

Exploring methods to protect children on the move.

**A handbook for organisations wanting to
prevent child trafficking, exploitation and the
worst forms of child labour.**

Terre des Hommes International Federation

A working draft to be disseminated for comment during 2011 with requests for
feedback by the beginning of 2012

Prepared by
Mike Dottridge, April 2011

CONTENTS

Abbreviations	4
1 INTRODUCTION: WHAT IS THE PURPOSE OF THIS HANDBOOK?	5
1.1 The lay-out of the handbook – and the way to use it.....	6
1.2 Preparation at two workshops in Kolkata and Bangkok	6
1.3 Exercise: What do you think?	7
2 WHAT DO WE MEAN BY ‘CHILDREN ON THE MOVE’?	9
2.1 A provisional working definition	9
2.2 Apart from the risk of abuse or exploitation, what are the positive opportunities for children on the move?	12
2.3 Exercise	12
3 PREVENTING CHILDREN FROM BEING TRAFFICKED OR EXPLOITED: WHAT DOES THIS MEAN?.....	14
3.1 What do we mean by ‘exploited’ and ‘exploitation’?	14
3.1.1 A child’s right to be protected against exploitation.....	14
3.2 What do we mean by ‘trafficked’?.....	15
3.3 What do we mean by ‘prevention’?.....	16
3.4 What needs preventing in the case of children on the move?.....	18
3.5 Exercise on the terms used in your country.....	19
4 HOW TO ASSESS YOUR CURRENT METHODS FOR ASSISTING CHILDREN ON THE MOVE AND PREVENTING EXPLOITATION.....	21
4.1 What methods does this chapter refer to?.....	21
4.2 An example of one organisation assessing its methods and deciding to change them	21
4.3 Exercise A: What Do You Do?	23
Method 1	23
Method 2	23
4.4 Exercise B: Why do you do it and why do you use particular methods? (What are the key values and priorities that motivate your organisation’s actions?)	24
4.5 Exercise C: How does your organisation modify its methods?.....	25
5 TAKING STOCK OF THE RIGHTS OF CHILDREN ON THE MOVE	27
5.1 The child’s right to be heard.....	27
5.2 Assessing the best interests of the child.....	27
5.2.1 Obligations for NGOs and other organisations in contact with children	28
5.2.2 Determining the best interests of children who have moved to a different country	28
5.2.3 Ensuring a child’s best interests are a primary consideration when children move within their own country.....	29
5.2.4 The challenge of balancing a child’s right to protection with other rights	31
5.2.5 Assessing possible risks to the security of a child on the move	32
5.2.6 Considering the risks associated with the options open to a child	33
5.3 Exercise to see what rights it is a priority to respect for children on the move.....	34
6 HOW TO FIND OUT WHAT CHILDREN ON THE MOVE WANT OR NEED	35
6.1 Why listening to children on the move is important	35
6.2 Ways of consulting young people who have experience of ‘being on the move’	35
6.2.1 Challenge Number 1: Avoiding tokenism.....	36

6.2.2	Challenge Number 2: Being careful about how you interpret the views of an unrepresentative sample of children on the move	36
6.2.3	Methods that enable 'children who have moved' to express their views	36
6.2.4	Finding out about positive experiences as well as abuse.....	37
6.2.5	Child-led organisations	38
6.3	Exercise A: Assessing your organisation's current methods for enabling children to express their views and to participate	39
6.4	Exercise B: Identifying new methods to enable children on the move to express their views	39
7	HOW ELSE TO FIND OUT ABOUT THE EXPERIENCES OF CHILDREN ON THE MOVE	41
7.1	Books, articles and documents describing children's experiences.....	41
7.2	Charting the experience of children on the move on the basis of your existing knowledge....	41
7.3	Exercise: Identify specific phases or stages connected with the way children move and the potential risks and benefits for children	41
8	WHAT IS AN APPROPRIATE WAY TO DECIDE ON ACTIONS THAT AFFECT CHILDREN ON THE MOVE AND WHICH ARE IN THEIR BEST INTERESTS?.....	45
8.1	The idea of protecting children while they move	45
8.2	Examples of indirect activities to support children on the move or to prevent them being exploited.....	46
8.3	Examples of activities to enhance the likelihood that children who move will benefit from having moved.....	49
8.4	Examples of what other organisations said they wanted to try doing differently in their organisation	49
8.5	Exercise: To enable you to identify additional opportunities to protect children on the move and to help them ensure a good outcome to their movement	50
9	CONCLUSION – TAKING STOCK OF WHETHER YOU ARE ALREADY ORGANISING THE BEST POSSIBLE ACTIVITIES FOR CHILDREN ON THE MOVE OR IF THERE IS ROOM FOR IMPROVEMENT	52
	APPENDIX.....	53
	GLOSSARY OF TERMS ACCORDING TO DEFINITIONS IN INTERNATIONAL LAW	53
List of tables		
	Table 1 Collecting your views before they are modified in any way.....	7
	Table 2 Scoring your wishes and priorities for children	24
List of Figures		
	Figure 1 Basic flow diagram to indicate the stages of a child's movement	11
	Figure 2 Application of the best interests principle by the UNHCR.....	Erreur ! Signet non défini.
	Figure 3 Roger Hart's Ladder of Participation	1
	Figure 4 Posters prepared by young people to illustrate their experiences while 'on the move', for a workshop in Bangkok	1
	Figure 5 Examples of the stages or phases of a young person's movement/migration.....	42
	Figure 6 Examples of risks and benefits associated with the Phase 1 in the trajectory of a child on the move.....	44
	Figure 7 Flow diagram prepared in Bangkok, illustrating chapter 7's exercise and also the exercise at the end of chapter 8.....	1

Abbreviations

CRC	UN Convention on the Rights of the Child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (an NGO)
IPEC	ILO's International Programme for the Elimination of Child Labour
ILO	International Labour Organization and International Labour Office
NGO	non-governmental organisation
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

1 INTRODUCTION: WHAT IS THE PURPOSE OF THIS HANDBOOK?

This handbook is designed to help organisations which already have experience of trying to protect children from exploitation or other forms of abuse to assess whether they are using the most appropriate methods. This means,

- (a) reviewing the methods you use to prevent children being exploited or abused; and
- (b) finding out whether a more detailed understanding of the experience of a particular category of children - children on the move - helps you identify alternative or additional ways to protect such children and to enable them to turn their hopes and ambitions into reality.

The handbook should also be helpful to any others who want to get a better understanding of which children are referred to by the phrase '**children on the move**' and in what way organisations dedicated to protecting children and upholding children's human rights can make a useful contribution to ensuring that children have a good outcome when they move, either alone or with other members of their family.

Over the past two decades much time and money has been invested in developing methods to prevent children from being exploited, as well as to find appropriate ways of enabling children who have already been exploited to recover and get on with their lives. Different methods have been used to try and prevent children from being subjected to a range of types of exploitation, including forms of both sexual exploitation and economic exploitation.

Nevertheless, cases of exploitation continue to occur on a massive scale in most regions of the world.

Some professionals involved in trying to prevent children from being exploited have concluded that a notable weakness in the methods used is that we have approached each different sort of exploitation as if it required its own specific prevention methods, when, in practice, the measures that are appropriate to keep children safe (and out of the hands of those who want to exploit them) are often quite similar, whatever specific form of exploitation they are at risk of experiencing. Their conclusion is that more effort should be made to build child protection systems which are designed to protect all children from harm, abuse and exploitation.

Also over the past two decades, there has been an increasing understanding of the factors that make some children more likely to be exploited than others. Some are very general (poverty or gender) and others much more specific. By focusing on the particular factors that make some children more likely to be exploited (or subjected to other forms of abuse) than others, often called 'vulnerability factors', we have learnt that suitable preventive actions can address these factors and reduce the likelihood that particular children end up being exploited.

A characteristic of a significant proportion of the children who are exploited is that they have moved away from a place where relatives or others know them and are in a position to intervene to stop them being exploited. Indeed, children who move away from home in general leave an environment with which they are familiar and know where to turn for help and move through or to other places with which they are not familiar and where many of them are more exposed to abuse or exploitation than before. Of course, some children experience sexual or economic exploitation while continuing to live with their parents. Even in this case, children who move with their parents or other relatives from their usual home, or move on a regular basis in search of work for the parents, routinely arrive in a place

where the whole family may be relatively more vulnerable to being exploited than if they had remained at home. In this handbook both children who leave home by themselves and those who move away with one or more relatives are referred to as 'children on the move'.

At the same time, individual children and entire families move because they are looking for opportunities. Many find those opportunities and are pleased to have moved, while some do not.

1.1 The lay-out of the handbook – and the way to use it

Anyone can use this handbook. However, as it is designed to enable organisations (rather than just individuals) to review and adapt what they do to prevent children being exploited, each chapter ends with a practical exercise.

The initial chapters of the handbook contain background information and definitions about children on the move, prevention, trafficking and exploitation. The chapters end either with a list of questions to discuss or an exercise to carry out that is intended to help you explore the ideas presented in the chapter.

An organisation that wants to use the handbook could organise a workshop around the separate topics presented in each chapter, or a longer workshop reviewing all the topics that are covered. As it is frequently impossible to spend as much as one or two whole days in a workshop, you could spend an additional hour or hour and a half considering the topics examined in each chapter when you have more routine meetings, such as staff meetings.

This version of the handbook is still a draft – even though it is being made public on Internet and elsewhere. Though the handbook has already been through several stages of refinement, the author and organisation responsible for it recognise that it is important to get feedback and to make the information and exercises more useful to readers. PLEASE SEND US ANY COMMENTS, PARTICULARLY SUGGESTIONS ON HOW THE HANDBOOK COULD BE MADE MORE USEFUL TO YOU. The e-mail address to use can be found on page 51.

Sections of each chapter which provide background information have **headings with blue type and a green background**, while the exercises start with a **heading on an orange background**.

1.2 Preparation at two workshops in Kolkata and Bangkok

Two workshops in 2010 helped with the preparation of this handbook, the first in Kolkata (India), hosted by the Terre des Hommes Foundation office there, and the second in Bangkok (Thailand), organised by Asia ACTS (Asia Against Child Trafficking) with the support of Terre des Hommes Netherlands. The exercises at the end of each chapter are based on some that were tried out at these two workshops. In both cases, NGOs were invited to the workshops to explore the term 'children on the move' and its possible implications for their own work.

The workshop in Kolkata was attended by NGOs based in Bangladesh, Nepal and several parts of India (mainly West Bengal and Bihar) and also by representatives of several Terre des Hommes organisations. At this workshop, much of the work of the participating NGOs focused on assisting children who had been removed from situations of exploitation. The workshop in Bangkok was attended by representatives of the Asia ACTS network from Burma, Cambodia, Indonesia, Laos, Thailand, Philippines and Vietnam. In addition, there were participants from a variety of national and regional organisations: an NGO from Malaysia; regional programmes from ECPAT International, Save the Children UK and Terre des Hommes Netherlands; and, in his personal capacity, a member of the ASEAN's

(Association of South East Asian Nations) new Commission on the Promotion and Protection of the Rights of Women and Children (ACWC).

The handbook was prepared by a consultant who attended these workshops, as well as an international conference on the topic of ‘children on the move’ that was held in Barcelona, Spain, in October 2010. The Bangkok workshop was held shortly after the Barcelona conference. Consequently, the working definition specifying who children on the move are, which was used in Barcelona, was brought to the attention of participants, whereas at the earlier workshop in Kolkata the concept was left vague, causing some confusion to those present (particularly as the media had just focused attention on a child who had been kidnapped on the way home from school, raising the question of whether children moving from their homes to school and back each day should be regarded as children on the move.

The Bangkok workshop, unlike the Kolkata one, was preceded by a set of consultations with children who had the experience of moving from one place to another (Terre des Hommes made an extra grant to Asia ACTS to make this possible). As a result, the workshop in Bangkok looked at several videos and presentations in which children had commented on their experience. The workshops themselves were attended by adults. Just one young man who had experienced being a child on the move was present at the Bangkok workshop. As this was shortly after he had attended the Barcelona conference with other young people who had spoken of their experiences while ‘on the move’, he was able to draw attention to rather more than his personal experience. Participants at both workshops prepared sets of diagrams to illustrate the experience of children on the move (see chapter 7) and commented on the various exercises in which they took part. The versions in this handbook are nevertheless the responsibility of the author alone (and several new ones have been added, as a result of comments from workshop participants, while others have been modified in the light of their feedback).

1.3 EXERCISE: WHAT DO YOU THINK?

It is sometimes helpful to check what members of your organisation think on a topic before you go further, when new ideas may start emerging. A simple exercise is to ask everyone to fill in the following table indicating whether they agree/disagree/are not sure whether they agree with the statements listed in the left-hand column. This exercise was designed to be used in places where children start leaving home in significant numbers around the age of puberty – and the questions focus on children aged from 12 years upwards (and below 18, hence the reference to “children aged 12 to 17”).¹ An extra column needs to be available (the right-hand column) in case respondents want to explain their views.

Table 1 Collecting your views before they are modified in any way

Statements	Agree	Disagree	Don't know	Comments made
1) It is OK for children aged 12 to 17 to migrate or move away from their village on their own				
2) It is OK for children aged 12 to 17 to migrate or move away from their village if they travel with an adult				
3) It is OK for children aged 12 to 17 to migrate or move away from their				

¹ So, in an area where children routinely leave home when younger, for example to work as domestic helps at seven or eight years old, the table should be modified, for example asking the same questions about several different age groupings, such as “7 to 11” and “12 to 17”.

village if they travel with their parents				
4) It is best for children aged 12 to 17 to stay in their village with their family				
5) When children aged 12 to 17 migrate away from home it is because they have been trafficked				
6) Children aged 12 to 17 who have left their village and migrated away from home need to be sent back and reintegrated				
7) It is OK to give children aged 12 to 17 advice about precautions to take if and when they travel away and what to do if they do experience abuse.				

Once everyone has filled in the chart (independently of one another), you can count up the answers (how many 'agree', 'disagree', etc.). The result should tell you whether all or most of you have similar views about what is appropriate for children. It will also tell you what most people in the organisation think, so that you can compare the same people's view at a later date. You could potentially organise a group discussion about the results. If you do so, remember to point out that the exercise sought to find out what you think ought to happen, not what actually happens in reality.

Once you have found out what everyone thinks about children aged 12 to 17, you could answer the same questions with respect to a different age range, choosing one that is relevant for you (e.g. 'children aged 9 to 12' in West Africa, or 'children aged 14 and 15' in southeast Europe).

2 WHAT DO WE MEAN BY 'CHILDREN ON THE MOVE'?

2.1 A provisional working definition

At a recent international conference (in Spain in October 2010), the term 'children on the move' was explained as follows:

“Those children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement might place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence”.

An accompanying “Explanatory note” added:

“‘Children on the Move’ is not meant as a ‘new’ category of children. It is an umbrella definition which brings together the multitude of categories in which children who move have been, often unhelpfully, divided. This definition therefore includes:

- ⇒ children who have been trafficked.
- ⇒ children who migrate (e.g. to pursue better life opportunities, look for work or education or to escape exploitative or abusive situations at home):
- ⇒ children displaced by conflict and natural disasters;
- ⇒ children who live and work in the streets.

“All of whom might find themselves at risk, especially of being exposed to various forms of abuse and involved in the worst forms of exploitation. This concept, by highlighting the common risks and challenges faced by these children, but also their differences in terms of gender, age and their agency, aims to re-focus interventions and ensure coherent policies by placing the protection of the child at the centre as well as the need to support the positive effect that mobility can have on improving children’s life chances.”

In a specific area where many children leave home to seek a living elsewhere, West Africa, a shorter explanation has been developed about young people on the move, who are referred to in French as “mobile children”. The explanation says:

“A mobile child is a child who, having left the place where he or she used to live, lives away for a significant period in terms of the change that occurs in his or her living conditions and identity”.²

So, the phrase ‘children on the move’ is being used to refer to a wide range of children who move, either within their own country or across an international border or even between continents. It covers children who move alone (also known as ‘separated’ or ‘unaccompanied’ children; these terms are explained in the *Glossary* which can be found in the Appendix at the end of this handbook) or with others. In each case they move away from an environment with which they were familiar to one with which they are less familiar, at least initially, and where they are consequently at greater risk of being exploited. At the same time, they may also have more opportunities than before they left home.

So, in practice, the labels that are currently applied to children on the move are far more numerous than the four categories mentioned in the Explanatory note referred to above. Alongside the four categories quoted, they include:

1. children who migrate for economic reasons, either a short or a long distance, within their country or across borders (or even between continents). This includes, for

² « Un enfant mobile est un enfant qui, ayant quitté son lieu de vie habituel, en vit éloigné durant une période significative en termes de transformation de ses conditions de vie et de son identité ».

example, children employed as live-in domestic servants (but not those who live with their own family and go out to work each day in someone else's home) and children who travel away from home on a temporary basis, for a month or two for agricultural work or to work with pastoralists, looking after their animals, and who then return home. It also includes children who leave home and resort to crime as their main source of income;

2. children who accompany older family members migrating for economic reasons; this includes families which move between different work sites, whether agricultural or industrial ones (such as brick kilns and quarries) or service industries (such as tourism). The reason they move may include push factors such as environmental change.
3. children who are prompted to leave home in order to escape some form of domestic violence, whether at the hands of a parent or another relative or someone else, such as a boyfriend; this includes children who leave in order to avoid an early or forced marriage;
4. children who leave home in order to obtain an education or vocational training (or to continue one of these), whether they work at the same time or not;
5. children who are internally displaced (i.e., internally displaced persons³ or IDPs), whether by political violence or natural disasters and whether they move alone or with other family members;
6. children who are internally displaced or relocated for other reasons, such as the destruction of their homes due to dam construction, whether alone or with other family members;
7. children who are refugees⁴ (including those whose asylum requests have not yet been agreed by the authorities in the country to which they have moved, generally referred to as 'asylum seekers'), once again including unaccompanied or separated children and also children accompanying their parents;
8. children who move away from home and either live or work on the street (in other words, some categories of street children excluding those who work on the street but live with family members);
9. children who are enrolled into armed units and who leave home, whether forcibly conscripted or voluntarily enrolled;
10. children who are abducted or lured away from home for other purposes.

However, it would not be helpful to include all groups of children who move away from home, particularly those who do not seem to be exposed to either dangers or new opportunities in the same way. For example, the term has not (so far) been applied to children who leave home each morning and travel to school, and who return home later the same day, however risky their journey is.

There are some more ambiguous categories, where it is not yet clear that it is helpful to describe the children concerned as 'on the move'. These include:

³ IDPs have been defined as "Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border". Source: Paragraph 2 of the UN *Guiding Principles on Internal Displacement*; UN document E/CN.4/1998/53/Add.2, 1998.

⁴ A refugee is a person outside his country of origin who cannot return to this country because he/she has a well-founded fear of persecution or is unable or unwilling to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. The definition of a refugee in international law can be found in Article 1, Section A (2) of the 1951 UN *Refugee Convention*. It is important to note that this category of children on the move is the subject of a well-developed part of international law and of many publications issued by the UN High Commissioner for Refugees (UNHCR). For example, there is an absolute ban on the *refoulement* (see Glossary) of refugee and asylum-seeking children.

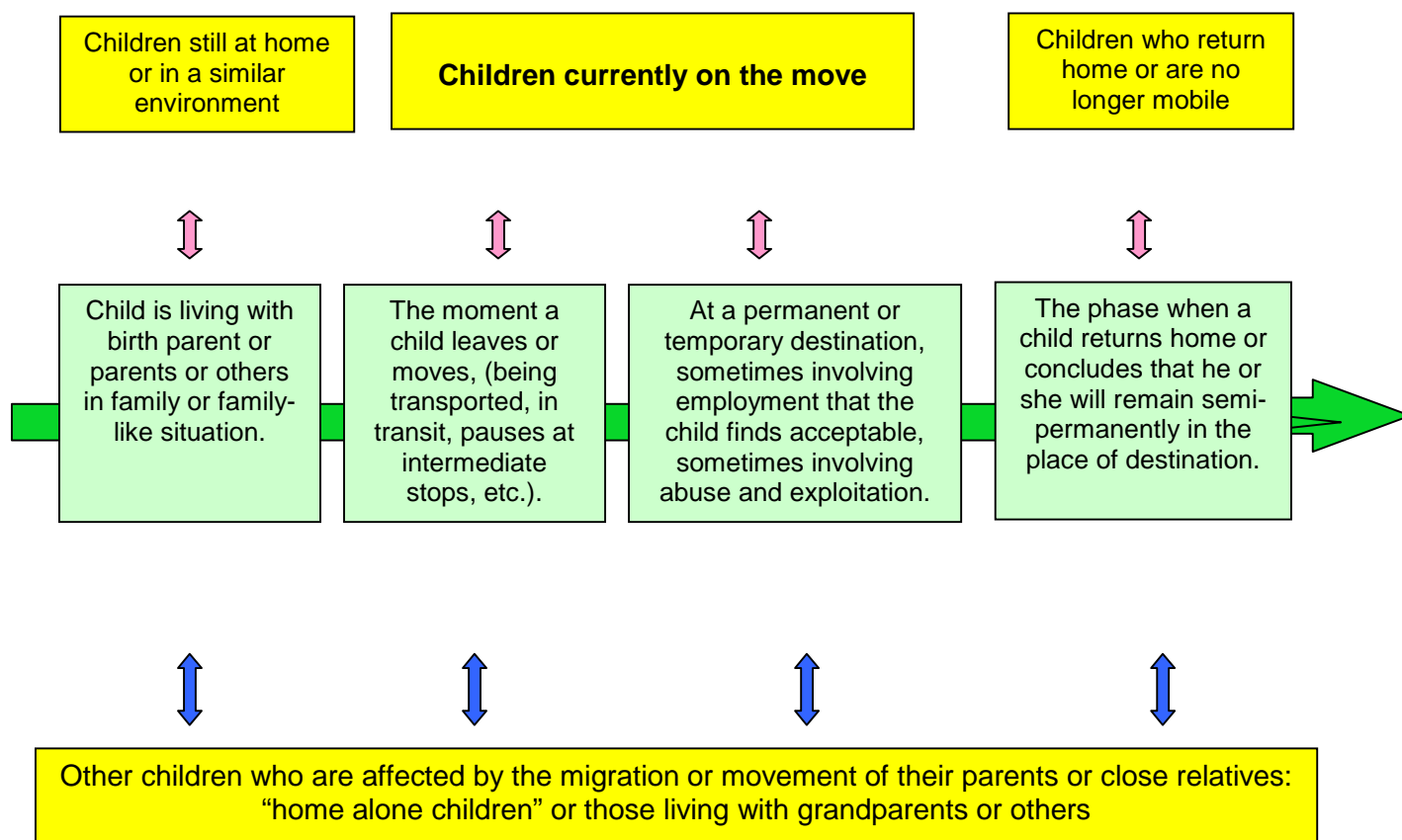
Children in communities where there is a long-term tradition of nomadic pastoralism, where an entire family or community moves from place to place in a relatively well established routine. On the other hand, it probably is appropriate to regard children who are sent by themselves into the bush for weeks at a time to look after herds of animals as ‘children on the move’;

- children who attend boarding schools, i.e., live at their school during term time; however, there are some circumstances in which such children have much the same experiences as other children on the move;
- children in care, living in residential institutions;
- children who are frontier workers, crossing an international border on a daily basis to work or study in a neighbouring country;
- adolescents who get married and move away from their family home to live with their spouse (and possibly in-laws), most of whom are girls.

Children on the move have many different experiences. It is hard to summarise all these in a single chart, diagram or exercise. At various points in this handbook we refer to children on the move travelling through a series of different ‘stages’ or ‘phases’, which may be geographical (from one place to another), but also social (as they redefine their identity in a new location, sometimes changing from being a villager to a city-dweller, with all the cultural change which that involves). This implies that children on the move have different needs at different stages and that the most appropriate action to assist or protect them is bound to vary.

One way of illustrating this is with a flow diagram, which you can also use later in this handbook to identify a variety of opportunities to protect children. Here is a general example of such a flow diagram, showing at this stage only the distinct phases of movement.

Figure 1 Basic flow diagram to indicate the stages of a child’s movement



2.2 Apart from the risk of abuse or exploitation, what are the positive opportunities for children on the move?

Most child protection organisations are more attuned to the risks facing children on the move and the abuse that they experience than to finding out what benefits such children acquire and whether (and how) an organisation could take action to increase the likelihood that a child will get these benefits.

A variety of benefits are possible, such as:

- Educational or training opportunities (some children only have a chance to attend classes once they migrate to a town, whether they then have access to formal or non-formal education);
- Economic opportunities (getting a job that leads to another; earning an income and giving a child some spending power or enabling the child to make savings; acquiring skills which can be used outside a working environment);
- Social mobility (by joining new networks and forming new relationships, including ones that eventually result in marriage);
- Greater opportunity to get access to other services, such as health services;
- Security (after leaving a place affected by violence or a natural disaster);
- Personal development in other ways.

In summary, children who have moved have new opportunities, some of which enable them to exercise more of the rights listed in the UN Convention on the Rights of the Child (CRC) than before.

The constraints on children who continue living in a traditional, family environment should not be underestimated. Apart from the domestic violence and risk of early marriage for girls that were mentioned earlier, other traditions and cultural practices have a variety of negative effects on children, which it is important not to overlook.

2.3 EXERCISE

The aim of this exercise is to allow you time to reflect on the implications of the term 'children on the move' and to consider which children that you encounter (or know of in your country) come into this category.

The exercise involves working in a group of four or five people. Try to ensure that the members of the group have something in common (i.e., come from the same country or belong to the same organisation, as otherwise the disagreements between group members may take too long to complete the exercise). Spend up to one hour considering some of the questions below. Choose the ones that seem relevant in your country or countries. Identify problems (in applying the term) or other implications that might be relevant for your work. Ask one member of the group to take notes and be ready to share your conclusions with others.

- 1) Does this term (children on the move) make any sense to you?
- 2) Does this term make sense for children who do not live with their families, such as orphans living in a residential institution (orphanage)?
- 3) Does the term apply to children who travel in groups to work away from home for period of several weeks or months and who then return home?
- 4) Do you perceive most children who are trafficked to have 'moved' (or been moved) in any way?
- 5) Does the term include both children who move voluntarily and those who are forced to move (e.g., by famine or conflict)?
- 6) Should the term refer to children who walk to school every day (or attend a sports or social club in the evening), or should its use be restricted to children who stay away for longer periods?

- 7) How long should a child who has moved away from home and settled down elsewhere be regarded as a 'child on the move'?
- 8) When children move (alone or with family members or friends), what is it that needs preventing? Do they need protecting?
- 9) How can you find out about the benefits acquired by some children on the move?

3 PREVENTING CHILDREN FROM BEING TRAFFICKED OR EXPLOITED: WHAT DOES THIS MEAN?

3.1 What do we mean by 'exploited' and 'exploitation'?

The word 'exploitation' implies that someone else is able to make money or a profit out of a person. In the context of initiatives to protect human rights and child rights, it refers more specifically to cases in which someone has taken advantage of another in a way which is unfair or results in the exploited person suffering harm. Exploitation is just one of the many forms of abuse experienced by children. This handbook uses the term 'abuse' to refer to the broader set of "forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation" to which the CRC entitles children to protection (in article 19).

3.1.1 A child's right to be protected against exploitation

The CRC says that children have a "right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development" (article 32). It requires States (i.e., governments) to recognise this right, as well as to take a series of measures to protect children from economic exploitation. It commits States to protecting children "from all forms of sexual exploitation and sexual abuse" (article 34) and "against all other forms of exploitation prejudicial to any aspects of the child's welfare" (article 36). It also commits States to taking a range of "measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form" (article 35).

This means that children have a clear right not to be exploited, although the precise parameters of what is meant by 'exploitation' are not spelled out.

Nevertheless, millions of children routinely experience some form of exploitation, some very harmful and others less harmful. Notorious cases involve:

- a. commercial sexual exploitation (prostitution or making pornography)
- b. slavery or the use of coercion to keep a child working (known as servitude or forced labour), in a wide range of activities. Children are forced to work in a wide variety of occupations, such as begging, domestic work, and various forms of agricultural or sweatshop work. It is not the fact that a child is working in a particular type of work which signifies that she or he is the victim of human rights abuse, but rather the fact that the child is subjected to some form of force or constraint and is not entitled to leave.⁵ Sometimes it is the nature of the child's working conditions (such as particularly long working hours) that indicates that a child is not merely working, but being subjected to slavery or coercion. Sometimes it is the use of cruel, inhuman or degrading punishment or treatment;
- c. forced or voluntary recruitment as soldiers or auxiliaries for use in armed conflict (whether a branch of the government's security forces or an opposition fighting force);
- d. recruitment into illicit or illegal activities (such a drug smuggling or stealing);
- e. work which is dangerous or likely to harm children's health;

⁵ This category covers situations in which children are abducted or enslaved. It also includes situations in which children are in debt bondage (the situation when a child is required to work in order to pay off a loan which either the child herself or himself has borrowed, though more often than not the loan has been borrowed by the child's parent or another relative).

- f. recruitment into full-time work at a very young age, meaning that the child concerned may be prevented from receiving a basic education, whether the work involved is easy or difficult. The CRC and other international law require governments to specify a minimum age for young people to start full-time work, but unfortunately in some countries a minimum age has been stipulated that is in line with international standards but which disregards what generally happens in the country concerned. So, while international standards suggest that no children should work full-time before they are 14 years old, in practice it is necessary to know what local standards are in order to assess which children should be regarded as “recruited into full-time work at a very young age”.

Apart from the last case mentioned ('f'), these forms of exploitation are known collectively as the “worst forms of child labour” (for a definition, see the *Glossary*). At the beginning of the last decade the International Labour Office (ILO) estimated that the number of children engaged in hazardous work (category 'e' in the list above) was 170.5 million around the world (of whom 111 million were aged under 15). The numbers engaged in the other 'worst forms' listed above were significantly fewer: estimated to be a total of 8.4 million.⁶

With such huge numbers of children involved, many organisations wanting to protect children against exploitation decide to give priority to children experiencing just one of these sorts of exploitation. For much the same reason, some donor agencies, which were willing to support programmes aimed at stopping children from being exploited, decided they wanted to focus on those children who were exploited in the worst ways and chose to allocate their money specifically to initiatives intended to stop children from being trafficked (approximately 1.2 million of the 8.4 million children mentioned in the ILO statistics above were reckoned by the ILO to have been trafficked). Children who have been trafficked include some who have been recruited in their places of origin and taken elsewhere (by traffickers) to be exploited. However, they also include children who opt to leave home themselves and to migrate in order to earn a living and who only come under the control of traffickers later on.

In recent years the term 'sexual exploitation' has also been used to refer to cases in which children accept money or favours in return for a sexual act, even if they keep the money themselves rather than passing it on to anyone else: i.e., instead of using the word 'exploitation' to refer to someone else making money out of the child, it refers to the act of sex with a child when this is remunerated with cash or in some other way.

There is continuing debate about how and when terms such as 'exploited' and trafficked' should be applied to adolescents who are obliged to get married without giving their full, informed consent. Forced marriage is a violation of human rights, whether the person who is forced to marry is a child or an adult. In some parts of the world, intermediaries are involved in abducting or tricking adolescents into leaving home and then delivering them into a forced marriage. This is certainly a form of human trafficking and it seems correct to regard the young person involved as 'exploited'.

3.2 What do we mean by 'trafficked'?

The word 'trafficking' is used to refer to a range of practices in which individuals are recruited by means of force or other forms of coercion or deception for some specific forms of exploitation. The standard definition is set out in a UN Trafficking Protocol adopted in 2000. The UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, referred to here as the 'UN Trafficking Protocol', which supplements the UN *Convention on Transnational Organized Crime* of 2000, explains what both

⁶ ILO, *A future without child labour*, 2002, page 18. The 8.4 million were reckoned to include 5.7 million children in forced or bonded labour; 1.8 million in prostitution or pornography; 300,000 who had been forcibly recruited into armed conflict; and 600,000 in other illicit activities. The ILO relied on estimates made in 2000 based on various secondary sources.

“trafficking in persons” and the “exploitation” associated with trafficking mean in its article 3(a):

“Trafficking in persons” shall mean

“the recruitment, transportation, transfer, harbouring or receipt of persons,

“by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,

“for the purpose of exploitation.”

“Exploitation shall include, at a minimum”:

“the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (emphasis/underlining added).⁷

What distinguishes cases of trafficking in children from other situations in which employment agents or other intermediaries help children to leave their homes or their countries, often by offering them jobs elsewhere, is that trafficking is characterised by a phase of exploitation and traffickers are aware that the people they recruit will end up in one of the forms of exploitation listed here. Traffickers who recruit and move children have an awareness or intention that the young people concerned will subsequently be subjected to one of these forms of exploitation. It is important to note, however, that not all agents or intermediaries who recruit children are traffickers (although there has been a tendency in some regions to assume that they all are).

3.3 What do we mean by ‘prevention’?

At its most simple ‘prevention’ means taking action to stop something from happening, when it is otherwise likely to happen. Some prevention methods address the causes of a particular form of abuse, trying to tackle difficult situations that are known to frequently precede a more major form of abuse. Others try to tackle underlying root causes. However, the numerous forms of exploitation experienced by children have a wide range of causes, making it difficult to address all at the same time.

Decisions on the priority to give to action to prevent a particular problem, such as the exploitation of a child, should generally take the likelihood that the problem will occur into account, by assessing the evidence available about its occurrence, rather than being motivated by a fear of a threat which turns out to be rare (i.e., a reaction which is disproportionate).

In addition to action to directly prevent abuse from occurring, a series of indirect actions with a preventive effect sometimes prove successful. For example, guaranteeing the adults in a family a decent job that pays them enough to look after the rest of their family reduces the pressure on children to start working and contributing to the family’s income. Social protection systems provide adults who earn less than a specified minimum amount with subsidies (in cash or kind) to bring about the same result. Similarly, when evidence emerged in the Republic of Moldova that young people who had spent their childhood in residential institutions were represented among traffickers’ victims ten times more frequently than other young people (even though the causes of this were not understood in detail), child protection agencies organised classes in boarding schools about trafficking and life skills training.⁸

⁷ It is important to note that children and adults are not treated the same in this definition. The means listed in the definition are not required for a case involving a child to be regarded as trafficking.

⁸ The term ‘life skills’ refers to a set of skills that are considered important for making one’s way in life. They include learning to negotiate, decision making, problem solving, critical thinking, communicating effectively, managing interpersonal relationships, resolving conflicts, being self-aware and empathetic towards others,

Action to prevent child abuse also includes identifying gaps in existing systems that are supposed to protect children against abuse (some of which focus specifically on children while some are intended to protect adults as well), whether these are government-run systems (such as police, immigration service or local government child protection committees), community-based ones or even protection systems put into place by a temporary network of organisations, such as government agencies, NGOs and intergovernmental organisations.

While criminal justice systems set out to have a deterrent effect (by punishing criminals), which can also be regarded as a form of prevention, prevention initiatives usually try to propose a positive course of action that those designing them think will have a preventive effect. So, when attempts were first made to prevent trafficking—of adults or children—in many parts of the world, the main preventive action was to disseminate information about cases of trafficking that were known to have occurred already. The aim was to warn the public of the potential dangers and (often) to discourage women or children from migrating. The positive action that was taken in these cases was to provide people with information in the expectation that this would have a preventive effect (although in some cases it turned out not to have this effect at all).

In a few cases where a disproportionately high number of children from a particular geographical area or a specific social group were found among trafficking victims, special efforts were made to identify the children who were at particularly high risk of being trafficked and to intervene on their behalf. Again, this involved taking a positive action (such as offering the child's parents a subsidy that was conditional on, for example, the child not dropping out of school or not leaving home). A series of other so-called 'vulnerabilities' or 'vulnerable situations' have been identified in different parts of the world, which have been addressed by actions to tackle these and thus to prevent children from being trafficked.

In each of these cases, it was necessary for those responsible for taking a preventive action to be clear about what they wanted to prevent. However, just as cases of exploitation have multiple different causes, so the analyses that different organisations make of what the principal problem is (and what needs 'to be prevented') vary a great deal.

In the case of child trafficking, many organisations that want to prevent children from being trafficked identified the fact that children moved away from home as a key cause of the abuse occurring and adopted strategies which aimed to dissuade children from travelling alone or without their parents.

However, this analysis was usually based on the evidence they obtained from trafficked children – who had indeed been moved from one place to another – rather than from a wider range of children who included young people that had moved away but who had not ended up in the control of traffickers or others who exploited them. For example, among the many NGOs around the world whose efforts focus on children who have moved away from their families and who are subsequently employed as domestic workers, there are some who oppose this form of employment for any children and others who concentrate on providing services to child domestic workers, knowing that some are relatively content in their work, only denouncing exceptional cases of abuse. Many NGOs belonging to the first group are located in countries where children are recruited very young (before the age of ten) and treated harshly, which understandably leads them to the conclusion that it would be better for the children concerned to stay at home and not to migrate to work in the first place. Others in the second group know of adolescent domestic workers who say they prefer working to staying at home, even if they have to put up with hardships; in such cases it is clear that it is not the fact that an adolescent has moved or migrated that is the cause of the

and coping with emotions and stress. See: Child Rights Information Centre (CRIC/CIDDC), *Life skills education for prevention of trafficking in human beings: Evaluation Report*, Moldova, October 2004.

problem, so the NGOs do not try to prevent this movement from occurring – although they may discourage it before children reach a certain minimum age.

3.4 What needs preventing in the case of children on the move?

Many organisations that specialise in protecting children consider that children should be encouraged to stay living with their birth parents or in their community of origin for as long as possible, or until at least some point in their adolescence when they are reckoned to be mature enough to cope with life alone (which some think might be 18 years of age, while others would suggest 16 or 14 years of age, or even older, 21 years of age).

Over the past decade, millions of dollars have been invested in projects which are designed to encourage children to remain at home, in the expectation that children living at home will attend school and are more likely to complete their basic education than those who migrate away.

While the motives behind such initiatives seem excellent, they do not take into account of certain realities:

- (a) that millions of children continue to leave home and to seek a living away from home before reaching the age of 18, many of them when they are much younger. Such children are entitled to protection after they leave home;
- (b) that many children who remain at home do not live in ideal conditions and many who leave consider they have a good reason for doing so. Many do not have access to primary school (yet alone to a full basic education). Some (girls) are pressed by their parents to get married at the age of 12 or 13, not only truncating their childhood, but also exposing them to the health risks associated with childbirth at an early age. Many have to start work for their parents or for others at an early age. Many live in cultures which are dominated by older people, particularly older men, in which children control no material resources and have next to no say in decisions affecting their lives and their future. All these negative factors could be tackled in the long-term, but in the short-term they mean that some children may be better off moving away from home, rather than being persuaded to remain at home.

The project in West Africa which was mentioned earlier (which developed the concept of “mobile children”) came to a specific conclusion which may also apply to children in other parts of the world:

“...Analysis shows that the heart of the problem is not mobility *per se*, but the extreme vulnerability of children who are on the move. On the one hand, the circumstances and contexts in which children live and move outside the framework of the family are a source of many dangers; and secondly, the protection they receive from institutional actors (both governmental and non-governmental ones) and communities (whether it involves formal or informal protection) is insufficient, ill-adapted to their needs or inadequate.

“The mobility of children does not only raise worries about risks and vulnerability, but also creates opportunities and allows their personal development...The use of the concept of mobility and a better understanding of young people’s realities makes it possible to consider how to protect such children without systematically opposing children moving or incriminating everyone who plays a role along the way [providing them with some service or assistance]. The concept of supporting children by working alongside them⁹ emerged in theory and also practice, adapted both to the prevention of

⁹ The French term used here is “accompagnement protecteur des enfants”, which literally translated is

early criminal or dangerous mobility, and also to helping children on the move or children who return home after a period away.”¹⁰

This analysis implies that organisations which want to protect children from harm need to identify the numerous risks that children face after leaving their parental home, including inappropriate protection systems (so they can take action to reduce these risks) and that they should consult children who already have some experience of moving to find out what benefits they have acquired from moving, to see whether there might be ways of maximising these benefits. The particular method proposed, of “supporting children by working alongside them” is described in greater detail in chapter 8 below.

This analysis does not challenge the need to prevent children from being abused but suggests that,

- a. It is not necessarily appropriate to try and stop children from leaving home and migrating, even if they do so alone; and
- b. Rather than designing prevention activities in a narrow way, for example specifically to stop children being put into a ‘worst form of child labour’ or specifically to prevent them from resorting to prostitution for a livelihood, prevention programmes could aim to protect children in other ways, while they are ‘on the move’ and thereby reduce the likelihood that they will be exploited.

3.5 EXERCISE ON THE TERMS USED IN YOUR COUNTRY

After reading the comments in this chapter it is worth discussing them with your colleagues to see if you have different interpretations of the terms used.

This exercise is expected to take 35 minutes working in this group, followed by a period reporting back to others (so the total time needed depends on how many groups have to report back). A volunteer is needed to note key phrases which have divergent meaning on flip chart.

Divide into groups of three or four people – preferably people from the same country, but NOT individuals who usually work together. Read the following seven questions (allowing up to five minutes per question) about terms you might use in your country and discuss with others in the group.

1. Does the term ‘exploitation’ have a common meaning in your country, or more specific terms such as ‘sexual exploitation of children’ and ‘economic exploitation of children’?
2. What categories of child exploitation occur in your country?
3. Which categories of child exploitation does your organisation try to stop?
4. By ‘trafficking’ and ‘trafficked’, do you refer specifically to girls and women who are recruited into prostitution? Or to girls, boys, women or men who are recruited into various forms of exploitation?

‘protective accompaniment of children’, but which has been translated here by ‘supporting children by working alongside them’.

¹⁰ Olivier Feneyrol, *Quelle protection pour les enfants concernés par la mobilité en Afrique de l’ouest et du centre ? Nos positions et nos recommandations*, Projet régional commun d’étude sur les mobilités des enfants et des jeunes en Afrique de l’Ouest et du Centre, 2011 (*What protection is appropriate for children who are mobile in West and Central Africa. Our positions and recommendations*. Common Regional Project on the mobility of children and young people in West and Central Africa). The organisations involved in the project were: PLAN International (West Africa Regional Office), ENDA Jeunesse Action (Youth Action), the African Movement of Child and Youth Workers (MAEJT), the International Labour Office (ILO), The Terre des Hommes Foundation, the International Organization for Migration (IOM), Save the Children Sweden and UNICEF (West and Central Africa Regional Office).

5. Are all or some children who move away from home by themselves (i.e., not accompanied by a parent or family member) in your country considered to be 'trafficked'?
6. Do some or most children who move away from home in your country do so because they want to find a job or earn a living? If so, are they inevitably subjected to severe exploitation or do some find work that they find acceptable?
7. Can you distinguish between working children (or children who earn money) who experience exploitation and other working children who do not? If so, are there objective criteria based on the child's own experience, which enable you or others to make the distinction?

4 HOW TO ASSESS YOUR CURRENT METHODS FOR ASSISTING CHILDREN ON THE MOVE AND PREVENTING EXPLOITATION

Before you look at the rest of this handbook, it would be appropriate for you to take stock of what you and your organisation do that affects children on the move. If you are using the handbook in a systematic way to explore possible alternative methods to use, it would also be appropriate for you to identify how your own values and priorities affect the outcomes that you seek for children – and therefore influence the methods that you think it is appropriate to use. The exercises set out below are not intended to challenge your views or what you do, but rather to enable you to have an objective record that you can look at in the future in order to compare your views and activities at a later stage.

4.1 What methods does this chapter refer to?

The range of methods used around the world to try to protect and assist children on the move is very varied. Some methods are essentially preventive and are intended to prevent children coming into harm in the first place. For example, some aim to discourage children from leaving home or migrating over long distances by themselves. Some offer advice to young people on how to migrate in relative safety, indicating what major risks might be and suggesting how to reduce them. Some target employers and aim to reduce levels of exploitation, so that children earn a living in relatively acceptable conditions (and the word 'relatively' is important here, for what you reckon is acceptable varies from country to country and region to region around the world).

Some methods have both a preventive and protective component, for they involve offering services to young people who are on the move, which provide them with assistance but are also intended to prevent them coming to harm. For example, temporary accommodation is offered to young people arriving in a city or country for the first time or an NGO runs an information centre at a transit point that many young migrants pass through (such as a port, or railway or bus station), offering advice and sometimes more practical support.

Other methods are reactive and involve identifying children who are experiencing exploitation or abuse and reacting to their situation in various ways in order to protect them, for example, extracting them from the control of employers who are mistreating or exploiting them. Government agencies which react in such cases are able to offer children protection and also assistance, while NGOs are usually involved in providing such children with assistance in the form of various kinds of services: accommodation, meals, clothing, formal or non-formal education and vocational training (and sometimes assistance in returning to their place of origin). However, some NGOs are also involved in intercepting children on the move, using their own authority (rather than the power of the police or a government child protection service) to persuade young people to abandon their intended journey and to accompany NGO staff to a residential centre that they run.

What methods do you use and why? The exercises at the end of this chapter are intended to help you find out.

4.2 An example of one organisation assessing its methods and deciding to change them

The *Terre des hommes* Foundation had projects focusing on child migrants in four countries in West Africa: Benin, Burkina Faso, Nigeria and Togo. In Benin, in particular, it acquired

relevant experience during two high profile cases in which children who were reported to have been trafficked were returned to Benin: in 2001 they were returned off a ship, the *Etireno*, which had taken them to Gabon, but was then turned back; and in 2003 children from Benin who had been working at gravel pits near the town of Abeokuta, across the land border in neighbouring Nigeria, were taken back to Benin in lorries.

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

“Gradually we were led to rethink our intervention logic. Migration, like trafficking, is a process experienced by the child. In order to understand this experience, it seemed to us essential to stop focusing uniquely on one phase of what was occurring (the detection of abuse) and to intervene at various other points in the migratory process. We felt it was vital to understand why a child ends up so far from home, what sorts of different migrations occur, which children are most likely to migrate and, among them, who is at highest risk of being trafficked, exploited or ill-treated”.¹¹

In several countries, *Terre des Hommes* embarked on a process of identifying practices associated with child migration and employment which have a protective element - one that it might be possible to develop to become more effective and to protect children better. These practices have been referred to as ‘indigenous’ or ‘community-based practices’ or even ‘cultural practices’ and are generally associated with the informal economy, rather than being deeply rooted cultural practices.

For example, in West African countries it was observed that, when child migrants from rural areas arrived in a city, children seeking jobs routinely went to stay with someone from their own ethnic group or community (known in the region as a ‘landlord’ in English and a ‘*logeur*’ in French) who would help them find a job (and potentially also help them keep in contact with their relatives at home). While some organisations began denouncing such individuals as traffickers and brokers who contributed to the exploitation of children, there was evidence that these intermediaries contributed in no small way to keeping the children concerned safe and providing them with on-going forms of assistance. There was therefore potential to improve the protective role of these figures, rather than to regard them as criminals, drive them underground and end up reducing their protective role.

At the same time, observing how the top-down approach, intrinsic to many programmes against child labour and child trafficking in the region, had met with remarkably little success, the *Terre des hommes* Foundation started exploring whether there was potential for community-based systems to help protect children; that is, systems which build on and develop local cultural strengths, and are perceived by a local community to have a high level of legitimacy, rather than ones that are imposed on a community by the government (such as the various Village Vigilance Committees set up by government agencies, which intercepted child migrants and were largely regarded as a form of harassment by both adults and migrating children alike).

EXERCISES

There are three different exercises associated with this chapter. You may not need to carry out all of them. They are intended to help you understand your own organisation’s work:

¹¹ Terre des hommes Foundation (Togo), *Dreams and Dramas of the Akebou Girls in Accra*, Unpublished manuscript, page 5.

what you do, why you do it and how your actions change over time. Choose the exercises which appear to meet your needs.

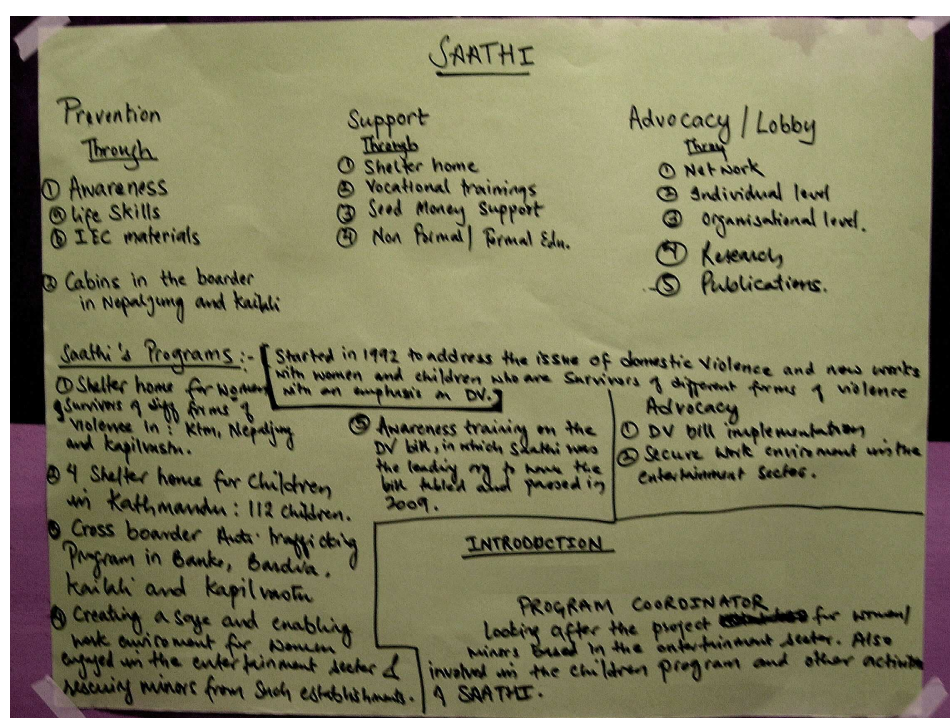
4.3 EXERCISE A: WHAT DO YOU DO?

What do you and your organisation do that affects children on the move? Working with colleagues from the same organisation, either write a list of the methods you use or draw a diagram to illustrate what you do.

Method 1

A list can use the headings mentioned above, distinguishing between methods that involve prevention (in which case be clear about what it is you intend to prevent), protection or assistance, though you may also use other methods, such as advocacy and lobbying.

Example of the activities that an NGO from Nepal attending the Kolkata workshop identified:

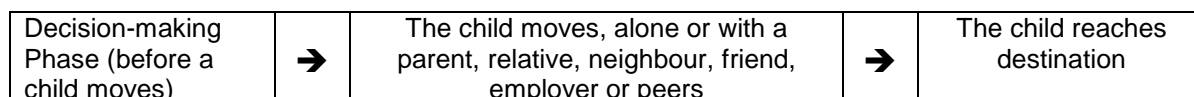


Method 2

Alternatively, you can draw a diagram that illustrates the different phases that children move through, based broadly on the model outlined in Figure 1. In this case, identify your organisation's specific activities that are relevant to each phase by including these on the flow diagram.

Materials needed: A large flip chart or other large paper on which to draw a flow diagram; coloured pens; card or separate, smaller pieces of paper on which to add extra information to your flow diagram.

Example from a workshop in Kolkata in May 2010. One organisation started its flow diagram by identifying the following three phases:



4.4 EXERCISE B: WHY DO YOU DO IT AND WHY DO YOU USE PARTICULAR METHODS? (WHAT ARE THE KEY VALUES AND PRIORITIES THAT MOTIVATE YOUR ORGANISATION'S ACTIONS?)

The aim of this exercise is to ensure you are aware of the key considerations behind the actions you organise that affect children on the move.

Because the focus is on an organisation's values and priorities, it would be appropriate for four to five members of the same organisation to carry out this exercise together. However, people from different organisations could work together in the same group, scoring their own organisation separately and thereafter comparing results with others in the group. The exercise is in two parts: Part A on why your organisation intervenes for children (which should also enable you to assess your flexibility in adopting different methods) and Part B on the reasons you use particular methods. Both parts of the exercise involve discussion among the group and there are no 'right' or 'wrong' answers. Allow 40 minutes for the whole exercise. There is no need for each group to share its findings with others, unless you all belong to the same organisation and want to compare your results.

A. The beliefs underlying your actions

Discuss whether there is one or more source of motivation for your organisation's actions and whether this has implications for the type of actions for children that you undertake. Such motivation may be intrinsic to the organisation's aims or it may lie within the individuals who work for the organisation. For example, do some or all of you have:

- a) A belief that people from better-off backgrounds (or countries) should assist poor and needy children?
- b) A religious belief that children should be protected from harm?
- c) A commitment (for whatever reason) to universally recognised human rights?
- d) An obligation to carry out work that you are contracted to by government or by a donor?
- e) A determination that a particular form of abuse or exploitation should be brought to an end (e.g., the recruitment of children into the sex industry or as soldiers or into hazardous jobs)?
- f) A feeling that everyone is entitled to the best out of life?

Your motives might be quite different. Whatever they are, do they have particular implications for the methods you use (as in the case of 'd' in the list above)?

B. Your hopes (and priorities) for children

Look through the following list and allocate a score to each point, from 0 to 10, with '0' signifying that you pay no attention at all to the point, and '10' signifying that it is extremely important for your organisation. Once you have scored each point (by circling the number in the right-hand column which appears appropriate), the group should discuss whether these priorities have an effect on the methods you currently use.

Table 2 Scoring your wishes and priorities for children

A wish to keep children safe.	0<---1--2--3--4--5--6--7--8--9-->10
A wish to enable children to exercise their rights and to realise their dreams.	0<---1--2--3--4--5--6--7--8--9-->10
A wish to stop children being exploited.	0<---1--2--3--4--5--6--7--8--9-->10
A wish to enable children to express their views and participate in decisions that affect them (decisions by their family, community and also	0<---1--2--3--4--5--6--7--8--9-->10

government policy and wider public opinion).	
A wish that all children should complete a basic education.	0<---1--2--3--4--5--6--7--8--9-->10
A wish that children should continue to live at home with their family, until they reach a minimum age (such as 14, 16 or 18).	0<---1--2--3--4--5--6--7--8--9-->10

After you have scored the list, discuss the results in your group (15-20 minutes). What wishes were ranked as highest priority and what does this imply for the methods that your organisation uses that affect children on the move?

4.5 EXERCISE C: HOW DOES YOUR ORGANISATION MODIFY ITS METHODS?

The aim of this exercise is to find out how your organisation learns from its experience and whether it has changed its methods as a result.

The exercise involves people who belong to the same organisation working in a small group for about 50 minutes. Please arrange for one person to chair or coordinate the discussion and one other to take notes. If you are in a meeting with people from other organisations, be prepared to give a 4-5 minute report back to the plenary.

1. What has your organisation modified, in terms of either prevention or assistance to children?

Please start by thinking by yourself about changes in your organisation's activities that have occurred over the past two or three years. If you cannot think of any changes in the methods used, try to identify changes in your working methods or other minor changes. Tell others in your group about examples of changes that have occurred.

2. How did you decide what modifications to make to the organisation's work?

How did you decide (or who decided) what changes to make?

- Was it based directly on the feed-back received from children or staff or others?
- Was it decided at a planning meeting of the organisation's managers or staff?
- Or by some other way?

The person taking notes is asked to give priority to reporting to the plenary about: (1) any methods used to find out about the effects on children of specific activities; and (2) the methods used to decide how to modify a particular activity, project or programme.

3. Were some changes made as a result of what you learned from children or others about the impact of your projects or programmes?

Please focus on changes which were made as a result of information that you received about the effects of your activities or programmes. You may have learned about these effects in a variety of ways, e.g., with staff noting what was happening and suggesting changes, or as a result of a visit by an external evaluator. Where did the information come from and what did it tell you?

Tell other members of your group how you obtained this feed-back. Was it as a result of:

- a) Staff noting what was happening and suggesting improvements in your work?
- b) Talking with the children concerned? (If so, was this by chance or as a result of a deliberate exercise to find out their views?)
- c) Talking to others? As in the case of 'b', did you (or an evaluator) seek the feed-back deliberately or did it come to you by chance?

- d) Other methods to evaluate or assess your activities?
- e) Some other way?

4. What was the nature of the feed-back you received on the organisation's activities or programmes?

Was all the feed-back positive or did some of it suggest that you needed to change what you were doing? If it was all positive, were you worried that children or others felt under pressure to praise your activities and not to comment critically? If it was critical, did you suspect the motives of those making the criticisms (such as badly behaved children) and conclude that it was reasonable to ignore their criticisms?

5 TAKING STOCK OF THE RIGHTS OF CHILDREN ON THE MOVE

Children on the move have the same rights as every other child under the terms of the UN Convention on the Rights of the Child (CRC) adopted in 1989. A conventional approach has been to focus on their welfare and to emphasise their rights to protection (from economic or sexual exploitation and from other forms of abuse). However, they have particular rights which have tended to be overlooked or which it may be a priority to enable children on the move to exercise. The CRC also indicates what priorities anyone making decisions that affect a child is supposed to follow (making the best interests of the child a primary consideration). This has major implications for any organisation seeking to influence children who are travelling by themselves or who reach a new country where they have no legal entitlement to remain.

5.1 The child's right to be heard

Article 12.1 of the CRC:

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”.

Since 1989 NGOs have taken a variety of actions to enable children to express their views, but government agencies have generally been significantly less active. However, even in the case of NGOs which encouraged children to express their views on issues affecting them, it often seems as if there was little link with the decisions the NGO made or the actions they organised.

Possibly in response to the inadequate ways in which children were able to exercise this right, in 2009 the Committee on the Rights of the Child, the body established by the Convention to monitor how governments implement it, issued General Comment No. 12 on ‘The right of the child to be heard’.¹²

The Committee encouraged States “to consult with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence” (when referring to the right of the child to be protected from violence and the responsibility of States parties to ensure this right without discrimination). It called on them to pay “particular attention...to ensuring that marginalized and disadvantaged children, such as exploited children, street children or refugee children, are not excluded from consultative processes designed to elicit views on relevant legislation and policy processes”.

5.2 Assessing the best interests of the child

The CRC stipulates (article 3.1) that:

“In all actions concerning children, whether undertaken by **public or private social welfare institutions**, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (emphasis added).

¹² Committee on the Rights of the Child, General Comment No. 12 (2009), *The right of the child to be heard*, UN Document CRC/C/GC/12, 1 July 2009, paragraph 118, accessed in 2010 at <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.doc>

5.2.1 Obligations for NGOs and other organisations in contact with children

The words “public or private social welfare institutions” are highlighted because this is the status of government-run child protection agencies and NGOs that provide accommodation for children or arrange protection or assistance for children, confirming that such NGOs (as well as government-run agencies) have a legal obligation to make the best interests of the child a primary consideration in all actions that concern either an individual child or a group of children. In principle this applies both to decisions made that concern an individual child who is being looked after in residential accommodation and preventive actions that are intended to influence a wider group of children (such as actions to prevent adolescents being exploited). Under the CRC, States are also required to take children’s views into account in all matters affecting the child, in accordance with their age and maturity (article 12). This is relevant when decisions affecting the child are made by private social welfare institutions (i.e., NGOs), as well as public services, courts of law, administrative authorities or legislative bodies.

This in turn means that these institutions (including NGOs) should have procedures for deciding what action is most likely to be in a child’s best interests and for taking the child’s views into account – for example, when providing assistance to a child or doing something else that affects a child.

5.2.2 Determining the best interests of children who have moved to a different country

The procedures that government agencies are supposed to follow when a child is identified in a country other than his or her country of origin have been the subject of comment by the Committee on the Rights of the Child and (in the case of children who apply for refugee status) the UN High Commissioner for Refugees (UNHCR). In General Comment No. 6 on the ‘*Treatment of unaccompanied and separated children outside their country of origin*’,¹³ the Committee noted that,

“In the case of a displaced child, the principle must be respected during all stages of the displacement cycle. At any of these stages, a best interests determination must be documented in preparation of any decision fundamentally impacting on the unaccompanied or separated child’s life” (paragraph 19).

The Committee has also stressed that, when children seek refugee status (i.e., in a country other than their own), States must ensure that, “whether unaccompanied or accompanied by his or her parents or by any other person”, they receive appropriate protection and humanitarian assistance. There is also an obligation on States to cooperate in efforts “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”.

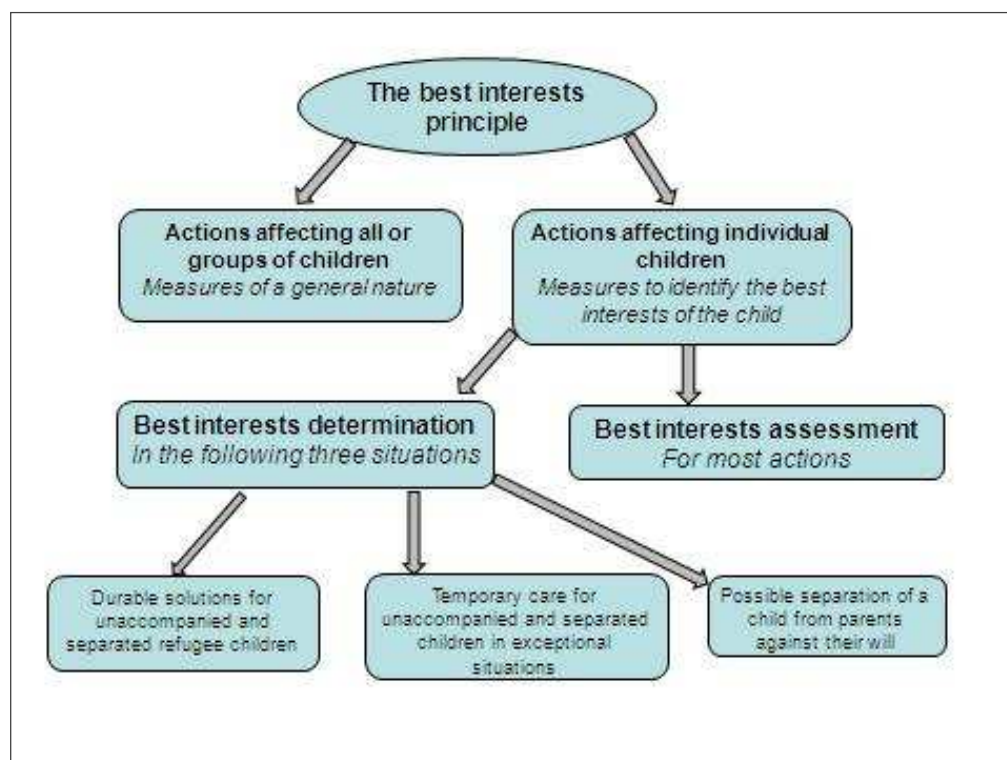
The UNHCR has developed a series of procedures to enable the authorities in countries where children seek asylum to work out what is in the best interests of an individual child, prior to making a decision about their future. This is known as a ‘best interests determination’ (BID).¹⁴ In most industrialised countries there are relatively well established

¹³ Committee on the Rights of the Child, General Comment No. 6 (2005), *Treatment of unaccompanied and separated children outside their country of origin*, UN Document CRC/GC/2005/6, 1 September 2005, accessed in 2011 at [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)

¹⁴ See UNHCR *Guidelines on Determining the Best Interests of the Child*, May 2008, accessed in 2011 at <http://www.unhcr.org/refworld/pdfid/48480c342.pdf>. In line with the Convention relating to the Status of Refugees, the Guidelines emphasise the principle of *non-refoulement*, i.e. that neither a child nor adult who is a refugee may be returned to the country where they fear persecution.

systems for responding when unaccompanied children from other countries arrive, particularly if the children concerned chose to seek asylum (which is often the only way for a child from a developing country to stay legally in an industrialised country). However, the systems and procedures that are used are not necessarily consistent with the UNHCR's procedures: in particular, they do not necessarily make the best interests of an individual child applying for asylum a 'primary consideration' when a decision is made.

Alongside a 'best interests determination', the UNHCR has recognised that there are other circumstances in which decisions have to be made, which have less drastic impact than decisions on whether to grant a child asylum or not and whether a child should be returned (to his or her country of origin). It calls these a 'best interests assessment'. It illustrates the differences in the following diagram:¹⁵



5.2.3 Ensuring a child's best interests are a primary consideration when children move within their own country

Similar principles to those developed by the UNHCR need to be applied in quite different circumstances when key decisions are made that affect the long term future of a child, in particular decisions about whether a child who has travelled away from home should be reunited with his or her parents, placed in alternative care or supported in independent living. In principle, it is government child protection services or courts which have legal responsibility for making such major decisions, but in areas where government is weak other organisations sometimes play an important role. Further, it is often NGOs which provide front-line services to unaccompanied and separated children and which end up, whether they like it or not, making decisions that have a major impact on a child. For example, in many parts of the world, government agencies and even NGOs aim to 'rescue' and 'save' children who are being abused and to place them out of harm's way, in temporary residential accommodation. Others take more proactive action and aim to intercept children on the move before they end up in a situation where they might be exploited or abused. It is

¹⁵ UNHCR *Guidelines on Determining the Best Interests of the Child*, May 2008, page 22.

usually the view of such organisations that their intervention is unquestionably in the best interests of the children concerned. However, once an NGO either takes control of a child or makes decisions which substantially affect a child (for example, to help the child return home, or to refer the child to a residential centre), article 3 of the CRC means that the NGO has a legal obligation to make the best interests of that child a primary consideration in its actions and decisions. This in turn means that it should 'document' (i.e., keep a record) of what the decision was and what factors were taken into account in reaching the decision.

One NGO, Save the Children, has published a toolkit on this topic: *Best Interests determination for children on the move: a toolkit for decision-making*.¹⁶ This includes an eight-page 'Best Interest Assessment Form' (for temporary care arrangements and assessing what durable solution is appropriate) and also a 60-page training manual on how to use the form. Based on its experience of coming into contact with children from other African countries who arrive in South Africa, the form that Save the Children prepared is not especially simple, containing 44 questions that are relevant to an assessment. The questions and procedures used will doubtless require modifying to meet the particular situations of children on the move in other parts of the world, but is an important first step in showing NGOs how to take their responsibilities for determining the best interests of the child seriously.

Save the Children describes the 'Best Interest Assessment Form' in the following terms:¹⁷

The 'Best Interest Assessment Form' is an instrument guiding the collection of information required from a child who has crossed international borders without appropriate care at the identification and registration phase. The tool is designed for collecting information which will enable social workers and other relevant authorities to decide on appropriate care arrangements in line with the best interests of the child. For the purpose of this toolkit, the different possibilities of care are classified as 6 categories of durable solutions.

Once the information required has been gathered, the toolkit offers a method for assessing the specific pieces of information that have been collected to reach a decision about where the child should live in the long term (a so-called 'durable solution'). The six durable solutions envisaged in the toolkit are:

1. "Immediate reunification with the family the child was living with in their country of origin;
2. Delayed reunification with the family the child was living with, following the rectification of certain issues, either in relation to their living environment or in addressing the child's need that cannot be addressed at home, regardless of reason;
3. Alternative care in their country of origin with a suitable caregiver within the extended family who is able and willing to look after the child;
4. Alternative care in South Africa with a suitable caregiver within the extended family who is able and willing to look after the child;
5. Supported independent living or placement into place of safety in South Africa for children that are unable or unwilling to return to live with family or alternative caregivers in country of origin;
6. Foster care for younger children that are unable or unwilling to live with family or alternative caregivers in their country of origin".

¹⁶ Save the Children UK South Africa Programme, September 2010. This was accessed in 2011 at <http://resourcecentre.savethechildren.se/content/library/documents/best-interests-determination-children-move-toolkit-decision-making>. Organisations consulting this toolkit are invited to forward their comments on it to Save the Children by e-mail, to mvanzy1@savethechildren.org.za

¹⁷ Save the Children UK South Africa Programme, *Best Interests determination for children on the move: a toolkit for decision-making*, page 11.

5.2.4 The challenge of balancing a child's right to protection with other rights

Assessing what is in the best interests of a particular child is not easy. If there is any possibility of family reunification, it means that information about the potential situation at home has to be obtained and assessed. In all cases, it means exploring with care the implications of the various options that are available for the child, in effect predicting what the results of the various options are likely to be (and identifying any risks associated with them).

In most parts of the world, it is still reported to be rare for NGOs to have developed a formal procedure for making a 'best interests assessment' for individual children or to help them judge which of the various options open for a child is the most appropriate. On the whole, NGOs have given priority to protecting children from harm, rather than enabling them to exercise other rights (for children have a right to various forms of protection, under the terms of the CRC, as well as rights to a range of freedoms).

Balancing best interests of the child with rights of others

The UNHCR has observed that the interests of a child sometimes conflict with those of others. For example, it has observed that, "the placement in a foster family of a child suffering from tuberculosis may well be in his or her best interests in the short term, but may lead to infection within the family, if placement takes place prior to treatment".¹⁸ In exceptional cases such as this, a decision may be made to override best interests considerations, in which case it ought to be carefully analysed and documented.

Balancing some rights against others

Taking a human rights approach to any decisions, including best interests assessments, means recognising that not all the rights that a person has can be given equal priority (or, in the case of a child, all the rights contained in the CRC). Some, such as the right to life (sometimes described as the 'right to survive') evidently deserve more priority than others.

Balancing a child's aspirations (to migrate and earn a living) against the risks that might be associated is a challenge. Giving priority to protecting children from harm has sometimes meant that children have been prevented from leaving their villages (to migrate) despite their wish to do so (or even despite the harm they experience while living at home), intercepted while in transit on the way to somewhere where they intend to find a job or obliged to travel more clandestinely than in the past in order to avoid the attention of police or others who want to 'protect' them. Some NGOs take part in a project or programme which requires them to react in such ways. Others find it easier to adopt a 'one-size-fits-all' solution (such as a policy that child labour is unacceptable and children should be prevented from starting work before reaching a certain minimum age), rather than carrying any sort of individual assessment about what course of action is in the child's best interests.

Contradictions in which considerations of issues other than the child's best interests have been given priority are most visible when cases reach court, particularly cases in which immigration officials or lower courts have ordered a child (or a child's parent) to be returned to his or her country of origin. For example, in February 2011, the United Kingdom's Supreme Court issued a clear judgment recalling that the best interests of the child must be paramount and that the children concerned should be consulted for their views.

In this case the authorities were proposing to deport the children's mother, who was not a British citizen, while her two children were British citizens and had a right to reside in the United Kingdom. The judge commented that, if deported, the children would "lose the advantages of growing up and being educated in their own country, their own culture and

¹⁸ UNHCR *Guidelines on Determining the Best Interests of the Child*, May 2008, page 76.

their own language".¹⁹ She also commented that, while the best interests of the child can be outweighed by the cumulative effect of countervailing considerations, such considerations in this case were not the fault of the children.

United Kingdom Supreme Court judgment in 2011

The case concerned the appeal of a mother (not a British citizen) to the Supreme Court on the ground that her removal from the United Kingdom would constitute a disproportionate interference with her right to respect for her private and family life, guaranteed by article 8 of the European Convention on Human Rights. The over-arching issue in this case was the weight to be given to the best interests of children who are affected by the decision to remove or deport one or both of their parents from the United Kingdom. An earlier judgment had concluded that removing the mother would be in accordance with the law for the purpose of protecting the rights and freedoms of others (i.e., in accordance with the intentions of the country's legislation on immigration matters, allowing the exclusion of non-citizens). The only question was whether it would be proportionate. In the Supreme Court judgment, it was argued that the first consideration must be the child's best interests and only then should other factors be balanced against this. The judgment referred to a previous judgment in Australia, noting that. "This did not mean (as it would do in other contexts) that identifying their best interests would lead inexorably to a decision in conformity with those interests. Provided that the Tribunal did not treat any other consideration as inherently more significant than the best interests of the children, it could conclude that the strength of the other considerations outweighed them. The important thing, therefore, is to consider those best interests first".²⁰

More general information about the 'best interests of the child' and what actions are necessary to ensure that organisation's protecting or assisting children respect this principle is available in a number of publications and on a number of web-sites.²¹

5.2.5 Assessing possible risks to the security of a child on the move

The CRC does not make any reference to 'risk assessment' or to a child's right to be the subject of a formal risk assessment in particular circumstances. However, when commenting on the procedures that the authorities should take when they are contemplating returning a child to a country other than his own her own, the Committee on the Rights of the Child emphasised that the cases of separated or unaccompanied children must be the subject of individual assessment, involving a risk assessment that focuses on "safety, security and conditions" and of the "availability of care arrangements" (General Comment No. 6, paragraph 84).

Finding out about the security situation in any place where a child might be relocated and identifying any particular threats that an individual child might face is important for all children. In the context of making decisions about children who have been trafficked, a UNICEF Reference Guide emphasises the importance of a 'security assessment' (which in many circumstances may be part of a general risk assessment). It says:

¹⁹ Public Interest Law Alliance (PILA), 'UK Supreme Court says best interests of citizen child paramount in deportation case', 9 February 2011, accessed at <http://www.pila.ie/bulletin/latestbulletin/2011/02/09/uk-supreme-court-says-best-interests-of-citizen-child-paramount-in-deportation-case-irish-high-court-grants-leave-for-mother-to-appeal-deportation/>

²⁰ ZH (Tanzania) (FC) (Appellant) v Secretary of State for the Home Department (Respondent), case reference [2011] UKSC 4, judgment on 1 February 2011, accessed on 20 April 2011 at http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0002_Judgment.pdf

²¹ For example, see: Jean Zermatten, *The Best Interests of the Child. Literal Analysis, Function and Implementation*, Institut international des droits de l'enfant, Working Report 2010, accessed in 2011 at http://www.childsrights.org/html/documents/wr_best_interest_child09.pdf

“The security assessment focuses primarily on possible threats to the child or her/his relatives from traffickers and their associates. As such it considers security threats that are specific to a child who has been trafficked and those affecting any children returning to the child’s country of origin. For this purpose, the relevant social service or child welfare authority in the country in which a trafficked child is located should collect information from law enforcement officials or an intelligence agency involved in law enforcement in the child’s country of origin, or from an international police organization”.²²

5.2.6 Considering the risks associated with the options open to a child

If one option under consideration for a child is to move the child to live elsewhere, it is important to find out in advance what arrangements would be available to care for the child and whether these are adequate. In the context of making decisions about children who have been trafficked, the same UNICEF Reference Guide explained that,

“**Risk assessment** explores the circumstances of the home and community to which the child is likely to return, in order to assess whether it is in the child’s best interests to return there. Initiated by the same social service or child welfare authority wherever the child is located, it requires information from an agency in the child’s country of origin, which is familiar with the child’s family or the home of the person who is going to take responsibility of the child (or the institution which is going to do so) and the surrounding community”.

Likewise, it is important to assess the risks of not moving the child elsewhere, but of placing the child in alternative care on a long-term basis, for example in residential accommodation run by an NGO. Needless to say, virtually every organisation which runs an institution providing short- or long-term accommodation for children is proud of its service and assumes that living in this accommodation is going to be in a child’s best interests. For this reason, it is particularly important in such circumstances that the child should be advised by someone independent who is able to make a genuinely objective assessment of the options available. In the case of unaccompanied and separated children in a country other than their own, the Committee on the Rights of the Child has stressed the importance of appointing a guardian for each child.

In practice organisations making decisions that affect children (particularly individual children) must assess the risks associated with different options virtually every time they are involved in choosing a course of action option that affects the child.²³ In principle, this is essential so that no action taken by an organisation puts a child into harm’s way or causes more harm than good. In order to determine what course of action is in a child’s best interests, it is frequently necessary to assess what risks the child is exposed to in order to see which course of action offers the minimum risk. The period of time which a risk assessment should review (concerning what is likely to happen to a child in the future) is undefined, but it certainly covers the period that immediately follows the implementation of any new course of action affecting a child.

²² UNICEF (Regional Office for CEE/CIS), *Reference Guide On Protecting The Rights Of Child Victims Of Trafficking In Europe*, Geneva, 2006, page 81, accessed in 2011 at www.unicef.org/ceecis/protection_4440.html

²³ For example, choices such as, ‘should the child be reunited with her/his family or ‘should a child who has been subjected to abuse be encouraged to stay with the employer who was responsible for this abuse, if the employer guarantees not to repeat the abuse, or should the child be moved elsewhere’.

5.3 EXERCISE TO SEE WHAT RIGHTS IT IS A PRIORITY TO RESPECT FOR CHILDREN ON THE MOVE

This exercise involves identifying rights which are particularly relevant to take into account when planning actions to protect children who might leave home or who have left home and are separated from other family members or unaccompanied

Carry out this exercise in pairs - with a person sitting next to you. Spend up to 30 minutes discussing the following questions and note your answers on a flip chart or paper so that you can share them with colleagues,

1. What particular children's rights does your organisation take into consideration when deciding what actions to undertake that affect "children on the move"?
2. Do you think any of your organisation's activities have been based on the views expressed by children? Have any of your activities been modified on account of views expressed by children? In each case, which activities? And in what way did children's views affect your organisation's activities?
3. Does your organisation have any procedure for assessing a child's best interests (or deciding what course of action is likely to be in the best interests of a child you are in contact with and intend to assist)?
4. How does your organisation decide on the course of action when there are disagreements or an apparent contradiction between what a child says she or he wants and what staff in the organisation think would be appropriate?
5. Does your organisation have any procedure for assessing the risks to which a child is exposed (or would be exposed if you adopted a particular course of action affecting the child, such as reuniting the child with her/his family)?

If your organisation does not come into direct contact with children, please consider what answers you think might be appropriate for organisations that do have direct contact with children.

If your organisation is in direct or indirect contact with children who have left their country of origin and arrived in your country, consider whether any of the standard procedures that are followed with respect to such children (such as checking their identity, finger prints or precise age) might not be in their best interests.

6 HOW TO FIND OUT WHAT CHILDREN ON THE MOVE WANT OR NEED

6.1 Why listening to children on the move is important

Children generally find it difficult to get their voices heard (and their views taken into account) by adults who are policy-makers or decision-makers, either in organisations or in government. Many children on the move are among the “marginalized and disadvantaged children” whom the Committee on the Rights of the Child felt were even less likely to have their views heard and taken into account than other children. There have been a few, well publicised efforts to enable children from particular groups, such as working children or refugee children, to express their views at international conferences. However, on the whole it remains true that they are either given no opportunity to express their views or, even if they are, their views are ignored. In contrast, a human rights approach to children on the move makes it a high priority to find out what these views are and to take them into account

when considering what measures to implement that would affect such children.

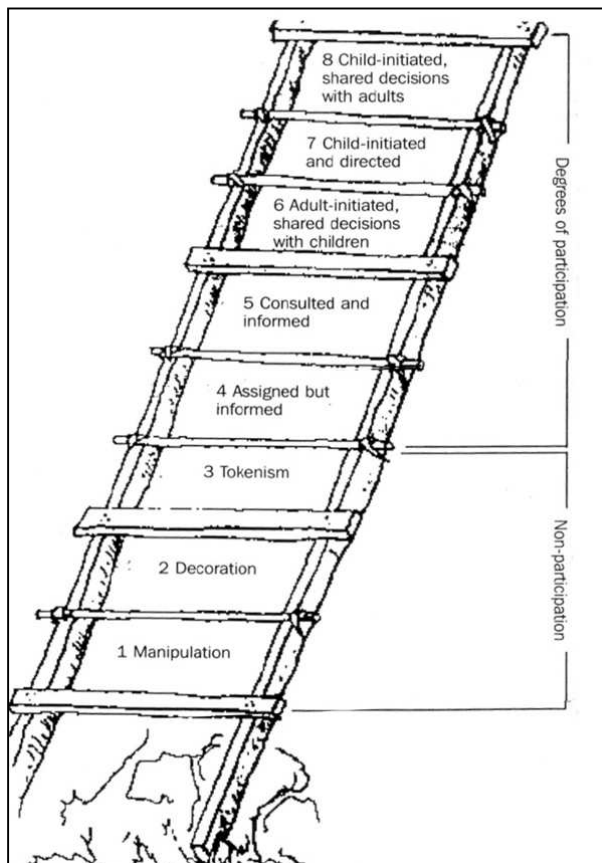


Figure 3 Roger Hart's Ladder of Participation

6.2 Ways of consulting young people who have experience of 'being on the move'

Over the past two decades (since the CRC was adopted in 1989, including its article 12 that guarantees children the right to express their views freely in all matters affecting them), organisations working with children have experimented with a wide range of methods to enable children of different ages and different levels of maturity to formulate their views and to express them.²⁴ This has been part of a broader effort to enable children 'to participate' in activities that affect them, rather than to be the object of decisions made by adults and activities organised by adults.

Even so, there is no single method that is appropriate for all children and in all countries.

²⁴ See, for example, the following three publications: (1) International Save the Children Alliance, *So you want to consult with children? A toolkit of good practice*, 2003. Accessed in 2011 at <http://www.savethechildren.net/alliance/resources/publications.html#participation>; (2) Alejandro Cussiánovich Villarán and Moisés Bazán Novoa, *The experience of self-organisation. What is this thing called participation?* Terre des Hommes Germany, Cochabamba (Bolivia) 2009; (3) Regional Working Group on Child Labour (RWG-CL), *Learning to Work Together. A handbook for managers on facilitating children's participation in actions to address child labour*, Bangkok, 2003. Accessed in 2011 at <http://www.globalempowerment.org/policyadvocacy/pahome2.5.nsf/allreports/116F93D9CA221A7388256E7D0006E2CD?OpenDocument>

6.2.1 Challenge Number 1: Avoiding tokenism

A distinct challenge when consulting children or encouraging their participation is to find a method which allows them to express their real views (rather than saying what they believe is expected, to please others). When encouraging children to participate, it is clear that some initiatives actually manipulate children. Figure 3, prepared in the early 1990s,²⁵ illustrates eight rungs on the 'ladder of participation', ranging from manipulation and tokenism at the bottom, to fully child-initiated decisions and actions at the top.

Organisations that encourage children's participation can score their performance on this scale from 1 to 8. Some research conducted by NGOs with children on the move appears to represent one of the rungs labelled 'non-participation' in Hart's ladder (rungs 1 to 3). More participatory NGOs programmes reach rungs 4 to 6 (i.e., they are not child-initiated or child-led). However, some NGOs also cooperate closely with child-led organisations, such as working children's organisations.

At a minimum, a participatory approach should enable children "to speak out and, if necessary raise problems and issues". The author of several Save the Children reports about children in Myanmar (Burma) and South East Asia included this as the first of four key ways of enabling children to participate:

"Children's participation is defined here simply as children:

- Expressing their views – being able to speak out and, if necessary raise problems and issues;
- Being consulted – adults going to find out children's views, ideas and opinions;
- Being involved in decision making – children making decisions individually and in groups, and sharing decision-making with adults. They make decisions on issues in their personal lives, in the lives of their families and communities, and in organisations (such as school);
- Taking action to respond to particular issues and problems, based on their own views and decisions, and sometimes with support of adults."²⁶

6.2.2 Challenge Number 2: Being careful about how you interpret the views of an unrepresentative sample of children on the move

It is logical that organisations that work closely with children who have been exploited or subjected to other abuse should encourage these children to express their views and to participate in planning or evaluating the organisation's activities. However, if all of the children who are consulted have experienced exploitation, it would be incorrect (or even dangerous) to assume that their experiences are representative of all children who have experience of moving.

6.2.3 Methods that enable 'children who have moved' to express their views

A variety of methods are available to enable children who have the experience of moving to describe their experiences and to comment on what was (or was not) done to assist them at various times.

At the workshop organised in Bangkok in November 2010 by Asia ACTS, NGOs from seven countries in Southeast Asia set out to share the experiences of children on the move whom

²⁵ See: Roger Hart, *Children's Participation: From Tokenism to Citizenship*. Innocenti Essays No. 4, UNICEF Innocenti Research Centre, 1992; and Roger Hart, *Children's Participation: The Theory and Practice of Involving Young Citizens in Community Development and Environmental Care*, London, Earthscan Publications, 1997.

²⁶ Andrew West and others, *Children know so many things even we didn't know: Consultations and Children's Participation in Myanmar*, 2009, pages 7 and 8.

they had encountered (and who, in most cases, had been assisted by their organisation). Only one of these children was present at the workshop (he was resident in Thailand), so the other presentations were all indirect: various methods had been used in the run-up to the workshop to enable children to record their experiences and views in ways that could be shared (confidentially) with the workshop participants. These included:

- Video-recorded interviews with the children, mostly with sub-titles (in English) translating what they had said and some using 'story boards' in English to summarise children's comments; and
- Posters and other pictorial representations of the children's experiences (see Figure 4).

Figure 4 Posters prepared by young people to illustrate their experiences while 'on the move', for a workshop in Bangkok



Not surprisingly, many of the children who had been trafficked expressed the view that they would have been better off remaining at home, rather than setting off to earn a living or find a better life.

To find out in greater detail whether particular agencies which are supposed to help protect children (such as police or immigration officials/border guards) had played a positive or negative role from the point of view of children on the move, this sort of general consultation is probably not enough. It may be appropriate to involve a professional (maybe an adult) who can prompt children in a sensitive way to talk about

periods of their journey which they are not happy to talk about in front of other children or in public. This is particularly relevant for children who have experienced sexual abuse or sexual exploitation, but may also apply to children who resorted to theft or other illegal activities in order to survive.

6.2.4 Finding out about positive experiences as well as abuse

Organisations which are in routine contact with groups of young people who have experience of being 'on the move' but who have not necessarily been subjected to serious abuse, such as organisations providing services to street children or child domestic workers (or children working in other specific sectors), are more likely to be in a position to collect more neutral information about both the positive and negative experiences that the children concerned have had.

For example, an NGO operating in Lima, the capital of Peru, published the results of a consultation with children employed as domestic workers in three cities in Peru.²⁷ While most of the focus was on their experiences after starting work (including both positive and negative experiences), the consultation also asked children about how they had been recruited. Virtually all those consulted were adolescent girls and many had managed to get

²⁷ Asociación Grupo de Trabajo Redes, *No Somos Invisibles (We are not Invisible). Resultados de consulta a trabajadores infantiles domésticos (TID) y ex trabajadores infantiles (EXTID) en Perú (ciudades de Lima, Cajamarca y Pucallpa)*, Lima, 2004.

time off work to attend education classes (in particular after arriving in the capital to work there) and spoke positively about the opportunities this had opened up.

A variety of methods can be used to consult children who are not in routine contact with any organisation (both those who are in the process of travelling, whom are relatively difficult to contact, and those who have arrived at a destination and are either looking for work or already working). In each case, it is essential to take into account whether the children represent a broad cross section of all children on the move in a particular place, or whether the way they are selected is likely to introduce an automatic bias into their opinions. It is also important to take into account that some children view as acceptable or 'normal' patterns of behaviour which child protection professionals are trained to consider highly abusive – such as adolescent girls resorting to transactional sex (in which the girl gets some direct benefit) or earning a living off earnings from commercial sex. In such situations, a participatory approach involves talking to children (and other members of their community) about their experiences, rather than making moral judgements or trying to impose standards from outside. This seems to be a challenge which is frequently not handled properly by NGOs or other organisations.

Organisations which are in direct contact with an unrepresentative sample of children on the move (such as those who have been trafficked) may want to find out what the experiences of other children have been, in order to assess how typical the experiences were of the children they know.

For example, you could contact other organisations which are also in contact with children who have migrated or moved (particularly organisations which deliver services, such as non-formal education or vocational training, or which run clubs or drop-in centres for such children) to ask if they have already collected information about the experiences of the children they encounter – or would like to do so. While it would be inappropriate to share testimonies or other accounts which divulge personal details about the children concerned (such as their names, addresses or other details that make it possible to identify these children), it would be reasonable to share 'anonymised' information (i.e., personal accounts with the personal details removed, so they are made anonymous).

In addition to talking to children, much useful information can also be obtained from young adults who have moved or migrated while they were children.

6.2.5 Child-led organisations

In some places children have formed organisations of their own or received advice and assistance from adults to form organisations which have later become child-led. A working children's organisation played a key role in the regional project in West Africa that developed the concept of "mobile children". This is the *Mouvement Africain des Enfants et Jeunes Travailleurs* (MAEJT), African Movement of Child and Youth Workers, an organisation of working children and adolescents established in 1994, which has its headquarters in Dakar (Senegal). At the beginning of the last decade the MAEJT started scrutinising the experience of children who migrated to find work and in 2004 it published a report on the topic of 'leaving home too early' (which in French was called 'premature emigration').²⁸ When a new initiative involving a range of other organisations started in West Africa in 2007, with the intention of challenging the tendency to label most cases of child migration in the region as 'child trafficking' and of understanding in more detail what the experiences of children who migrated within West Africa were, the MAEJT got involved. Two researchers worked with children belonging to the MAEJT in various countries to collect children's views about their experiences of migration and of working away from home.

²⁸ MAEJT, *Exode précoce et traite des enfants en Afrique de l'Ouest. Quelques actions des enfants et jeunes travailleurs de la sous région*, JEUDA 111-112, Dakar, 2004.

These were published in 2008,²⁹ providing one of the key sources of information about the experience of child migrants for other organisations in the region (not child-led ones) and challenging some of the assumptions on which donors and child protection organisations had previously based their work and the actions that they intended to benefit children.

6.3 EXERCISE A: ASSESSING YOUR ORGANISATION'S CURRENT METHODS FOR ENABLING CHILDREN TO EXPRESS THEIR VIEWS AND TO PARTICIPATE

This exercise involves a group of up to five people from the same organisation assessing the ways their organisation does (or does not) enable children to participate by using Roger Hart's 'Ladder of Participation' (see Figure 3). The time required will depend on the number of participants and different activities which are described and discussed: allow ten minutes for each separate activity (i.e., up to 50 minutes for five participants who each has a different activity to describe, allowing 10 minutes each). One person in the group should note the key conclusions of the group – about which rung of the ladder of participation a particular activity with children represents.

Rather than starting by making a general assessment of which rung of the ladder your organisation is on, start by asking each member of the group to comment on activities that involve or affect children with which she or he is familiar. These could be children receiving care, child asylum seekers, children attending non-formal education lessons or a youth club or children that your organisation is trying to influence in some other way. Each member of the group should:

- (1) explain to others what the activities are,
- (2) how children participate in the design, running or evaluation of the activity or are able to express their views on it, and
- (3) comment on whether the activity has been changed or adapted in the light of comments from the children concerned.

Others in the same group should then comment on what rung of the 'Ladder of Participation' they think the activity is on (asking further questions as they think necessary).

After each member of the group has had an opportunity to present a specific activity, the group as a whole should consider (a) what rung of the ladder the organisation is on, and (b) whether this is where the organisation intended to be or whether it should be trying to achieve a higher level of child participation.

6.4 EXERCISE B: IDENTIFYING NEW METHODS TO ENABLE CHILDREN ON THE MOVE TO EXPRESS THEIR VIEWS

This exercise should involve a group of five to eight individuals, preferably from different organisations working in the same country or area (but it can also work with people from the same organisation). The aim is to think creatively about ways in which you could find out about the experiences of children who have some experience of moving from one place to another. The exercise is likely to take at least 45 minutes (unless the group is very small), with more time required subsequently if there are others to share the information with.

²⁹ Dominique Gomis, and Moussa Harouna, assisted by 137 children. *Exode précoce et traite des enfants en Afrique de l'ouest. Où en sont Les Enfants et Jeunes Travailleurs ?* Mouvement Africain des Enfants et Jeunes Travailleurs (MAEJT), JEUDA 119, 2008. Accessed in 2011 at http://maejt.org/pdfs/jeuda_119.pdf. Also available in English: *Early exodus and Child Trafficking in West Africa. What progress have working children and youth made?* at <http://maejt.org/page%20anglais/pdfs/jeuda119anglaise.pdf>

First, each member of the group that works in an organisation with direct contacts with children should comment on whether she or he thinks these children are 'typical' of children on the move or represent a group which may have had untypical experiences (whether good or bad). After hearing from each member of the group, discuss whether collectively (i.e., sharing information from several different organisations) you think you have access to a set of children's experiences that is likely to represent those of all or most children on the move in your area, or whether particular categories of children are missing.

Secondly, hold a brain storming session to see what other methods the group thinks it might be feasible (and affordable) to use to consult other children. This would include contacting any organisations that represent relevant groups of children and also initiating new research (which might be costly). Pool your ideas and share them with other groups. Check at the end whether you have identified methods that would encourage children to talk about why they moved and what they want as a result of moving, rather than focusing rather narrowly on describing their experience.

7 HOW ELSE TO FIND OUT ABOUT THE EXPERIENCES OF CHILDREN ON THE MOVE

Consulting children (or others who are well informed about children's experiences) may be more fruitful if you already have a rough idea of what the range of experiences of children on the move has been. This chapter is intended to give you a way of identifying this, by building up a 'model', based on the flow diagram in Figure 1 ('Basic flow diagram to indicate the stages of a child's movement') in chapter 2.

7.1 Books, articles and documents describing children's experiences

In some countries, organisations or individual researchers have already written extensively about the experiences of children on the move. For example, in **Europe** the organisations that belong to the Separated Children in Europe Programme (SCEP)³⁰ have documented the experience of asylum-seeking unaccompanied or separated children and SCEP has been an important lobby pressing for improvement in procedures in European countries for responding to asylum-seeking children. In **South Asia** and **Southeast Asia**, the experiences of children who have been trafficked have been the subject of numerous publications.³¹ In both these cases, however, it is important to note that published information tends to focus on particular categories of children (refugees, asylum-seekers, trafficked, etc.), rather than children on the move more broadly. In **Central America**, the experience of child and adult migrants is relatively well documented, with a focus on the predatory activities not only of traffickers but a series of other criminals who extort money out of irregular migrants (with mass graves discovered of those who refused to follow the criminals' orders). In **West Africa**, the initial focus in the 1990s was on child workers who were supposedly trafficked, while the recent focus (described in section 6.2.5 above) has been on their mobility (both geographical movement and social mobility).

7.2 Charting the experience of children on the move on the basis of your existing knowledge

Once you have what you think is a reasonable minimum amount of accurate information, the time has come to put this into the form of a chart. This should help you see what you know and where the main gaps are.

Most organisations that are in direct contact with children on the move feel they know quite a lot about the recent experiences of such children – but may know much less about what happened to them early on, either before or after their journey started. They may also know relatively little about what happens to similar children later on in life.

7.3 EXERCISE: IDENTIFY SPECIFIC PHASES OR STAGES CONNECTED WITH THE WAY CHILDREN MOVE AND THE POTENTIAL RISKS AND BENEFITS FOR CHILDREN

Please work in a small group (up to five people) for one and a half to two hours on this exercise. The aim is to produce one or more flow diagrams, formed out of separate pieces

³⁰ See its website at <http://www.separated-children-europe-programme.org/index.html>

³¹ See Asia ACTS, *Aspirations and Explorations. Good practices of the Campaign against Child Trafficking in Southeast Asia*, Philippines, 2009.

of card or paper. You will have an opportunity at the end of the exercise to explain your flow diagram to others, rather than reporting to the plenary).

Part 1 of this exercise is to identify one or more common patterns in the way children move (e.g., when recruited from a village and taken to a city to work, or when migrating from one country to another, either to escape persecution or to earn a living).

Part 2 involves scrutinising the particular risks to which children are exposed in the different phases and also identify benefits they may obtain. You should aim to spend up to 45 minutes on each part of the exercise.

Part 1 – Identifying the usual phases in a child’s migration or movement

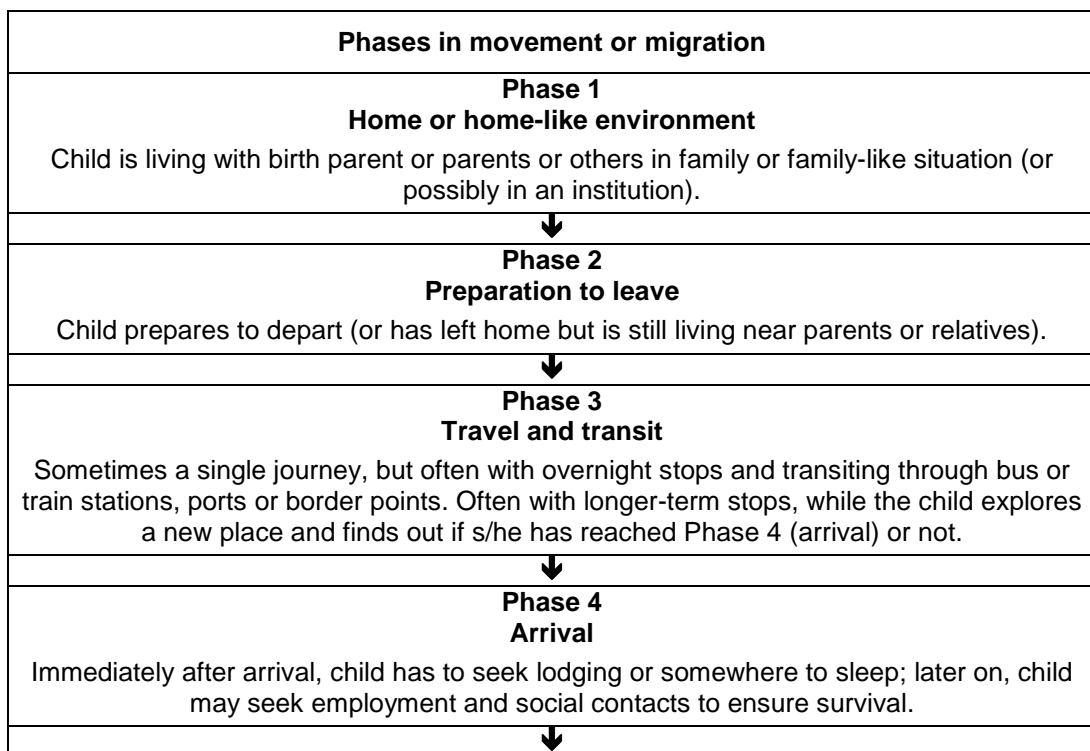
Develop a flow diagram of the stages (or ‘phases’) that a child passes through when moving away from home or when migrating. If members of the group are familiar with the same set of children, the group should produce a single flow diagram. If they each know children with quite different experiences, each member of the group may design a separate flow diagram, but this is likely to take longer.

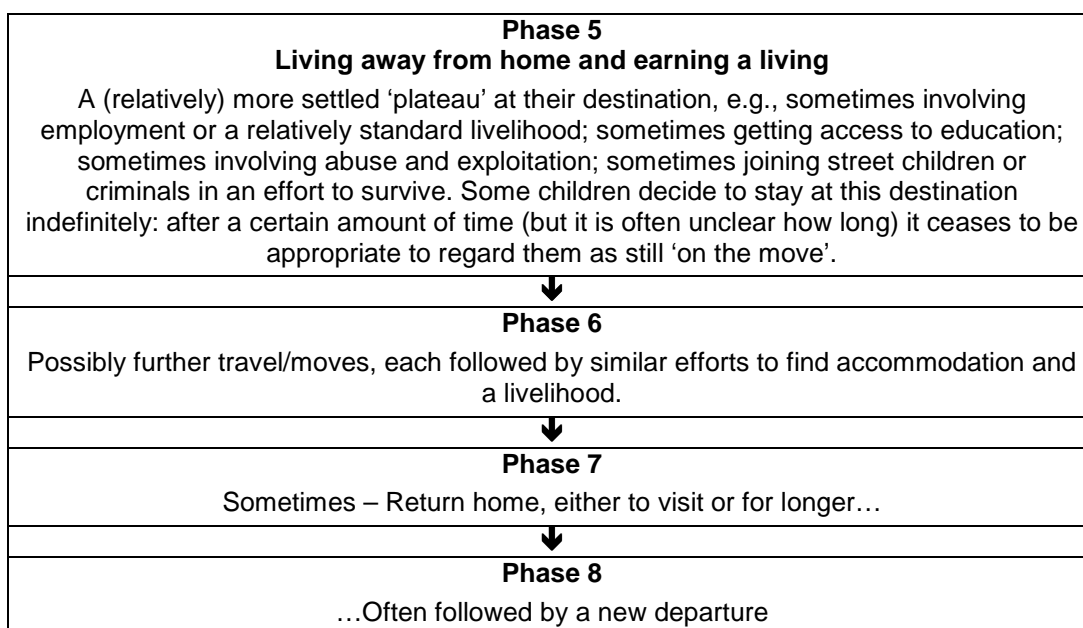
Use separate pieces of card or paper to illustrate each phase, writing on it what the phase represents. Place them on the wall (vertically or horizontally: it does not matter), leaving some space on either side to add further details in Part 2 (concerning the risks and opportunities to protect children or promote their chances of success).

In some regions of the world, the word ‘trajectory’ is used to refer to the path that children follow, implying both that they move between places and also that they develop and change along the way.

Are there common patterns in the way children move in the cases with which you are familiar? Are they the same for boys and girls, or for children of different ages and maturity? Look at the eight ‘phases’ in Figure 5 below. Is this diagram helpful or does it represent an ‘idealised’ world which is irrelevant to the children you encounter and the way they move and develop?

Figure 5 Examples of the stages or phases of a young person’s movement/migration





You may not conceptualise children's experience in this way, particularly if you are aware of recruiters or traffickers who lure children away from home, to take them elsewhere to be put to work or exploited. However, such children probably still experience these phases.

Consider whether the trajectories of different categories of children differ in a fundamental way, e.g., according to gender or age. The fact that some children have better or worse experiences does not necessarily mean that the overall trajectory is different: however, a trafficked child may get stuck in Phase 5 (for example, when subjected to commercial sexual exploitation or bonded labour) for longer than others.

If your organisation is involved in intercepting or rescuing children, you may not be aware what happens to other children who are not intercepted. While some may be exploited and remain in this situation for a long time, many others may experience abuse or exploitation for a relatively short time and then continue their journey through life in a more normal way.

Part 2

Once you have identified the trajectories, revisit the flow diagram to identify the risks and benefits that might be associated with each of the phases you have identified.

Note on a separate card (a different colour, if available, such as **red**) the potential **risks** that a young person might encounter and place this next to the card describing each phase. Also, on a separate (if available, **green**/other colour) card, note the possible **benefits** that a young person might encounter at this phase. See Figure 6 (below) as an example.

You should have 45 minutes or more to list risks and benefits. Please complete red and green cards (potential risks and benefits) for as many of the phases as possible. If 45 minutes is not enough time to list the risks and benefits associated with all phases, you could divide up the task among group members, with different people concentrating on phases that they know about. Try not to focus exclusively on the risk of abuse that children might experience. Consider the following as well:

- Examples of good outcomes for children who move;
- Examples of satisfactory outcomes for children who move;
- Examples of almost satisfactory outcomes for children who move;
- Examples of abuse and bad outcomes for children who move, which involve being trafficked;

- Examples of abuse and bad outcomes for children who move, which DO NOT involve being trafficked or exploited.

Figure 6 Examples of risks and benefits associated with the Phase 1 in the trajectory of a child on the move

Risks (examples)	Phase in movement or migration	Benefits (examples)
<ul style="list-style-type: none"> ☛ Domestic violence or abuse ☛ Forced or early marriage (mainly for girls) ☛ Not able or allowed to attend school ☛ Bullied at school (or sexually harassed) ☛ Drop out of school to start work prematurely ☛ Few or no work/entertainment opportunities near home (children are bored) ☛ Child is obliged to work with and for parents, but receives no direct remuneration ☛ Child has no option but to work for local landlord or a single employer ☛ Family cannot afford to look after child and puts pressures on child to move away and start earning a wage ☛ Abduction 	<p style="text-align: center;">Phase 1 At Home</p> <p>Child is living with birth parent or parents or others in family or family-like situation.</p>	<ol style="list-style-type: none"> 1. Socialisation 2. Learning values from family and community 3. Possibly attending school and getting school education etc. 4. Learning a vocation from a parent or relative 5. Contributing to the household economy in a variety of ways

Once you have completed Part 2 of this exercise, take a look at the flow diagrams prepared by others and note questions or explanations that you would like to ask them.

An exercise at the end of the next chapter invites you to revisit your flow chart to review the lists of potential risks and benefits associated with each phase of children's movement, in order to consider whether your organisation (or others) could or should take action to address these. While child protection measures have conventionally addressed risks of abuse, the aim is also to review the benefits and the possible action that you could take to make it more likely that such benefits will be available or to enhance them.

Figure 7 Flow diagram prepared in Bangkok, illustrating chapter 7's exercise and also the exercise at the end of chapter 8



8 WHAT IS AN APPROPRIATE WAY TO DECIDE ON ACTIONS THAT AFFECT CHILDREN ON THE MOVE AND WHICH ARE IN THEIR BEST INTERESTS?

8.1 The idea of protecting children while they move

32

The concept of the supporting children on the move by working alongside them (an alternative way of describing this would be to say 'providing a protective presence for children on the move') was introduced in section 3.4. The basic concept – that the most effective way of protecting children is to be physically present wherever they are – is not new. Organisations providing support to street children (and trying to protect them from harm or to limit the harm to which they are subjected) have used this method for a long time. Similarly, a review by the ILO's International Programme to Eliminate Child Labour (IPEC) in 2001 of efforts in five countries to stop children being trafficked or subjected to sexual exploitation concluded that it was essential to go "where the children are" in order to take effective action. Likewise, an NGO programme to stop children being trafficked between several countries in southeast Europe concluded in the early part of the last decade that it was necessary 'to work in parallel' to traffickers and to be as omnipresent as possible.

³² The French term used here is "accompagnement protecteur des enfants", which literally translated is 'protective accompaniment of children', but which has been translated here by 'supporting children by working alongside them'.

³³ ILO-IPEC, *Action against Trafficking and Sexual Exploitation of Children. Going where the children are ... An Evaluation of ILO-IPEC Programmes Thailand, Philippines, Colombia, Costa Rica and Nicaragua*, Geneva, 2001.

However, in the context of efforts to protect children who have left home and are on the move (whether still travelling or during their initial period of living at a new location), the concept takes on a particular meaning. In the case of children who decide to move voluntarily or who move away to get an education, the concept has been described as “supporting children by working alongside them, being able to trace them or track their movements and enabling them to survive, keep themselves safe, develop and be empowered”.

Summarising the experience of organisations using this approach in West Africa, Olivier Feneyrol reckoned this means pursuing four distinct lines of action:

1. assist children who move (or are likely to do so) in their decision making (including possibly deciding not to depart) and their efforts to survive and get access to their rights;
2. make it safe (or safer) for children to travel and then to settle somewhere safe; this includes ensuring they are not too isolated, that they do not have to live in any sort of clandestinity (i.e., hiding from the authorities, for example because they are irregular migrants and lack a legal right to be in the country or place where they want to stay), that they are not held in servitude, and that they are not trafficked or exploited;
3. ensure a rapid, effective, adequate and fair response for children on the move who need special protection measures;
4. maximise the opportunities that children have as a result of moving, notably to access education, local integration and personal development, making their best interests a primary consideration and also by offering them viable alternatives to moving.

These four lines of action each consist of a series of actions that child protection organisations can initiate or participate in together with young people. The idea, suggests Olivier Feneyrol, is to act in a discerning way, exercising good judgement, in agreement with the children concerned and their families to:

- identify and avoid forced departures and trafficking in children;
- offer alternatives to those children who do not wish to move away or engage in mobility;
- enhance children’s preparedness (to move) and provide support when they decide themselves to move;
- reduce the number of cases in which children leave home too early and too young, and embark on journeys which are dangerous or clandestine;
- prevent children on the move from falling into the hands of traffickers or being employed in any of the worst forms of child labour;
- support children on the move so that they benefit from having moved;
- support children, again by working alongside them, after they have experienced a phase of mobility.

Most organisations that already play a role in protecting children on the move or in trying to prevent children from being exploited are already familiar with some of these tactics. However, it is probably unlikely that they have tried to combine all of them together.

8.2 Examples of indirect activities to support children on the move or to prevent them being exploited

Rather than list the extensive options that exist to put the tactics outlined in the previous section into action, this section focuses on only a few, identifying activities which have an indirect effect rather than those which try to prevent children being exploited in a direct way

³⁴ « L’accompagnement, la traçabilité, le suivi ainsi que la survie, la sécurisation, le développement et l’empowerment des enfants [se déplaçant volontairement à des fins de travail et/ou d’éducation] ». Olivier Feneyrol, *op. cit.*

(such as conventional activities referred to as ‘awareness raising’, which involve providing children or adults about the realities of being trafficked and hoping this will enable them to avoid it). These examples are a variation on a set of options for preventing children from being trafficked and exploited, presented in a handbook published in 2006.³⁵

A. PREVENTION FOCUSED ON CHILDREN AT OR NEAR THEIR PLACE OF ORIGIN	
1.	Education and life skills. ³⁶
2.	In addition to urging children not to drop-out of school, provide them with (honest, i.e., based on evidence) information about the pro’s and con’s of doing so.
3.	Arrange or encourage income-generating activities near home for adolescents, notably those based on micro-credit or micro-grants and those intended to enhance the value of girls (in the eyes of their parents) who might otherwise be married off, e.g. making small amounts of capital available to them or setting up savings groups.
4.	Identify children who are at a disproportionately high risk of a particular form of exploitation or abuse (for example, of being trafficked) in order to target protection measures specifically on these children (and their households). For example, providing night shelters or evening drop-in centres for street children or girls living in slums without parental care at night; or financing housing for sex workers that is separate to their place of work, thereby ensuring that their children have a home to stay in and are not kept outside their home whenever their mother is earning money.
5.	Establish clubs/groups for children, particularly adolescent girls, to promote self-esteem and confidence among girls (or other groups of children known to be at disproportionate risk of being trafficked) and to enable them to take collective action on behalf of their peers, for example when one girl is believed to be at imminent risk of early marriage or being sent away to work when too young.
6.	Enable children to distinguish between adults whom they can <i>trust</i> and those they cannot (i.e., among relatives, friends and authority figures).

B. FOCUS AT THE COMMUNITY LEVEL	
1.	<p>Arrange for someone in the community to record details of departing children, whether or not the child has parental permission, either before or after departure, including departures for marriage. In particular, record details about the broker/recruitment agent (or husband) accompanying them (taking their photo, if possible), the planned destination or direction taken and any possible ways of contacting either the child or broker subsequently. The advantage is that a record of a child’s departure, coupled with information about whoever accompanied them, may help trace the child later on.</p> <p>Such personal details could be recorded by someone wielding formal authority in the community (e.g., mayors, village administrative heads or police), but there is a risk that they may use such a system for other purposes which do not benefit the child who has left, in particular when the local or national authorities have made it an offence to leave without permission. So, in the hands of a village official, registering departures may become coercive and be used to inhibit young people from fleeing domestic abuse; or it could become abusive (e.g., fining children who leave without permission). In such cases, this method would be counter-productive, actually imposing the authority of older people on children who may want to escape their dominance. An alternative is for a register of departures to be kept by young people themselves, either by a youth club or another organisation to which many young people belong.</p>

³⁵ Mike Dottridge, *A handbook on planning projects to prevent child trafficking*, Terre des Hommes International Federation, 2006.

³⁶ See earlier footnote 8 explaining what life skills consist of. Acquiring information about human trafficking and related abuse is not a life skill in itself.

C. CREATE SAFE ALTERNATIVES FOR CHILDREN INTENDING TO LEAVE HOME

1.	Create semi-independent living projects for adolescents who are determined to leave home, either near to the home they want to leave and in cities further away. Ensure these are available to children escaping from undiagnosed domestic violence.
----	--

D. PROVIDE INFORMATION ABOUT CONDITIONS LATER ON AND WAYS OF COMMUNICATING WITH RELATIVES OR FRIENDS AT HOME

1.	Help (older) adolescents to check offers of jobs which require them to migrate (e.g., in foreign countries or a long way from home) to find out if they are genuine or likely to be.
2.	Give adolescents accurate information about the situation in places to which people from their community are migrating (i.e. countering inaccurate propaganda).
3.	<p>When birth registration is uncommon or young people do not have any formal identity card issued by a government authority, provide each child with an informal identity document indicating, among other details, their place of origin. It is important to ensure that the information provided is accurate (as in some countries brokers falsify identity documents in order to entitle children aged under 18 to get jobs as migrant workers in another country where they are required to be aged at least 18).</p> <p>In the case of young people planning to travel to another country with an identity card or passport, point out the advantages of having a photocopy and explain how to get one made.</p>
4.	Provide children with mobile telephones or advice on using telephones to keep in touch with relatives at home. If the family or community has no access to a telephone, explore the possibility of setting up a telephone 'hub' elsewhere where someone can receive calls or messages and forward them to the family by either a messenger or other method.
5.	Give adolescents advice prior to the age of possible departure on how to remain safe, including places to stay, people to contact, techniques for remaining in contact with home (or alerting home that they are in trouble) including use of telephone help lines (such as CHILDLINE in India).

E. REDUCING THE LIKELIHOOD OF EXPLOITATION AT DESTINATIONS

1.	Identify the various agencies, intermediaries or brokers who find jobs for children, to see if they can be influenced to reduce the likelihood that a child will end up being exploited or working in harsh conditions. For example, is there a potential to introduce written contracts or to ensure that there are no hidden costs which are deducted from the wages of a child in a new job?
2.	Explore ways of reducing the isolation of young workers (for this is often reported to be a problem, with child workers having no time-off or forbidden to leave their place of work). This might include establishing a safe place for working children to go and influencing employers to allow them time off work to go there.
3.	Ensure labour standards are adequate to protect young workers (not just banning child labour but protecting young workers). In places where laws setting labour standards are widely ignored with impunity, work in particular communities or among particular employers to set minimum standards for what is regarded as socially acceptable, which are better than those currently regarded as acceptable (e.g., those who employ domestic workers or children working in a market).
4.	Monitor places where young children and adolescents work, particularly in the unregulated informal sector (e.g., markets and artisanal workshops). Explore the opportunities for getting access to children who work (as domestics) in private homes.
5.	Set up drop-in centres or other facilities that working children in general (or particular categories of working children) can visit, where they meet other working children or have access to services such as non-formal education or information on their rights (and how to

get their rights protected, if they are being violated). This ensures that working children are seen by others on a regular basis and helps reduce their isolation.

8.3 Examples of activities to enhance the likelihood that children who move will benefit from having moved

The history of migration around the world over several centuries has shown that there are all sorts of ways in which an individual migrant's chances of success can be enhanced. They start with providing safe accommodation, at least on a temporary basis, and advice on how to survive and stay safe at a new destination. Activities intended to benefit children on the move should be tailored to their particular profile (e.g., age, gender, languages spoken or degree of familiarity with the culture of their destination, etc.). They include:

1. access to education, either formal (school) or non-formal (evening classes or learning opportunities at a drop-in centre);
2. advice on work opportunities and vocational training;
3. facilitating access to vocational training;
4. access to information and interesting leisure activities;
5. access to other children who are in a similar situation (clubs, organisations, etc.);
6. transport (or cash in the short-term) to pay for public transport to any of these;
7. advice on how to access health services and assistance in facilitating access.

There are evidently many other examples, which you are invited to tell us about (see Chapter 9 for an e-mail address to contact us with your examples).

8.4 Examples of what other organisations said they wanted to try doing differently in their organisation

At the end of a workshop about children on the move in Kolkata in May 2010, participants listed various new methods which they thought it might worth trying out. These included:

- Working with children's families to build on traditional skills / develop new skills to enhance their quality of life so that they will not send their children away to work and find a livelihood;
- Carry out awareness-raising to lessen violence in the home (as this is another reason for children leaving home);
- Vocational training;
- Provide direct educational support at community level for children who have been 'rescued' from exploitation;
- Offer children the opportunity to become independent and productive adult members of the community;
- Provide wider options / alternatives for children when they return home and are being reintegrated (for example, after being trafficked), ensuring their safety;
- Provide children with more options and information about their rights;
- Provide easily accessible information about where to go for help, with identifiable signs and logos, especially for children moving across borders;
- Organise community-based rehabilitation (for children who have been trafficked or exploited) while retaining the principle of the best interests of the child;
- Provide a short-term shelter for children withdrawn from abusive working situations.

8.5 EXERCISE: TO ENABLE YOU TO IDENTIFY ADDITIONAL OPPORTUNITIES TO PROTECT CHILDREN ON THE MOVE AND TO HELP THEM ENSURE A GOOD OUTCOME TO THEIR MOVEMENT

This exercise builds on what (if anything) you found out during the exercise at the end of Chapter 7 about opportunities to protect children on the move and ways of maximising the benefits to them of moving (so, it will be difficult to undertake this exercise without having tackled the one in Chapter 7).

The aim of this exercise is to encourage you to be imaginative and to come up with possible actions that go beyond the activities which your organisation or other agencies currently organise – including looking at the possibility of actions which you or your organisation may have not considered feasible until now.

Work in small groups **for up to one and a half hours** to revisit your flow diagram and to consider the lists of risks and benefits that you have previously identified in connection with each different phase of a child's movement. The aim this time is to suggest whether your organisation, or another, or a group of organisations working together, could or should organise any activity to reduce the risks and/or enhance the benefits.

One hour may not be sufficient to consider all the phases of movement in your diagram. You could start by considering the phases with which you are most familiar and then move on to others. If your organisation focuses particularly on children who are in a specific phase of movement (e.g., in transit through a port or bus station), focus initially on the opportunities linked to this phase. However, consider whether there would be any benefits in linking up with an organisation based in a different place: if you are based in a city, could you provide more complete protection by coordinating closely with organisations based in the places of origin of children arriving in your city?

Use a new piece of card to list the extra opportunities and methods for protecting children. If they relate to a specific phase in your flow diagram, place the card next to the relevant phase. However, don't worry if new ideas relate to several phases at once.

Remember that, while child protection measures conventionally address risks of abuse, your aim is also to review the potential benefits for a child who moves and the possible action that you could organise to make such benefits available or to enhance them.. At the end of an hour, one member of the group should be ready to tell others about any new ideas that the group has developed.

Only consult the following checklist if you need to stimulate your ideas!

- Are there some opportunities and methods that you would like to occur, but which seem impossible or unlikely at the moment (for example, because of the high cost or because the technology required is not available)? If so, list them, even if initiating them would mean you and others would have to campaign to make them possible.
- Have you reviewed opportunities which involve building on existing cultural practices or community-based institutions, rather than regarding these as part of the problem?³⁷
- Have you explored opportunities for protection which make use of new technology, such as mobile telephones, computers, internet (including social networking sites) and GPS (global positioning system)?³⁸

³⁷ See 4.2 above for comments on what constitute 'community-based', 'indigenous' or 'cultural' practices to protect children.

- Have you explored opportunities which involve getting children access to facilities to meet their basic needs, such as food and accommodation, or facilities which will make it possible for them to earn a living, such as access to jobs or income-generating opportunities, vocational training, etc.?
- Have you considered options which would involve your organisation working with other organisations?
- Have you taken into account that some actions intended to protect children have proved counter-productive (or downright harmful) for some or many children? (Have you identified any counter-productive actions in your field of work?)
- Have you considered actions which might increase a child's opportunity of having a satisfactory or happy outcome of their migration (rather than actions intended primarily to stop abuse or exploitation)?

After completing the exercise, please spend between five and ten minutes in your group considering how you could check (in particular with children who have the experience of being on the move) whether the novel action you have identified would be suitable – or whether it might have counter-productive side-effects that you have not thought of.

³⁸ In the last few years these have been used in emergencies, for example in Kenya and Haiti.

9 CONCLUSION – TAKING STOCK OF WHETHER YOU ARE ALREADY ORGANISING THE BEST POSSIBLE ACTIVITIES FOR CHILDREN ON THE MOVE OR IF THERE IS ROOM FOR IMPROVEMENT

A handbook should not require a conclusion, for it may represent the start of a new episode of your work, rather than the end of anything.

After using this handbook, consider individually and collectively (among people working in the same organisation) whether there is more that you think should be done to protect and support children on the move and what the obstacles are to initiating new kinds of action. Are they political or financial or to do with attitudes or an unwillingness (by organisations) to change? Is there anything you can do to overcome these obstacles?

Please also consider whether you have found using the handbook useful and whether you think some of the exercises could be improved or whether additional (or different) information is required on any points. If so, the authors would be grateful if you would spend a few moments sending them your comments by e-mail to the following address: childrenonthemove@terredeshommes.org.

APPENDIX

I. Glossary of terms according to definitions in international law

Adolescent	A person between the ages of 10 and 19.
Best interests of the child	<p>Article 3.1 of the UN <i>Convention on the Rights of the Child</i> (CRC) stipulates that, “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”,</p> <p>This means that many NGOs, as well as government agencies, should develop formal procedures for determining what is in a child’s best interests when they make decisions affecting an individual child’s future or decide on other actions affecting children.</p> <p>The Committee on the Rights of the Child has stated that,</p> <p>“In the case of a displaced child, the principle [that the child’s best interests should be determined] must be respected during all stages of the displacement cycle. At any of these stages, a best interests determination must be documented in preparation of any decision fundamentally impacting on the unaccompanied or separated child’s life”</p> <p>(Committee on the Rights of the Child, General Comment No. 6 [2005], ‘Treatment of unaccompanied and separated children outside their country of origin’, paragraph 19). The General Comment can be accessed at http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument</p>
Bonded labour	See ‘debt bondage’.
Boy	Refers to children under age of 18 only, not to young adult men.
Child	<p>Refers to every boy and girl under the age of 18. However, note the definition contained in the UN CRC:</p> <p>“For the purpose of this present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier” (article 1, emphasis added).</p> <p>In Spanish-speaking countries in Latin America, it is usual practice among human rights groups to distinguish between the rights of boys, girls and adolescents, thereby recognising that is something qualitatively different about the way that adolescents can exercise their rights (being more mature), by comparison with younger children.</p>
Child prostitution	The use of a child in sexual activities for remuneration or any other form of consideration.
Children on the move	See the definition used at a recent international conference (held in Barcelona, Spain, in October 2010) in section 2.1 on page 9.
Commercial sexual exploitation (of children)	The sexual exploitation of a child for remuneration in cash or in kind, usually but not always organised by an intermediary (parent, family member, procurer, pimp etc.), mainly for the purposes of prostitution and production of pornography. Sometimes referred to simply as “sexual exploitation of children”.
Debt bondage	This is the practice of requiring someone to work to pay off a loan, when the value of their work greatly exceeds the value of the original loan. Sometimes it is not the person who takes the loan, but someone else (such as a child in the same family) who works off the loan on their behalf. Debt bondage is generally known in South Asia as ‘bonded labour’ and is prohibited by law in India (<i>Bonded Labour System (Abolition) Act, 1976</i>) and Pakistan (<i>Bonded Labour System (Abolition) Act, 1992</i>). Certain forms of bonded labour have been prohibited in Nepal.
Durable	Long-term arrangements made for a child who has left home (including children who

solution	are refugees or who have been trafficked).
Exploitation	<p>Partially defined in article 3 of the UN Trafficking Protocol:</p> <p>“Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”</p> <p>The UN CRC also refers to exploitation, requiring States which have ratified it (i.e., every State in the world except two) to take,</p> <p>“legislative, administrative, social and educational measures” to ensure “the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development” (article 32).</p> <p>The CRC also requires States,</p> <p>“to protect the child from all forms of sexual exploitation and sexual abuse” (article 34), in particular measures to prevent:</p> <p>(a) The inducement or coercion of a child to engage in any unlawful sexual activity;</p> <p>(b) The exploitative use of children in prostitution or other unlawful sexual practices;</p> <p>(c) The exploitative use of children in pornographic performances and materials.</p> <p>Finally, the CRC also requires States to “protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare” (article 35).</p>
Exploiter	A person who makes money (or gains other benefits) from a child or adult who has been trafficked (as defined by the UN Trafficking Protocol), subjecting them to forced labour or servitude or ‘exploiting the prostitution of others’, i.e. taking money from a child who earns money by having commercial sex.
Forced labour	<p>Article 2.1 of the ILO <i>Convention on Forced Labour</i> (Convention No. 29, 1930) defines the term “forced or compulsory labour” to mean,</p> <p>“all work or service which is exacted from any person [i.e., child or adult] under the menace of any penalty and for which the said person has not offered himself voluntarily”.</p>
Girls	Refers to children under age of 18 only, not to young adult women.
Guardian (temporary legal guardian)	<p>In its General Comment No 6 (see ‘best interests of the child’ above), on the issue of guardianship the Committee on the Rights of the Child stated that,</p> <p>“...States should appoint a guardian or adviser as soon as the unaccompanied or separated child is identified and maintain such guardianship arrangements until the child has either reached the age of majority or has permanently left the territory and/or jurisdiction of the State in compliance with the Convention and other international obligations. The guardian should be consulted and informed regarding all actions taken in relation to the child” (paragraph 33).</p> <p>For a more detailed list of the responsibilities of such guardians, see ‘Check list for guardians: roles and responsibilities’ in UNICEF, <i>Reference Guide On Protecting The Rights Of Child Victims Of Trafficking In Europe</i>, Geneva 2006 (available at www.unicef.org/ceecis/protection_4440.html).</p>
Human rights approach	A human rights approach aims to integrate the norms, standards and principles of the international human rights system into legislation, policies, programmes and processes. The concept of a ‘right’ means that it is a legally enforceable entitlement which the Government is obliged to respect, promote, protect and fulfil. This concept means that those not enjoying their rights (such as children who have been trafficked) must be given an opportunity to claim them. It also means that, if their rights have been violated, they are entitled to restitution – the State must take action to put them back into a situation that is at least as good as it was before their rights were violated.

Internal trafficking	Cases of trafficking in human beings in which the trafficked person is recruited or moved within their own country, rather than across international borders. In more complicated cases, a migrant who has already left their own country is entrapped by traffickers once in another country and is moved within that country. Technically this could also be called internal trafficking, but this usage requires extra explanation.
Palermo Protocol	See 'Trafficking Protocol' below.
Protection	The notion of protection reflects all the concrete measures that enable individuals at risk to enjoy the rights and assistance foreseen for them by international conventions. Protecting someone means recognising that individuals have rights and that the authorities who exercise power over them have duties that are obligations.
Protective environment (for children)	<p>UNICEF uses the term 'protective environment' to refer to the measures which can be taken to reduce the likelihood that a child will be exposed to harm. Conventionally, the three 'layers' where there are individuals or institutions which have a duty to protect a child consist of:</p> <ol style="list-style-type: none"> 1. the family (layer 1); 2. the community (layer 2); and 3. government authorities, both at local and national level (layer 3). <p>In order to create a 'protective environment' around children, steps can be taken to strengthen the protection for them in several ways:</p> <ol style="list-style-type: none"> a) enhancing the capacity of both children themselves and those responsible for their primary care (parents, guardians or institutions) to protect them, notably how to recognise abuse and exploitation and what to do when they occur (i.e., this involves children themselves and their families); b) protecting children from adverse attitudes, traditions, customs, behaviour and practices (requiring action by the community or government or both); c) ensuring that there are appropriate laws to protect children and that suitable systems are in place to ensure these are implemented to protect and realise children's rights (requiring action by government). <p>This conventional description of the protective environment ignores one potential extra 'layer' of action: when children act <i>together</i> to protect themselves, sometimes in associations such as youth clubs and sometimes more specifically in working children's associations.</p>
<i>Refoulement</i>	The expulsion or return of a refugee to the frontiers of territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.
Separated child	Separated children are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may include children accompanied by other adult family members.
Servitude	The <i>Universal Declaration of Human Rights</i> (1948) prohibits servitude, as well as slavery. The phrases "Slavery or practices similar to slavery" and "servitude" refer to similar situations involving coercion. The UN's <i>Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery</i> (1956) prohibits various forms of 'servile status' (rather than using the term "servitude"), notably debt bondage (see 'debt bondage' above). In recent years the term 'servitude' has often been used to describe the situation of domestic workers who are subjected to some form of forced labour, trafficking or extreme exploitation, i.e., whether adults or children, they are said to be in 'domestic servitude'.
Sexual exploitation	See 'commercial sexual exploitation' above. May also be interpreted to refer, for example, to forced marriage.
Trafficker	A person who engages in trafficking in persons (as defined by the UN Trafficking Protocol). Sometimes also the same person who directly makes money by exploiting a child (see 'exploiter' above) and sometimes an intermediary involved earlier in the child's recruitment, in the knowledge that the child is likely to end up being exploited.

Trafficking in persons (or trafficking in human beings, also known as 'human trafficking')	<p>The recruitment, transport, transfer, accommodation or receipt of persons (adults or children or both);</p> <ul style="list-style-type: none"> • in the case of adults, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; • in the case of children, it refers to the recruitment, transport, transfer, accommodation or receipt of children, whether or not these abusive means are used. <p>In both cases (of adult and children), it is for the purpose of exploitation, which includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p>
Trafficking Protocol	UN <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</i> , linked to the UN <i>Convention against Transnational Organized Crime</i> (2000). This Protocol is sometimes referred to as the 'Palermo Protocol'.
Unaccompanied child	Unaccompanied children (also called unaccompanied minors) are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.
Worst forms of child labour	<p>Defined by article 3 of the ILO <i>Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour</i> (1999) to comprise:</p> <p>“(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;</p> <p>(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;</p> <p>(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;</p> <p>(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”</p>
Young person	Refers to both children (under 18) and young adults who are now 18 or up to the age of 24.
Youth	Refers to children aged 15, 16 and 17 and also young adults aged from 18 to 24.