrid, Spain /Universté de Poitiers, France

The aim is to analyse the implementation of the best interest principle in the European state policies structuring the treatment of unaccompanied minors. It will focus on the interpretation by certain authorities justifying the forced return of minors as the only suitable solution in their best interest.

E The International Protection of Migrant Children – Is it Adequate?

Kristina Touzenis, Prof., University of Trieste, Italy

This seminar aims at analysing the existing international legal framework protecting migrant children, identifying gaps and proposing possible solutions. The focus will be on International Law but examples will also be drawn from EU-law.

12.30-13.45 **LUNCH**

TUESDAY 20 MARCH 2007

**FOCUS ON CHILDREN IN MIGRATION
- FROM A EUROPEAN RESEARCH AND METHOD PERSPECTIVE**

13.45-14.30 **LATEST RESEARCH ON THE SITUATION ON CHILDREN IN MIGRATION**

F The Situation of Moldovan Children Left Behind by Migrating Parents

Cezar Gavriiliuc, Executive director, Child Rights Information Centre, Moldova

Using participatory approach, the study focused on teenagers. The living conditions of the migrants' children improved; they got access to more services than their peers. At the same time, they are more vulnerable to various risks also because they lack parents' emotional and social support.

G Does Age-at-migration Affect Socioeconomic Mobility? A Review of Evidence

Shahin Yaqub, Lead Researcher, Unicef Innocenti Research Institute, Italy

Age-at-migration refers to the age at which a child migrates, or a non-migrating child's age when his/her parents migrate. Socioeconomic mobility refers to changes in socioeconomic status, within and across generations. Migration might or might not affect socioeconomic mobility, and age-at-migration may be a determining factor in this link.

H Reflexivity and Relationships in Child Trafficking Research

Zosa De Sas Kropiwnicki, Regional Research Advisor, Regional Child Trafficking Response Programme, Save the Children Norway

This seminar describes the conceptual and methodological framework that was adopted in a child trafficking research project in South Eastern Europe. It seeks to understand why some children are more likely to be trafficked than others, using qualitative, participatory and child-centred approaches giving primacy to relationships and reflexivity.

I Understanding the Migration Experiences of Child Domestic Workers

Agnes Zenaida V. Camacho, Psychosocial Support and Children's Rights Resource Centre, Philippines

This seminar emphasize the nuances of children's migration experiences, and the various ways it affects configurations of families and linkages with education, thus acknowledging a complexity that goes beyond the simple notion of migration and work as detrimental to children.

14.30-15.00 **COFFEE BREAK**

15.00-16.15 **DISCUSSION FORUMS**

I How Do We Relate to the Complex Images of Children in Migration?

Marie Wernham, Child Rights Consultant, CREATE: Child Rights Evaluation, Advice & Training Exchange

II How Could Academic and NGO Research Influence Actual Changes for Children in Migration?

Sven Winberg, Senior Advisor, Save the Children Sweden

III Ethical and Methodological Concerns Related to Relevant Child Participation in Research on Children in Migration

Agnes Zenaida V. Camacho, Psychosocial Support and Children's Rights Resource Centre, Philippines

16.30-17.00 **SUMMARY OF THE DAY**

Terry Smith, Conference Facilitator

19.00 **DINNER**

WEDNESDAY 21 MARCH 2007

**FOCUS ON CHILDREN IN MIGRATION
- FROM A EUROPEAN RESEARCH AND METHOD PERSPECTIVE**

- 09.00-09.15 **INTRODUCTION**
Terry Smith, Conference Facilitator
- 09.15-09.45 **Migration and Politics – the Second Generation, Mobilisation and Citizenship**
Catherine Wihtol de Wenden, Director of Research at Centre National de la Recherche Scientifique, France
- 09.45-10.15 **Young Unaccompanied Asylum Seekers in Prison**
Zaina Karakezi, Volunteer & Marijke Brouwer, Project Leader, SAMAH, the Netherlands
- 10.15-10.45 **COFFEE BREAK**
- 10.45-11.30 **RELEVANT CHILD PARTICIPATION AS A RESEARCH TOOL**
- K** **Free Movement of Labour and an Expanding EU: Time to Think about Child Migration**
Roy Huijsmans, PhD Candidate, Durham University, UK
- The observation that under new legislation EU teenagers can legally be employed in the Netherlands is taken as point of departure. The presentation will explore questions about the way notions of children and childhood is understood in relation to migration, both analytically and in relation to practice.
- L** **Child-Centred Study of Family Separation and Migration**
Adele Jones, Dr., the University of the West Indies, Trinidad
- This seminar describes child-centred methods in a study of migration. It highlights the benefits of child-centeredness in order to generate deeper understandings of children's perspectives and promote empowerment in cultural contexts in which children are still expected to be 'seen and not heard'.
- 11.30-11.45 **BREAK**
- 11.45-12.15 **Protection of Children on the Move in Europe – Applying Lessons Learnt from Child Trafficking Research**
Daja Wenke, Child Trafficking Researcher, UNICEF Innocenti Research Centre, Italy
- 12.15-13.45 **LUNCH**

WEDNESDAY 21 MARCH 2007

**FOCUS ON CHILDREN IN MIGRATION
- FROM A EUROPEAN RESEARCH AND METHOD PERSPECTIVE**

13.45-14.30 **EXPERIENCES OF GOOD PRACTICES RELATED TO CHILDREN IN MIGRATION**

M Educational and Child Welfare Responses to Changing Migration Patterns to the UK

Jill Rutter, Senior Research Fellow in Migration at the Institute for Public Policy Research

In the UK there has been a fall in asylum migration, an increase in labour migration and children living in difficult circumstances: immigration status, housing mobility, low income and little contact with educational/welfare agencies. This seminar argues that most schools and care providers have not responded to changes in migration patterns.

N Migrant Male Sex Workers and Errant Mobility: Strategies of Survival and Risk Behaviour

Nick Mai, Research Fellow in Migrations and Immigrations at the Institute for the Study of European Transformations, London Metropolitan University

O Befriending Unaccompanied Asylum Seeking Young People in Need of Resettlement

Dr. Ravi KS Kohli, Applied Social Studies, University of Bedfordshire, UK

This seminar explores the ways in which a befriending scheme offers assistance to unaccompanied minors in the United Kingdom. It will offer a model of the ways in which befrienders can be part of a network of people who help the lives and memories of unaccompanied minors to join up again after forced migration.

P Phone Calls on Children in Migration

Leticia Vasquez, Head of Advocacy, Child Helpline International, the Netherlands

In 2004 child helplines received over 11 million calls worldwide. A number of these calls are related to children in migration. Some of the reasons why children in migration called child helplines include child prostitution, children used for begging, child trafficking and abandonment by parents.

Q Children in Migration: Who Are They and How Can We Assist?

Mirela Shuteriqi, SEE Advocacy and Legal Officer, Terre des hommes Foundation, Hungary

The presentation on the causes behind child migration, will lead discussion on risks and problems the children face during the process. The link will be made with the intervention by the States and private actors, reflecting some good practices, but also explaining why they remain few and isolated.

14.30-15.00 **SUMMARY AND CLOSING OF THE CONFERENCE**

Britta Öström, Regional Director, Europe Office, Save the Children Sweden

Terry Smith, Conference Facilitator

15.00 **COFFEE AND DEPARTURE**

ANNEX II: LIST OF PARTICIPANTS

FOCUS ON CHILDREN IN MIGRATION – FROM A EUROPEAN RESEARCH AND METHOD PERSPECTIVE

Warsaw, Poland, March 20th – 21st 2007

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