Childhood and Youth

Beyond Trafficking and Slavery Short Course | Volume 7

Edited by Neil Howard and Sam Okyere

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Beyond Trafficking and Slavery Short Course
Volume Seven

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Are we really saving the children?

Introducing this edited volume on childhood and child rights.

Sam Okyere and Neil Howard

Few crimes elicit collective condemnation more quickly than those involving children: 'child labour', 'child trafficking', 'child slavery'. These all apparently represent the 'worst of the worst', and in each case the prefix 'child' renders the bad awful. This is the power of the concept of 'childhood'. It is reflected in the assumed and unquestioned 'rightness' of campaigns to 'abolish child labour' or to 'end child trafficking' and other conditions that are considered by various voices and actors to be forms of 'child slavery'. Virtually everyone is on board with the campaign to 'free' children 'trapped in modern slavery': media celebrities, local NGOs, international NGOs, trade unions, national governments and a host of other actors who claim to know what childhood really 'is' and thus what is needed to be done to protect it.

The central claim on which their campaigns rest is highly problematic for at least two reasons. First, the premises, rationales, and underlying concepts of childhood powering contemporary child savers are seriously shaky. Subjected to critical scrutiny, they are quite often narrow, ethnocentric, and highly particular. Second, the actions and interventions framed as saving children can sometimes be extremely damaging to the very children and young people they seek to support. It is not surprising that numerous working children's movements in Bolivia, Peru, India, Senegal, Burkina Faso, and elsewhere have rejected some of these measures.

Collectively, the articles in this volume will demonstrate that the dominant understanding of childhood operating in child rights and abolitionist circles is western, (neo)liberal, and romantic. It constructs under-18s as inherently vulnerable and unable to exercise meaningful

A young boy working in a shipyard outside of Dhaka, Bangladesh.
Zoriah /Flickr. Creative Commons

agency, demanding that spending their time exclusively on play, rest, and school is the only means by which they can be prepared for an adult life seen to be best lived in the market economy. This conception reduces human maturation to a factor of biology, abstracting it from most other social, cultural, historic and political-economic contexts and positioning the predominantly western version as the universal norm of childhood from which all others deviate.

A central argument which flows in this volume is that abolitionists operate on the basis on an unquestioned normativity that disrespects the diversity of childhoods and ignores the overwhelming body of scholarship discrediting the exclusive reliance on calendar age as the basis for defining childhood and the child's best interests. Worse still, the dominant modern slavery discourse 'pathologises' different types of childhood, resulting in diagnoses and policy directives that have serious consequences for children and their communities. Children, childhoods and family models that fail to correspond to the hegemonic norm are often deemed inappropriate or 'anti-developmental'. This

sees social practices which are not harmful, such as using puberty rites or the use of 'social age' to delineate the boundary between adulthood and childhood, demonised or policed out of existence.

These observations are most evident in abolitionist perspectives on child or youth work and mobility. Under the assumption that under-18s are unwilling, incapable, or unable to make the decision to migrate, work, or seek opportunities in spheres which are regarded as the preserve of adults, children who do work or migrate are typically misclassified as 'slaves' or 'victims of trafficking'. Policy-makers then seek to 'protect' them through 'rescue', denying them the right to work or move or sending them home if they've done either. Given that so many young people work or move out of necessity this is, unsurprisingly, often disastrous for the children involved.

This points to a major failing on the part of the child saving community: it is deeply a-political. It rarely asks *why*, almost inevitably targeting symptoms instead of their underlying causes. Children's work in agriculture, mining, or even prostitution reflects the wider destitution of their home communities, and in turn the unjust, global, political-economic framework that perpetuates this destitution. Is anybody but the global elite served by an analysis that abstracts children-to-be-saved from the immiserated context that they inhabit or the causal dynamics conditioning that context? Surely, we say, there is not.

These and other critiques are fleshed out by a number of leading voices in the fields of childhood, youth, and rights who have contributed to this volume. All of the articles hold to account a socio-political force that rarely faces the depth of scrutiny its actions deserve. These critical reflections will include the authors' insights into how things might be done differently.

The book is organised as follows. In part one, Jason Hart highlights the inadequacy of child protection measures in war zones owing to

the reluctance of policy makers to be politically engaged and challenge the underlying causes of violence against children and their families. Kristen Cheney picks up the discussion, flagging up the paradox that poorly informed attempts to 'save orphans' from poor countries have instead created an orphan industrial complex which irrevocably harms children and undermines child welfare systems in these countries. At the heart of the problem with such models of 'saving children', as Karen Wells suggests, is the fact that policy and abolitionist discourse abstracts the insecurities of children and their families from global capitalism and other economic globalisation processes which often cause these hardships. In the final two papers in part one, Roy Huijsmans and Joel Quirk, Marlise Richter, Thea De Gruchy, and Jo Vearey critically reflect on 'child trafficking'. They outline a number of serious consequences that attend on children and children's rights when public and policy responses to children's mobility are driven by moral panic, international pressure, and western centric ideals of childhood rather than evidence.

Part two focuses on the multifaceted nature of children's work. This phenomenon is also often subjected to superficial analyses, resulting in the conflation of child and youth work with 'child slavery' and, ultimately, solutions that do not represent the best interests of working children and their communities.

This argument is explicit in Michael Bourdillon's opening paper, which concludes that programmes to protect children working in precarious or prohibited jobs ought to be genuine about prioritising their best interests instead of applying the blanket ban advocated by the abolitionist discourse. A similar point is made by William Myers, whose paper posits that child labour is not intrinsically exploitative and, as such, its prohibition is mainly premised on western conceptions of a work-free childhood, not research. Laws should therefore be targeted at preventing the exploitation of children, not children's work outright. The next paper by Jo Boyden and Gina Crivello critically analyses

the child labour-independent child migration-education nexus. The authors present compelling arguments and evidence, which further undermine the popularly-held assumption that child labour and independent child migration are inimical to children's education and their broader development.

Similarly, Amanda Berlan draws on her research of children's work in the West African cocoa sector to demonstrate that safeguarding the welfare and development of children in the sector requires a holistic, child-centred approach based on sound empirical information on the specificities of their work. This intervention is lent further credence by Hugh Cunningham's paper, which shows that some historical attempts to ban or regulate child labour failed primarily because the proposed measures failed to situate children's work within the wider socio-economic circumstances within which it occurred. The paper's historical analysis lends further credence to the argument that childhood is a social construct which varies with time and place, contrary to the universal image of childhood painted by proponents of the hegemonic western model. Neil Howard concludes part two with a discussion on Bolivia's new child labour law, an example of the holistic approach to working children's rights called for by all authors in this part.

Part three of this book, 'Child trafficking or youth mobility' critiques the 'child- trafficking' discourse. The papers in this section lambast the pathologisation of children's mobility under the guise of 'rescuing' or 'saving' them from 'trafficking'. Mike Dottridge kicks of the discussion, tracing the misrepresentation and misconstruing of 'child trafficking' not more than fifteen years ago, leading to incalculable harm to many children who rely on mobility and work in an attempt to access livelihood opportunities. Next Iman Hashim also draws on research evidence from Mali and Ghana to problematise the absurdity of attempts to 'rescue' or formulate policy on 'child trafficking' without a thorough and comprehensive understanding of the social, cultural, and economic reasons for young people's movement, what the chil-

dren themselves think about their movement, and the role they play in it. Similar points are evident in Tanja Bastia's paper, which outlines five critical arguments to show that not all child mobility is 'trafficking' and that some forms of child mobility are actually in children's own interests. One such interest is evident is Karin Heissler's paper, which demonstrates that for many young people, migration provides opportunities to achieve status, a motivation which is mostly ignored in policy discourse despite its importance in young persons' lives.

Policy makers and 'child trafficking' abolitionists tend to focus on potential harm that may befall migrating or moving children. Indeed, as Treena Orchard argues next, children in these cases are visualised only as 'victims' or non-agential players in an adult's game. As such, the web of complexities which surround their entry into work such as prostitution is universally described in simplistic terms by abolitionists as products of internal culture failings, adult exploiters, or criminal gangs. This excessively simplistic nature of the anti-child trafficking discourse is yet again evident in Brenda Oude Breuil's contribution. She notes the problem that, while young migrants live dynamic lives, dominant conceptions only allow them two identities: 'victim of child trafficking' or 'illegal migrant'. Both of these, she argues, are forced identities based on fake morals. Vivienne Cree ends this section calling on social workers, children's rights practitioners, and other audiences to recognise the moral panic inherent in the UK 'child trafficking' discourse, which easily lends itself to selective justice and measures which can be inimical to child migrants in particular.

Section one

Are we really saving the children?

The (anti-)politics of 'child protection'

Child protection services in war zones are inadequate because they do not challenge the sources of violence. To fully protect children organisations must become political.

Jason Hart

We live in a time when the death and injury of children in conflicts are witnessed with sickening regularity through the world's media. In some locations such violence continues unabated for years or even decades. Gaza is an extreme example of this profoundly worrying trend. The thousands of children in this narrow strip of land who have been killed, maimed, and denied their basic rights as a direct result of political violence are an enduring testimony to the inadequacy of child protection measures.

Child protection is only now emerging as a specialised sub-field of humanitarian endeavour. However, the moral injunction to protect the young from the worst effects of conflict is evident across time and culture. Currently the various agencies engaged in this work operate in broad accordance with the definition of child protection as efforts "to prevent and respond to violence, exploitation, and abuse".

The protection of children is a core element of the so-called child-rights based approach to humanitarian and development intervention. The text of the UN Convention on the Rights of the Child (1989) reminds state parties of the universal character of the right to protection and highlights their obligation to prevent harm.

In practice these two principles—universality and prevention—are not upheld in Gaza or in many other settings where children are routinely exposed to political violence. Why not? The obvious answer is that protection efforts and the institutions that pursue them are simply not

powerful enough to counter the forces of violence. Yet evidence from various conflict-affected settings suggests something more troubling: child protection agencies may not actually seek to counter such forces. Gaza epitomises this uncomfortable reality, as there has been little concerted challenge to the violence meted out to Palestinian children there and elsewhere by the Israeli military. Instead, the dominant focus has been upon healing and helping young people cope with the ongoing threats to their lives and wellbeing.

Preventing systematic harm to children in the midst of armed conflict is an inherently political endeavour. Child protection efforts are inadequate because agencies either fail to grasp this basic fact or they lack the will to act upon it. International humanitarian and human rights law compels governments to protect children from the ravages of war. Yet in many locations governments themselves represent the greatest threat to children and their safety, either through direct targeting of the young or the wholesale suppression of their entire communities.

When states fail to abide by their obligations, the role of non-governmental organisations and UN agencies becomes especially important. Directly challenging the government, mobilising global public opinion, and seeking redress through mechanisms such as the International Criminal Court are some of the ways in which these institutions can hold governments to account. Yet, in practice, such actions are rare.

Instead, child protection agencies routinely focus their energies on a-political activities, working primarily at the (very) local level and on individuals. Their technical, reactive approach treats the symptoms but leaves the underlying causes untouched. This is evident in the immense scale of psychosocial activities and in the measures borrowed from European social work practice being sold today as 'child protection' programming. While such initiatives have their place, they cannot hope to prevent the harm done by state or insurgent forces.

Towards a political understanding of child protection

Development of a politically engaged approach requires a broader understanding of child protection and of children's rights. Denial of both is inextricably bound up with political-economic forces. However, the majority of staff and consultants employed by child protection organisations are not equipped or encouraged to consider this dimension meaningfully within their work.

More fundamentally than the lack of institutional capacity, the lack of political will inhibits a robust, preventative approach to child protection. Pressure from governments and other powerful donors consistently causes major child protection organisations to diverge from their stated aim of prioritising the lives and wellbeing of children. Often the unwillingness to take a strong stand is justified in the name of neutrality, and many staff members fear that stronger advocacy will only result in their exile from the country in which they operate. In reality pressure from senior management at headquarters, mindful of the donors' agendas, is often the primary consideration. Given the growing competition for funding, humanitarian organisations are extremely mindful of giving offence.

To offer an egregious example: in 2005 the UN Security Council established a 'monitoring and reporting mechanism' (MRM) that focused on "six grave violations" against children in various war zones around the globe. UNICEF and other child protection organisations—international and local—are involved in gathering and relaying the requisite information to the council. At first glance this appears to be a way for these organisations to play their part in challenging governments and insurgent groups to curtail violence against the young. In practice, however, council members selectively use this information to criticise and sanction states and other actors in accordance with their own geopolitical agendas. In other words, some governments and rebel groups are targeted as violators while others are ignored.

This dynamic was made abundantly obvious when the UN omitted Israel from the annexed list of countries guilty of grave violations. Efforts to include the Israel Defence Forces as a violator—initially co-ordinated by UNICEF—failed as a clear consequence of political interference. UNICEF retreated at the last minute from this move and Ban Ki-Moon, the secretary general of the UN, ignored the recommendation of his own special representative for children and armed conflict.

The inclusion of Israel might have increased global awareness of the violence to which Palestinian children are routinely subjected by that country's military forces and, ultimately, have served to build pressure to curtail such violence. That opportunity has been lost and the chronic vulnerability of young Palestinians persists. It is inconceivable that the UN, western governments, and the agencies that they fund would allow Israeli children to remain exposed indefinitely to similar harm.

Although an extreme case in some ways, the situation of Palestinian children is illustrative of broad trends within the child protection field. Rhetoric about addressing the rights of all children in an equitable, non-discriminatory manner and the supposed centrality of prevention to protection efforts is plentiful. However, young people growing up in settings of political violence across the globe cannot rely on agencies mandated to protect them as a matter of course. Depending on the wider geopolitical agendas behind the funding of such organisations, the integrity of their senior staff, and the skill and savvy of their personnel on the ground, some children may experience a reasonable level of safety and others little or none at all.

The cognitive dissonance between child rescue and child protection

'Saving orphans' has become an industry that irrevocably harms children and undermines the development of child welfare systems. We must replace the drive to rescue with the desire to protect.

Kristen E. Cheney

On a recent flight from Amsterdam to Nairobi, I was wedged into a seat next to a chatty young man. He told me he worked at a group home for severely disabled children in Wales and was going on a holiday safari. He asked the purpose of my trip, so I told him I was doing research on orphans and child protection.

"Oh, we're visiting an orphanage on our safari!" he said excitedly.

Oh boy. Our flight had just begun, so I figured I had eight hours to make him think through the irony of what he had just said: "You said you work at a children's home, correct?"

He nodded yes, eyebrows still raised in excitement.

"Would the home where you work allow a busload of tourists to pull up and spend the day hugging the children for selfies to post on Facebook?"

His eyebrows dropped into puzzlement. "Actually", he replied, "we don't even let the plumber in without a background check—and only then when the children are away on an outing."

"So, what are you doing visiting an orphanage as a tourist??"

After discussing the many ways this jeopardises child protection and

potentially worsens children's attachment issues, as they get abandoned again and again by volunteers with whom they bond, he asked, "so you think I shouldn't go to the orphanage, huh?"

What accounts for such cognitive dissonance between the protection of children at home and abroad?

The orphan industrial complex

Aside from the usual paternalism of north-south relations, charities' child rescue narratives constantly place children of the global south in the position of needing 'saving' by northern benefactors. From organisations like Save the Children to a prominent orphan movement in evangelical churches (which has been likened by critics to both colonial civilising missions and slavery), these child rescue narratives not only create cognitive dissonance between the protection of children at home and abroad. They fuel the orphan industrial complex that makes orphans commodified objects for intervention, from tourism to mission trips to intercountry adoption (ICA). Orphans are now effectively being 'manufactured' to meet the demand of child rescuers.

I have been conducting research with children for two decades in Uganda. Since the orphan industrial complex set its sights on the country in 2009, the number of orphanages has increased five-fold, as have ICAs. Approximately 95 percent of the 800+ orphanages now operating in Uganda are foreign-funded, yet only about 30 of them are licensed. It is furthermore estimated that 85 percent of the children in Uganda's burgeoning childcare institutions have living and locatable relatives.

This situation is not unique to Uganda. It is part of a broader pattern in the developing world that we see whenever orphanhood becomes commodified. Cambodia, for example, has had a terrible problem with unnecessary institutionalisation due to the persistence of tourists wanting to visit orphanages there. And yet Uganda currently has more

institutions and more children in care than Cambodia, despite a drop in the number of actual orphans (even by UNICEF's broad definition of an orphan as a child who has lost a parent). In both cases institution-alisation is alien to local cultures of extended-family and community child care. It is not, therefore, local culture or even poverty itself that is driving the establishment of orphanages and the institutionalisation of children. This shift has taken place due to the financial opportunities such an industry presents to agencies, orphanages, and middlemen.

Worse, the practice of ICA as a way to 'save' children and 'give them a better life' literally threatens itself. While films like _Stuck_ decry the languishing of children in orphanages due to bottomless bureaucracies that keep eager adoptive families waiting, few in the adoption move-ment ask how these children got into these institutions in the first place. Yet, the pattern is clear: for every country that bans ICA due to corruption, another opens for business, drawing children unnecessar-ily into institutions for the financial benefit of intermediaries—and to the detriment of children and families.

With the recent reduction of adoptions in Ethiopia and the closure of ICA in the Democratic Republic of Congo and Kenya, Uganda has now become a hotspot for ICA due to the use of legal guardianship as an adoption loophole. It is supposed to take three years to complete an adoption order in Uganda. However, court precedents have now made it possible for foreign couples to fly in to Uganda, obtain legal guardianship of a child (which is meant to be a temporary measure until children can be reunited with existing family), and fly back out with a child within weeks.

On a return trip from Uganda, I was caught on the jetway between a young white couple from Texas with a Ugandan toddler and a bunch of tourists who were praising them from having 'done such a wonderful thing'. When they were asked how long they had been in Uganda, the couple rolled their eyes, and said, exasperated, "six weeks!"

Six weeks!? I thought to myself, you're supposed to be here *three years* to complete an adoption, and it takes the average Ugandan seven weeks just to get a passport! I knew that they had *not* actually adopted the boy. They had instead received a legal guardianship order with the intent to finalise the adoption abroad, and more than likely had paid a few bribes to get the job done. Yet, they were rolling their eyes at how long the process had taken, as if it was an annoyance to be in Uganda—land of their child's birth—for such a long period and just wanted to get out of there.

Countless reports in US newspapers relate the stories of westerners bringing their 'adopted' children 'home' from Uganda, when in fact they have clearly applied for legal guardianship and not adoption. Some even gloss over the existence of biological family. No wonder some of the most vociferous opponents of ICA are international adoptees. As one Ethiopian adoptee said, "I wasn't saved from Ethiopia; I had Ethiopia stolen from me."

If we want to keep ICA as an option for children for who really need families—rather than for families who would like children—we have to address the cognitive dissonance that drives westerners to 'save' African children from the supposedly horrible fate of growing up in their own countries, communities, and families. This means confronting head-on the white saviour complex and all the uncomfortable echoes of colonialism and slavery that go along with it.

Part of the problem is also that the 'rescuers' often have far more resources that the local child protection officers who are working hard to counteract the negative effects of the orphan industrial complex on the development of a more effective child protection system that would prevent the unnecessary separation of families and institutionalisation of children. Unfortunately, the same people who would pay thousands for the privilege of visiting an orphanage or even tens of thousands to 'rescue' a child through adoption are often reluctant to help build

communities' and families' capacities to care for their own children. And yet, if one really cares about children and their rights to family, community, name, and nation, then that is exactly what they should be doing. Charities and NGOs should be strengthening child protection systems rather than undermining them; supporting families instead of orphanages; dismantling the orphan industrial complex rather than fuelling it. We can only accomplish this by challenging the discourse of child rescue with the imperative of child protection.

What do children need most: saving, rights or solidarity?

All the major critiques of 'child-saving' fall short of the mark. We must reconceptualise our solidarity with the poor if we really want to help protect the world's children.

Karen Wells

Development organisations from NGOs like Save the Children and Plan International to government departments like the UK's Department for International Development (DFID) all place youth and child well-being at the centre of their campaigns and interventions in developing countries. Likewise, measures to improve the health and well-being of children constitute core components of policy development. Indeed, several of the Millennium Development Goals directly target children and young people. These interventions and policies rely on the conception of children as especially vulnerable and deserving of rescue that has circulated in popular culture, news, and policy since at least the early nineteenth century. At the same time these organisations frame their actions within international law, particularly the UN Convention on the Rights of the Child, to give legitimacy to their right to act on behalf of (other people's) children.

More recently, children (especially the 'girl-child') have been tasked with no less a project than the economic development of Africa, Asia, and Latin America, as well as the eradication of world poverty. This can be seen, for example, in Nike's 'The Girl Effect' campaign and Plan International's 'Weapons of Mass Construction'. So, what might be wrong with saving children, tasking girls with eradicating world poverty, and implementing rights for children?

Why not 'save' the children?

Critics often employ three main arguments. Firstly, that children's

well-being is being used by the world's major powers as a way of legit-imating their interventions into the governance of other countries and the poor in their own countries. Secondly, that developing countries do not have the resources to protect children from work and independent migration. Therefore it is wrong for anyone, particularly wealthier countries, to demand that they do so. I call this pragmatic relativism. The third argument, cultural relativism, is that different cultures have different ways of raising children. These differences maybe incommensurable but they do not mean that one kind of childhood (say, one in which children go to school) is better than another (say, one in which children go to work).

There can be no doubt that child well-being is used as a Trojan horse for external intervention. I could cite any number of instances of this but perhaps one will suffice: when the US government sought to legit-imate its attack on Afghanistan, Laura Bush said, "fighting brutality against women and children is not the expression of a specific culture; it is an acceptance of our common humanity" (cited in Cynthia Weber's book *Imagining America at War*). This is straightforward enough to counter: bombs for regime change in the name of child welfare is clearly a cynical ploy for masking *real politick*.

However, other types of development-related interventions, for example getting children to go to school rather than work or mass vaccinations to eradicate infectious diseases, are more complicated in their effects. On the one hand, they do save the lives of individual children and they may well improve the life chances of individuals. On the other, they are also mechanisms through which new (liberal) ideas about the person and their relationship to society are embedded in non/pre-capitalist societies, ideas that are compatible with capitalist economics. The governance that is made possible through the actions of development agents is one that tries to obscure the inequalities inevitably inscribed in global capitalism by mitigating its impacts on the most vulnerable: children. At the same time it engages children,

through education and participation, in ways of being in the world that are congruent with liberal capitalism: freedom, autonomy, and individualism.

This complicated use of interventions in the name of child welfare and the tendency to stop thinking and simply 'do something' when child protection is evoked means that we must always ask: who thinks this particular action is in the best interests of which children and why? We must further ask who stands to benefit from this action, other than the children in whose name it is putatively taking place. For instance, if a mining company in West Africa opposes 'child' labour, further investigation may show that the mining company is using child protection to prevent local youths from working in alluvial mining.

The second critique of intervention, what I have called 'pragmatic relativism', has no place in a left critique of development. It is one thing to argue that children in developing countries need to work or to migrate alone in order to support themselves or their families. It is something else entirely to argue that governments should not take responsibility for children's well-being because they cannot afford to do so, and that international agencies should not intervene because children in Africa, Asia, and Latin America have different needs to children in Europe and North America. Indeed this argument comes dangerously close to saying that 'our' (white) children have different needs, capacities, and competencies than 'their' (black and brown) children.

The third critique, 'cultural relativism', argues that the model of childhood accepted by development agents is only valued over other ways of being in the world because it has the support of the global powers. That is irrefutable. There are many ways of practicing childhood and their incommensurability does not necessarily mean that one way is better for children than another. By the same token, if going to work is not necessarily worse for a child than going to school; going to school is not necessarily worse for a child than going to work.

Solidarity politics

I argue that none of the reasons usually offered for why child-saving or child rights are 'wrong' is entirely sufficient. Furthermore, some of them are distinctly against the spirit of international solidarity. I want to propose instead that children's vulnerabilities do make a moral claim on adults. Governments and organisations can respond to this claim without resorting to a nineteenth-century moral philanthropy, without embracing the liberal model of childhood (and with it liberal ways of being in the world), and without retreating into localism. I want to propose that we rethink our responsibilities towards children by developing modes of solidarity with the poor (adults and children).

The liberal model of childhood is tied to the globalisation of capitalism and its neoliberal subjects. To refute the claim that the globalisation of liberal capitalism is good for children, we must first be clear that children face multiple insecurities *because* global capitalism creates constant crises in social reproduction. These crises displace and unsettle children and their families. The problem of children's insecurities lies not with individual children and their families, but with the structural inequalities that mark their lives.

The liberal model of childhood needs to be treated sceptically. Critiques must not merely reference cultural specificity, modernity, and the limits of its possible production, as most have done to date. They must openly discuss the implications of the liberal model for how to be human, and the deep congruity between this particular way of being human and late capitalism. This is where the potential for a radical politics of childhood lies. We must insist on the importance of modes of childhood that resist, challenge, or subvert liberalism. We must furthermore build modes of solidarity with the poor that do not refute the importance of child survival or child well-being, but insist that so long as production is tied to profit, neither survival or well-being can ever be assured.

Child trafficking: 'worst form' of child labour, or worst approach to young migrants?

Child trafficking is often used synonymously with child labour migration. This framing does a disservice to many child migrants, who change place for many reasons, and new thinking is necessary.

Roy Huijsmans

The phrase 'human trafficking' in relation to young people has become synonymous with 'the worst forms of child labour' in much of the public discourse. There is virtually no space to discuss the phenomenon of minors working away from home in terms of 'migration'. There is a need to unsettle these certainties. My colleague Simon Baker and I, based on our research and that of our colleagues, argue that it is misleading to understand the involvement of minors in migration exclusively as a problem of human trafficking. To do so falsely homogenises the wide diversity of young people's migrations that could, according to the definition found in the 2000 Palermo Protocol, qualify as child trafficking. Recognising this diversity of experience allows us to see why the standard formula of 'rescue–repatriation–reintegration' is highly problematic. It also sheds light on how dominant trends in child trafficking discourse can lead to interventions that negatively impact the lives of children who need or wish to migrate for work.

Analytically, child trafficking constitutes one of the worst approaches to child migration. We list three reasons. First, it disconnects young people's involvement in migration from the wider issues of migration and social change to which it is intrinsically linked. Second, it suggests that migrants below eighteen years of age are inherently vulnerable without asking how exploitation in migration is produced. For example, such exploitation can occur because those younger than eighteen years of age are often excluded from safer channels of migration and documented forms of migrant work. Third, the victim-centred per-

spective produced by dominant human trafficking discourse leaves lit-
tle space to conceive of and study young people as active participants
and agents in their own migrations.

These analytical issues are not just of academic concern. Understand-
ing 'human trafficking' in relation to migration and social change
demonstrates that banning young people from migrating to 'combat
trafficking' is nothing more than wishful thinking. Furthermore, re-
ducing young people's involvement in migration to absolute poverty
or the absolute lack of employment is a gross oversimplification of
why young people migrate. Young migrants are by no means passive
objects in migration as the human trafficking discourse suggests. Most
actively negotiate the migration process and aim to mitigate possible
risks and exploitation. It is oftentimes young migrants themselves—
and not anti-trafficking interventions—that terminate unacceptable
forms of migrant work.

The ILO's adoption of the convention on the worst forms of child la-
bour in 1999 (convention 182) marked a significant shift in the glob-
al response to child labour. It called for a differentiated rather than a
blanket approach, and prioritised taking action against the most intol-
erable forms children's work. This convention is remarkable because it
redefined the problem of child labour. Whereas the ILO minimum age
convention of 1973 defined the problem in terms of children's involve-
ment in work below a certain age, convention 182 redirected the focus
to harm in employment.

Nevertheless, these progressive ideas on addressing the problem of
child labour have yet be embraced by the anti-trafficking communi-
ty. Trafficking of children is included in the convention as one of the
worst forms of child labour (article 3a). Children are defined as anyone
younger than eighteen, and current anti-trafficking efforts in this area
still seek to discourage or remove youth from migration scenarios. The
problem of human trafficking in relation to minors is thus conflated

with working away from home whilst technically still a child, rather than defined in terms of the specific forms of exploitation that could take place. We believe that this understanding is out of tune with the general thrust of convention 182, which advocates for a differentiated approach that prioritises the intolerable and focuses on harm.

We call for rethinking human trafficking in relation to children as a migration issue. This does not mean that we deny that young migrants often suffer from various forms and degrees of exploitation. Nor do we desire to be oblivious to this reality. Instead, we suggest that adopting a migration lens allows for a more grounded and nuanced perspective than what the human trafficking discourse has achieved thus far. This will create the policy space necessary to think differently about interventions concerning the exploitation of minors in migration, for example by focussing on making migration for work safer for minors instead of seeking to ban it.

This piece is based on a much longer article co-authored with Simon Baker titled '*Child Trafficking: 'Worst Form' of Child Labour, or Worst Approach to Young Migrants?*' It was published in 2012 in ***Development and Change.***

Doing more harm than good: the politics of child trafficking prevention in South Africa

Recently introduced anti-trafficking regulations in South Africa are doing more harm than good. This is because they have been driven by panic and international pressure, not evidence.

Thea de Gruchy, Joel Quirk, Marlise Richter and Jo Vearey

An important public debate regarding child trafficking and immigration is currently taking place in South Africa. Media coverage of this increasingly heated discussion has focused on two duelling government ministers, both of whom are senior members of the ruling African National Congress. In one corner, we have Derek Hanekom, South Africa's minister of tourism, who recently broke party discipline by publicly talking about the "worrying" impact of new immigration regulations on international tourism. In the other corner sits Malusi Gigaba, the minister of home affairs, who has strongly defended the new regulations by repeatedly emphasising their central role in "the protection of children" and ensuring that South Africa is not "viewed by international traffickers as a possible destination".

The key provisions of these new immigration regulations (Gazette 37679, RG 10199, Govt Notice 413) require adults travelling with children to produce the 'unabridged' birth certificates of the children—a term which is largely unknown to people outside South Africa—at airports and border posts in order to enter or leave South Africa. If only one parent is travelling with the child, hardly an uncommon scenario, they are required to secure an affidavit from the absent parent confirming that they have permission to travel with the child, along with a certified copy of the non-travelling parent's identity document or passport. These new requirements came into effect in June 2015, and apply to both South African citizens and foreigners travelling to and from South Africa.

The effects of these taxing requirements upon international travel patterns have been hotly debated. Tourists coming from outside Africa have been at the centre of this discussion, rather than regional travellers and migrants from other parts of the continent. Air traffic to South Africa has reportedly dropped by a third, and a study commissioned by the Tourism Business Council of South Africa estimated that the new visa regulations will cost South Africa 1.4 billion rand ($104.5 million) in tourist revenues in 2015. This emphasis on tourism and lost revenue has unfortunately paved the way for an extremely problematic argument of 'principle versus profit'. Gigaba and supporters of the policy argue that the goal of protecting children must be placed ahead of 'chasing profits', since one child becoming a victim of trafficking is 'one child too many'. There are many problems with this emotionally manipulative argument.

This piece seeks to demonstrate that new regulations and associated anti-trafficking policies are fundamentally flawed. We have two main points to make in support of this overall conclusion. First, we contend that the collateral damage associated with anti-trafficking policies in South Africa has too often ended up hurting rather than helping vulnerable populations. This is important, because it calls into question the foundations of the current 'principle versus profit' formula. Put more directly: these new regulations are a terrible idea irrespective of their economic effects due to their human costs. Second, we argue that the evidence that has been put forward to justify anti-trafficking responses is questionable and speculative. Instead of being driven by available evidence, current anti-trafficking policies have been driven by US-led international pressure and a desire on the part of the South African government to signal their commitment to international expectations as far as anti-trafficking is concerned. Once these points are taken into consideration it quickly becomes apparent that the issues at stake are much wider and more complex than a decline in international tourist numbers.

Anti-trafficking and collateral damage in South Africa

Efforts to combat human trafficking can sometimes look good on paper, but then end up doing more harm than good in practice. Researchers studying responses to trafficking have come to describe this disconnect between aims and outcomes in terms of 'collateral damage'. Research in many different contexts has shown that anti-trafficking policies inflict the most damage upon marginalised and vulnerable populations. Common examples include police abusing those they are supposed to assist, immigration systems mistreating migrants with impunity, and people who have been 'rescued' from trafficking being subjected to various forms of incarceration, exploitation, and abuse. Instead of providing a solution, the state and its agents can often end up making things worse.

Collateral damage is a crucial yet often overlooked component of South African anti-trafficking policies. One set of issues revolves around the time, expense, and physical and emotional toil required to secure documents. Prior to 2013, the South African government only issued 'abridged' birth certificates, so the first effect of the regulations was to make it necessary for many parents to apply for the now essential 'unabridged' version. Even in the most straightforward scenarios this translates into multiple visits to the Department of Home Affairs, which has a reputation for being slow, inconsistent, and corrupt. However, things quickly become more complicated in cases where the father of the child is unknown, where the parents are divorced/separated, where one parent is dead, or where the child is travelling with non-parents. It is at this point that affidavits, court rulings, death certificates, and other onerous requirements come into play.

The effects of these requirements upon vulnerable women are especially troubling. Mothers are required to secure permission from estranged and sometimes abusive fathers, who have been known to demand payment for their cooperation. When mothers cannot secure permission from the father of their child—at times they cannot even

locate him—they must often give up their plans to travel. In some cases, they may end up bringing their children across the border using irregular channels, thereby endangering the children and making their stay in South Africa more precarious. Since these requirements apply to hundreds of thousands of people, the cumulative damages associated with these new immigration requirements are very high.

The punitive effects associated with securing documentation can be further compounded by lived experiences at airports and border posts. There have been numerous reports of border agents inventing additional and unexpected requirements that go well beyond what the text of the regulations require, rejecting documents on dubious grounds, and generally making it unnecessarily difficult, traumatic, and expensive to attempt to enter or leave South Africa with children. Instead of being no more than a 'slight frustration', these new regulations amount to a far-reaching burden that once again falls heaviest upon the most vulnerable.

It is important to keep in mind that the collateral damage associated with the new regulations is only one component of a larger series of punitive policies and practices involving migration. Parents seeking to travel can be placed alongside other mobile populations, such as job seekers, informal workers, and refugees, who similarly face significant challenges entering South Africa and accessing appropriate documentation. This connection is rarely made, however, since precarious migrants tend to fall below the popular radar and policies affecting them escape public scrutiny. The main reason these regulations have proved so contentious and provoked such sustained public debate is that they not only apply to poorer migrants, but also extend to middle-class South Africans and international tourists entering and leaving South Africa.

Evidence-based policy or panic-based policy?
Many damages have been inflicted in the name of anti-trafficking, yet

it is far from clear that human trafficking is anywhere near the problem it has been made out to be. Despite popular depictions of South Africa as a 'hotbed of human trafficking', the main driving forces behind recent policies have been panic and pressure, rather than evidence.

We can briefly point to two ways in which recent government responses have been disconnected from the available evidence. The first is in relation to the overall scale of the problem. Gigaba originally claimed that there are 30,000 children trafficked into South Africa annually, yet parliamentary requests for data revealed that the Department of Home Affairs could only provide evidence of 23 *possible* cases of child trafficking between 2012 and 2015.

These types of inflated and speculative figures are not new. We see similar types of inflated statistics in the moral panic over sex workers. Prior to the 2010 FIFA World Cup, which was held in South Africa, it was locally and internationally reported that as many as 100,000 victims would be trafficked into South Africa in order to meet the increased demand for sex work. This panic over trafficking resulted in a flourishing of one-off trafficking awareness campaigns and fear-mongering. These fears subsequently proved to be unfounded and not one case of trafficking was reported during the World Cup (a pattern consistent with similar panics involving other major sporting events). This experience appears to have sparked remarkably little reflection. Rather than being guided by evidence and experience, policy makers have instead doubled down with yet more moral panic.

Much of what happens under the banner of anti-trafficking can be at least partially understood in terms of political performances, rather than policy calculations. The international panic around human trafficking that started in the 1990s—and which has gathered steam via the Palermo Protocol (the UN Protocol on Trafficking) and the self-appointed role of the United States as 'global sheriff'—has contributed to a strong desire on the part of the South African government to at least

be seen to be taking action. Whether or not specific policies *actually* prevent trafficking can be less important than the political signals assumed to be sent via a seemingly 'robust' human trafficking policy.

Following the evidence

The new immigration regulations are unfit for purpose. They are ultimately doing more harm than good and need to be revoked as a matter of urgency. This does not mean, however, that there are no serious problems to be addressed. South Africa is currently facing a huge number of social, political, and economic challenges, including the systematic exploitation and abuse of migrants and vulnerable workers, both children and adults. Instead of crafting responses that are driven by panic and pressure, future policy responses instead need to be driven by available evidence and past experience.

While the need for additional research is a common refrain in policy circles, on this occasion it is hard to see how things will improve without a major investment in the collection of reliable data. So much of what has taken place to date has been almost entirely based upon speculation and sensationalism, aided and abetted by a pattern of uncritical reporting by South African journalists. On this front, we would note that an additional 'Prevention and Combating of Trafficking in Persons Act' recently came into effect on 9 August 2015. This legislation included detailed sections on collecting much-needed data on trafficking, but the regulations to operationalise these and other provisions have not yet been published. It is therefore not yet clear what effect they will have.

It has recently been reported that the South African Parliament is currently re-thinking the new immigration regulations and analysing their "unintended consequences". We hope that this review will eventually extend to *all* anti-trafficking responses.

Section two

Child labour or child work?

Working children: rights and wrongs

Many children improve their current and future lives through work. Programmes to protect working children should operate within the children's interests, not ban them from their employment.

Michael Bourdillon

Child labour can mean exploitation, long hours, harsh conditions, and little chance to develop. However, much work done by children—even some work classified as 'child labour'—is not harmful and can contribute to their development.

Children instinctively imitate the activities of those around them, including paid or unpaid work that is performed in the family and community. In this manner they acquire competence and confidence, learn cultural behaviour and values, and establish their positions in their families and communities as members with both responsibilities and rights.

Growing up requires broadening relationships beyond the home. Work often provides a wider range of possibilities than school. Young people frequently cite social attractions as a reason for seeking temporary or part-time jobs. In work, they learn how to engage in relationships with employers and customers and how to share responsibility. Even street work can be educative. Experience of work in childhood and adolescence can contribute to later income and employment, especially where it involves a craft or trade. Learning on the job provides benefits that vocational institutions frequently fail to provide and can mitigate youth unemployment. So employment of children does not necessarily perpetuate poverty by hindering education.

Young people have sometimes commented that work, unlike school, gives them responsibility. In Africa key values of cooperation and so-

cial responsibility receive little attention in schools, where the only criterion for success is often academic achievement. For those with little aptitude for school, a sense of achievement must come from activities outside the classroom; sport for some, work for many. Work can offer purpose and hope to disadvantaged children. Work can also provide relief from tensions at home or school.

In poor communities, work may pay for the nutrition necessary to sustain children's physical and cognitive development. Several studies have shown working children to be better nourished and healthier than their non-working counterparts. Even when not necessary for sustenance, work can contribute to improved quality of life, school expenses, and travel outside their communities (the last of these is often erroneously depicted as trafficking).

Children's work assists in dealing with economic shocks such as illness of a bread-winner or crop failure. Pride of children in their work can mitigate resulting traumas and contribute to resilience. Work by children in agriculture and other family enterprises can contribute to overcoming poverty and be a sign of economic success.

Few of these benefits are age-specific. Prohibition of work at any age, therefore, may deprive children of opportunities to improve their lives in the present and of learning experience for the future. The broader the range of prohibited work, the more opportunities are lost.

Working children often prefer jobs that offer hope for the future, even when they entail hazards. Children weigh benefits against costs. Those intervening on behalf of children need to do the same. Costs and benefits vary with context, especially the accessibility and quality of schooling, aptitudes of specific children, situations of specific families, and local job markets. Context-specific assessments are difficult and best performed locally rather than through universal standards.

Because such assessment is difficult, policies to protect children from exploitation and harmful work look for simpler criteria, frequently a minimum age for entry into employment. Many interventions claim to be about protecting children from harmful work, but in practice focus on age of employment. Such minimum-age standards have become a widespread matter of faith, notwithstanding the lack of evidence that age and employment correlate with harmful work.

Many anomalies result from the mismatch between the intention of protecting children from harmful work, and the practical criterion in intervention of age of employment. In poor communities, intervention based on minimum-age standards often focuses on formal employment (particularly in export industries), where the best jobs usually lie; it largely ignores informal and unpaid work, which can be more exploitative. Such interventions are furthermore not concerned with the working conditions of older children. Children dismissed from work on account of age rarely end up better off as a result (although children whose situation is improved in other ways often end up doing less work). On the grounds that they should not be working, support for working children is sometimes denied to vulnerable younger children who need or want to work. The contributions of children are denigrated as 'help' and remain unpaid for fear of the child labour stigma. In rural communities, children are involved in all kinds of work for their families, but are prohibited from undertaking benign tasks in export-oriented plantations and lose the learning such tasks provide.

In contrast to abolishing 'child labour', protection programmes for working children can be sensitive to their needs and the benefits of their work. Many employers show concern for their young employees and willingly improve conditions to make work safe, decent, and allow for schooling. There have been many successful, flexible school programmes that cater to working children, such as a programme in Egypt aimed to remove children from hazardous work by finding them safer and more decent work, with some success for those over 15 (em-

ployers fearing for their European markets refused to take on younger children, some of whom consequently remained in hazardous work).

In Latin America, Asia, and Africa, young workers have been supported in forming their own organisations to defend their interests. As well as peer protection, these organisations have provided developmental benefits. Their activities are sensitive to the needs of young workers. The African Movement of Working Children and Youth, for example, tries to help young migrant workers to achieve their goals rather than insisting they return to their rural homes. The movement of working children in Bolivia persuaded the government to amend its children's code to meet the needs of poor children instead of preventing them from earning money.

This points to a constructive way to protect children from harmful work: instead of stopping children from working, support working children to ensure that they benefit from the work they do.

For a more complete discussion, see *Rights and Wrongs of Children's Work*.

Prohibiting children from working is a bad idea

Child labour is not intrinsically exploitative, and its prohibition is based more in western conceptions of childhood than research. Laws should prevent the exploitation of children, not children's work outright.

William Myers

The first modern international convention specifically for the protection of children appears to have been the International Labour Organisation's (ILO) Minimum Age (Industry) Convention, no. 5, of 1919. It applied internationally what had been a primarily European standard against child labour, a legal minimum age below which children were forbidden to be employed as industrial workers. It was widely believed by many educated Europeans that childhood everywhere should be privileged, devoted to play and school and separated from adult cares and responsibilities. Serious work was thought to harm children by robbing them of their essential innocence, an idea that lingers today.

Over time, the idea that children should be protected from work was increasingly applied to non-western societies that had not yet industrialised. Many of these societies thought children should be prepared for adulthood rather than buffered against it, and considered children's family and social ties to include obligations as well as privileges. Hewing to its global north ethnocentrism, the ILO gradually expanded the scope of prohibitions on child work until, in 1973, it passed the Minimum Age Convention (no. 138). This broadly sought "the effective abolition of child labour" and obligated ILO member countries to legislate age limits for which "no one under that age shall be admitted to employment or work in any occupation".

Whereas the original 1919 goal was to keep kids out of undesirable workplaces like mines and factories, the expanded 1973 purpose was to discourage work more broadly. Economists and policy makers at the

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time believed, and many continue to believe today, that children are set to work by their parents on the basis of rational economic calculus. This core idea, which is based more on microeconomic theory than data, assumes that families below a certain level of wealth necessarily value additional income more highly than education. In order to fully safeguard children's access to school, so the logic goes, the legal prohibition of child labour is required.

This thinking, along with the idea that a legal minimum age for work would keep children in school, represents 140 years of conventional wisdom now fossilised into doctrine. The assumptions of work-education conflict and of a need for minimum age policies to keep children in school were never tested by proper research. Nor was the effect of minimum-age policy on children evaluated. The rationale underlying the whole policy was nothing more than group-think taken on faith.

Social scientists, child advocates, and others first began to probe the realities of children's work in the 1980s. Their findings, based largely on interviews with children and parents, did not easily jibe with either

official pronouncements on child labour or justifications for universalised minimum age standards. We have learned that decisions regarding the place of work in children's lives respond to much more than economics. The initiative, or at least final decision, often rests with the children themselves. Furthermore, both families and children overwhelmingly value education and typically arrange for it in deciding children's work responsibilities.

By the mid-1990s a clear gap had opened between the international politics of child labour as pursued by the ILO and its allied organisations on one side, and, on the other, empirical understanding by researchers of how children's work, and interventions in it, affect the well-being and development of children. Based on the evidence, there is no reason to consider work inappropriate for even quite young children, as long as it is adapted to their age, ability, and developmental needs. In most of the world, children are expected to help with family maintenance and livelihood tasks as a normal part of growing up. Their work is usually treated as an educational and developmental activity that prepares them for adulthood. Children reared without work responsibilities would, in many cultures, be considered deprived and their parents negligent. There is no evidence that child-rearing systems separating children from work are in any way superior to those in which children assume work responsibilities.

There is furthermore little conflict between work and education; most school-age children who work also attend school. As such, it is invalid to justify universal minimum age policies as a means of defending children's access to education. When data are properly disaggregated to control for economic status and other key social and economic variables, there is little evidence that work reduces school attendance. In many cases work supports schooling, for example by providing money to pay fees, and is itself educational. The value of schooling is widely known and appreciated, and the demand for good schools is far greater than the supply. Except in cases of exceptional poverty,

evasion of school in favour of full-time work is increasingly rare. The evidence suggests that most school evasion has more to do with school dysfunction than with competition from work. For similar reasons, banning work seldom promotes school attendance. Improving schools and making them more accessible and attractive, however, does raise attendance and achievement.

There is some indication that the most effective policies for protecting working children aim at keeping children out of seriously hazardous work. The ILO's Worst Forms of Child Labour Convention (No. 182) takes this approach. Adopted in 1999, this convention specifies which kinds of work and working conditions are too dangerous, demeaning, or exploitative for children. Many researchers and child advocates now suggest that the ILO retract the Minimum-Age Convention (no. 138) and replace it with this new convention as the international standard. While prohibiting children from work strictly on the basis of age is a bad idea, it is necessary to ensure the work they perform is safe and appropriate to their age. Policies and projects to do that must rest on empirical evidence rather than group-think.

This essay summarises findings and policy arguments more fully presented in Michael Bourdillon, William Myers, and Ben White (2009) 'Re-assessing minimum-age standards for children's work', in *International Journal of Sociology and Social Policy*; and Michael Bourdillon, Deborah Levison, William Myers and Ben White (2010) *Rights and Wrongs of Children's Work* from Rutgers University Press. These issues are complex and demand more lengthy explanations than are possible in the current format. The reader is referred to these publications for more complete information and discussion.

Child work, schooling and mobility

Conventional wisdom holds that child labour and education are mutually exclusive, yet many children work and migrate in order to attend school.

Jo Boyden and Gina Crivello

Writing about children and 'the politics of culture' at the end of the twentieth century, Sharon Stephens characterises the modern world in terms of "transnational flows of commodities and people; by vast numbers of refugees, migrants, and stateless groups; by state projects to redefine the threatened boundaries of national cultures [...]". Children are typically cast as unwitting and passive subjects of these shifting global forces, rather than active participants who experience, challenge, and reshape the world around them. Boys and girls who migrate alone attract international attention as victims whose rights have been violated, thus triggering an array of protective policy and programmatic responses. Yet, the extreme economic, social and political inequalities that underpin this trend remain largely ignored.

Prevailing ideas about independent child migration reflect global efforts to reset the boundaries of what it means to be a child; these efforts increasingly define and govern children's use of time and space. Growing attention is given to children's vulnerability, their learning needs, and their dependence on adults, with emotional attachments formed in the context of stable nuclear family structures being regarded as central to their development and wellbeing. In this expanding paradigm of childhood, the young are portrayed as learners rather than earners. Global initiatives such as the Education for All campaign and the associated expansion of formal schooling have played their part, as boys and girls everywhere are expected to attend school full-time until well into their teens. Relatedly, child migration for work is taken as a threat to schooling and a sign of family breakdown or mistreatment and is often confused with trafficking. As a result, the everyday experi-

ences of migrant boys and girls are overshadowed by a focus on street and trafficked children, child sex workers, or child refugees, with no consideration of the absence of viable options for young people locally.

But then ideas about appropriate childhood are peppered with contradiction. Children growing up in rapidly changing societies find themselves balancing multiple, often inconsistent expectations regarding how and where they should spend their time. So, even though work-related child migration is widely condemned internationally, leaving home to earn an income is what makes schooling possible for some children, enabling them to save for school utensils, uniforms, and the like. Despite the intense gaze on work-related migration, boys and girls relocating to access better or higher status schools has thus far escaped critical scrutiny; it is even applauded in some quarters. The recent rise in school-related child migration responds to a dramatic escalation in educational aspirations across the globe. Among social elites it facilitates access to selective education whereas among populations in poverty it is driven by local service shortfalls. Increasingly, schooling is seen as a means of becoming somebody of wealth and social significance, a way out of rural poverty and the drudgery of occupations like farming, and of releasing the young from the hardships endured by the parental generation. Even though there is no guarantee of an economic return, many families make major financial sacrifices to cover the direct, indirect, and opportunity costs of school-related migration, for example by selling their land or animals.

Thus, independent child migration can be developmental rather than detrimental, and children migrate under differing social and material circumstances and with varied outcomes for themselves and for their families. In weighing up the costs and benefits of children migrating we must consider young people's own motivations and accounts. Young people often explain how much they appreciate the opportunities migration has brought them, enabling them to see the wider world, make new friends, and access resources like libraries and the

internet. Further, many of the children who migrate without their parents are in practice not alone but accompanied by trusted relatives or peers. Among populations in poverty, children commonly grow up as co-contributors to the household economy and decisions regarding their work, schooling, and migration respond to both collective and individual considerations. Child relocation from poorly-resourced to better-off households can mitigate family hardship and, in return for helping out in the host household, enables boys and girls to access learning and care opportunities not available in the natal home. In this way, children's migration for work may strengthen bonds within extended family groups rather than create a social deficit through their physical absence.

This is not to suggest that children's independent migration for work or schooling is without risk. Being young and separated from family networks may increase vulnerability in many contexts. Ann Whitehead and Iman Hashim maintain that, "many of its positive and negative effects do not arise from the fact of migration itself, but depend on what triggers movement, what kinds of circumstances migrants move to and, of course, the distance moved and the length of stay away". This points to the importance of assessing the situations from which children leave and their positions within structures of inequality, as well as the circumstances they enter into through migration.

This article has been reprinted from *Migration: The COMPAS Anthology,* Bridget Anderson and Michael Keith (editors), Centre on Migration, Policy and Society, University of Oxford (2014).

Child rights in the chocolate industry: a rocky road to progress

Child exploitation in the cocoa industry is well known, but lasting change will only come from an evidence-based approach in policymaking.

Amanda Berlan

Child exploitation in the West African cocoa industry has long captivated public attention. The news that cocoa, a key ingredient in chocolate, was being produced using child labour or even child slavery shocked European and North American consumers when the allegations first emerged in the press over fifteen years ago. The media accounts presented hellish scenarios of children working long hours for little or no pay on sprawling cocoa plantations. There, we were told, they risked beatings, extreme hunger, or even death. Many of the accounts made disturbing links between the producers and consumers of chocolate. "People who are drinking cocoa or coffee are drinking their blood", said the director of the Save the Children Fund in Mali to the BBC in 2001. "It is the blood of young children carrying 6kg of cocoa sacks so heavy that they have wounds all over their shoulders".

Key terms and statistics were often confusingly misused in these reports. No distinction was made, for example, between child slavery and child labour, let alone different types of child labour. The term 'plantation' was often used to denote what were actually small family plots of land, thus erroneously implying a type of large-scale commercial exploitation. Moreover, hugely variable statistics with no supporting evidence abounded. Initial reports that 90 percent of cocoa farms in Côte d'Ivoire relied on child slavery were subsequently revised to less than two percent. It also emerged that some stories were fabricated. For example, Michael Finkel, a former writer for the *New York Times Magazine*, was forced to admit that his article on child slavery in Côte d'Ivoire was "a deceptive blend of fact and fiction".

For many, a discussion of the details of the case may seem irrelevant. Does it matter if child slavery occurs on 90 percent or two percent of cocoa farms in Côte d'Ivoire? Surely any child slavery needs to be eradicated. And why does the terminology matter? We just need to rescue the kids, right? I do not wish to rewrite the stories of these children—whatever they are—in complex academic jargon; clearly their best interests are not served by complicating the issues unnecessarily. However, it is important to acknowledge that the best interests of these children are also not well served by making the issues appear *simpler* than they actually are. After fifteen years of media reports, company shaming, interventions, investments, and every possible awareness-raising initiative, the problem of child exploitation in West Africa cocoa is still said to persist. This suggests that there is clearly a need for different, critical, and innovative thinking.

The complex lives of child labourers

Child exploitation in West African cocoa has always been treated as a labour issue, in the sense that it has been couched in employment terms such as rights, working hours, health, safety, lack of remuneration, and restricted freedom. This approach worked well to tackle child labour in the industrial revolution in the UK. It is less appropriate in the context of West African cocoa production, where a whole host of other considerations conspire, intentionally or otherwise, to undermine the rights of children.

I conducted fieldwork in Ghana over a 15-month period in 2001-2003. The work that many of the children there were involved in falls under the ILO definition of the worst forms of child labour, yet they were not slaves. Labelling them victims of exploitation, and describing their situation in terms of human rights or employment law violations, does nothing to explain why these children work in cocoa production. All these depictions achieve is the creation of an unhelpful mental image in a western audience that, problematically, becomes a basis for policy-making. However, the needs of the children are much more complex.

In my experience, many children in cocoa communities are illiterate. Some are in poor health and suffer chronic nutritional deficiencies. Many have chosen to drop out of school, despite their family's wishes, because going to school is a deeply unattractive prospect for a child who is hungry and tired, and whose lack of concentration may result in punishment from the teacher. In contrast to this, farm work offers the possibility of access to water and food. For this reason a well-co-ordinated school feeding programme would be far more effective at moving children out of farms and into schools than anti-child labour 'sensitisation' campaigns emphasising that every child has the right to an education and should be in school. Thankfully school feeding programmes are currently being implemented across Ghana.

Family dynamics are also problematic. Divorce and family breakdown are common in rural Ghana. The children of divorced parents are much more likely to become involved in the worst forms of child labour, as they either end up in poorer, single-income households headed by their mothers, or in situations where their mothers remarry and their stepfathers or absent fathers refuse to pay for their upkeep. In such a situation, working in cocoa, irrespective of the nature of the work being undertaken, seems a rational choice. It reflects a need for survival rather than ignorance of rights or health and safety. At the policy level, interventions to support women and/or strengthen family courts could help address these issues.

Of course, there are many other considerations which impact child rights in the cocoa industry beyond what I have already outlined. Not all could be discussed here. In order to safeguard children's welfare, taking a holistic, child-centred approach based on sound empirical information is much more effective than seeking to 'right' a list of wrongs based on western understandings. This, unfortunately, is where progress has been lacking over the course of the last fifteen years.

Children, capitalism and slavery

Romanticism saw child workers as slaves and pushed to remove children from the labour market. While some working children agreed, others welcomed the chance to contribute to the family budget.

Hugh Cunningham

British efforts against the slave trade and slavery from the late eighteenth century coincided with a mounting concern for the working conditions of children, and contemporary campaigns often linked the two issues together. Samuel Roberts, on behalf of the boys who climbed and swept chimneys, claimed in 1803 that their lot was "far, very far, worse than that of a Negro in the West Indies". Britain's young labourers also made the connection between their lot and slavery. Joseph Herbergam, who worked as a young teen in a British cotton factory in the late 1820s, wrote of his experience: "I wished many times they would have sent me for a West India slave … I thought … that there could not be worse slaves than those who worked in factories".

Romantic childhood

Samuel Coleridge, the Romantic poet, described factory children as "our poor little White-Slaves". This Romantic view of childhood marked a sharp break with previous conceptions of children, who up until this point were either born into sin and in need of salvation or wax to be moulded into a good adulthood. William Blake in *Songs of Innocence* imagined a two-day-old child, telling his mother "I happy am, Joy is my name". Wordsworth wrote how babies came "trailing clouds of glory … from God, who is our home: Heaven lies about us in our infancy". Innocent when born, Romantics thought children perceived nature and morality more 'freshly' than adults. Childhood was not so much the prelude to adulthood but the pinnacle of life. Given this, it was incumbent on adults to protect childhood and to prolong it.

Romantic images of childhood suffused the campaign to end or restrict child work. Child workers were 'children without childhood'. In 1831 Michael Sadler, the parliamentary leader of the campaign to restrict child labour, wrote about "work-children". "How revolting the compound sounds", he wrote, "It is not yet admitted, I think, into our language: I trust it will never be familiarised to our feelings". Eighty years later an American campaigner could assume agreement from readers when he declared that "when labour begins … the child ceases to be". The Romantic conception of childhood nourished an entirely negative image of child work in capitalist economies.

Such views linked in with a utilitarian argument that work in childhood could damage the prospect of a healthy—and working—adulthood. In 1840 one of the early factory inspectors, Leonard Horner, deplored "the inhumanity, injustice, and impolicy of extorting labour from children unsuitable to their age and strength, - of subjecting them, in truth, to the hardship of slavery (for they are not free agents)". Men were "free agents" and required no protection. Children did. The Romantic focus on children, however, meant turning a blind eye to what more radical critics described as the 'wage slavery' of adults in capitalist industry.

Remunerative childhood

Children had for long been an essential part of the labour market, not only in agriculture but also in the new industries that began to proliferate from the late seventeenth century. Much of this work was family-based, and Daniel Defoe described how any child over four was likely to be at work in the domestic wool-weaving districts in of Yorkshire. Early industry furthermore made use of the children institutionalised in orphanages and workhouses, and the English Poor Law allowed for children to be relocated to factory districts.

Many contemporaries delighted in children's work. There were schools of industry in Britain and *Spinnschulen* in Germany. The children of

the poor, said the Empress Maria Theresa in 1761, "should grow accustomed to hard work". The idleness of unemployed children was feared, not the exploitation of their employed counterparts. Moreover, the economic viability of many industries, new as well as old, was thought to depend on the cheap work provided by children.

The Romantic conception of childhood and other contemporaneous forces led to the passage of laws protecting and limiting child work. These did not, however, end child labour as both national and family economies seemed to need children to work. The compromise reached in Britain was the half-time system: children half-time at school, half-time at work. By the late nineteenth century the half-time system had fallen into disrepute, with most of the criticism coming from teachers, but child work continued and re-emerged as an issue in the service sector of the economy. The calculus was simple: poverty demanded that children bring in some earnings at as early an age as possible.

On top of this there were an alarming number of children without families or with families deemed inadequate. The measures taken to protect them can themselves seem like a form of slavery. Many children, for example, were transported from Britain to Canada and Australia as a 'protection' measure. Work was what awaited them. Dr. Barnardo, a philanthropist dedicated to the rescue of street children, defended what he described as this "philanthropic abduction" of children from their parents. The Romantic conception of childhood did not carry all before it.

There were other downsides to Romanticism. It infantilised the young, giving them no powers of agency. Children were victims. First-hand testimony from working-class children in the nineteenth or early twentieth century, by contrast, asserted pride in contributing to the family economy. Clifford Hills, born in 1904, from the age of nine had a job before and after school as a kitchen boy and worked hard in the summer holidays. His earnings paid for the weekend joint of beef.

Capitalism and slavery

In 1973 the International Labour Organisation set fifteen as the 'normal' minimum age for employment, hoping to 'eliminate child labour'. Implementation of it has never come near to being a reality, the less so as neoliberal policies freed up capitalism's search for the cheapest labour. By all plausible estimates child labour has since then only increased. The aim of NGOs, meanwhile, became restricted to ending the worst forms of child work, in part because they began to question the desirability of elimination. Not all children, they realised, wanted it to happen for the simple reason that some income was necessary if they were going to remain in school.

It was no accident that it was the Anti-Slavery Society that publicised the extent of global child labour in the 1970s and early 1980s. Since the late eighteenth century there have always been voices making the link between child work and slavery. It is a powerful rhetoric, all the more so because it often obscures the equally strong link between capitalism and slavery. It was the assumption of anti-slave campaigners, as it was of many urging the end of child work, that capitalism would function better and more fairly without slaves, whether white or black. History suggests, however, that slavery was perfectly compatible with capitalism. Both black slavery in colonies and white slavery in factories were the outcome of capitalism's search for plentiful and cheap supplies of labour. Romanticism in the nineteenth century helped to reduce capitalism's reliance on cheap child labour but was powerless to do anything about the 'wage slavery' of adults. Response to bad conditions of work by children is, to this day, infused by the Romantic conception of childhood, but it is inadequate as a campaigning strategy because it fails to address deeper causes that are endemic in neo-liberalism.

On Bolivia's new child labour law

Evo Morales has been condemned for lowering the working age in Bolivia to ten. But when child labour remains a given, it is in the children's best interest to formalise and regulate it.

Neil Howard

Last month, Evo Morales won a landslide victory in the Bolivian general election. Though a disaster for the free marketeers on the right, his victory has been hailed as a triumph for equality and social justice by progressives on the left. Yet on one matter, both left and right are united: in unequivocal condemnation of Morales' new child labour law.

The 'Code for Children and Adolescents' overturns decades of child labour legislation. Globally, as per the International Labour Organisation's (ILO) Minimum Age Conventions, fourteen is the youngest that children can be when they begin light work. In Bolivia, that age has now been lowered to ten if the children are self-employed and attending school. Children may begin contract work—meaning they may be employed by someone else—at twelve, as long as they possess parental authorisation and continue their education. The law also contains strong stipulations pertaining to the protection of child workers, and serious sanctions for employers who fail to respect them.

Criticism of the law has been vociferous. Conservative politicians in Latin America have derided it as dishonourable. UNICEF and the ILO have led an international chorus against it. Human Rights Watch has been scathing, with its chief child rights advocate claiming the new rules are "counter-productive" and may "perpetuate poverty". Aidan McQuade, Director of Anti-Slavery International, wrote in *The Guardian* that it "shames us all" and represents the "abandonment of a child's right to a childhood".

This criticism, while hardly surprising, is misguided in many respects. There are a number of reasons why the law represents a very progressive step in the right direction.

The first is that it constitutes a clear rejection of the dominant 'abolitionist' approach to child labour in favour of a more nuanced, and ultimately more effective, regulatory strategy. The abolitionist approach seeks an immediate, blanket removal of all children from what the ILO calls the most 'hazardous' occupations and an immediate removal of any child under 14 from any occupation whatsoever. The problem with this approach, however, is that its history is absolutely littered with examples of it having made children's lives significantly worse. This happens because all to often it is implemented in an entirely a-political fashion. Well-meaning outsiders come along promising to rescue poor children from exploitation, not by changing the political-economic conditions that allow for (and indeed create) that exploitation, but simply by removing them from it. The unfortunate result of these efforts is to promptly return those children to precisely the penury that drove them to work in the first place. This frequently pushes them into the illegal economy, where they end up facing even worse working conditions.

The alternative to this quixotic dogmatism is exactly what Bolivia's new child labour law seeks to achieve. It begins from the twin premises that children work because they are poor and that, until their poverty has been overcome, they will be better served by having their work brought out of the shadows. This involves having it legalised, having it regulated, and having the authorities ensure that child workers receive the same protections and the same wages as their adult counterparts.

The same, pragmatic logic is also found in campaigns to legalise sex work. As it is with legalised prostitution, evidence from other contexts in which a regulatory approach has been taken to child labour clearly suggests that this is by far the best way to advance children's interests

Shoe shiners in Bolivia.
Alberto ... /Flickr. Creative Commons

until enough political will exists for a massive, poverty-eradicating redistribution of resources. It is thus likely that this law will benefit Bolivia's working children.

As a precedent, this law has the potential to benefit working children everywhere. It offers a tangible, real world example of an effective alternative to the hegemony of abolitionist thinking. Nowhere else has a country so flatly rejected abolitionist inflexibility. Nowhere else has a law been passed that so roundly reveals the hypocrisy of abolitionist moralising. To condemn and illegalise child work whilst doing nothing about the structures underpinning that work is, at the end of the day, not about helping working children. It assuages the guilt of the interventionists whose privilege is made manifest by the uncomfortable sight of a child at labour. Abolitionist posturing is the worst kind of liberal sensibility, and Bolivia's child labour law reveals it for what it is, whilst at the same time shining a light on another way forward.

The third reason why this law is such an advance is that it both recognises children's agency and gives them voice in determining what is in their best interests. Contrary to what may be assumed, children have themselves vigorously campaigned for this new law. The pioneering Bolivian Union of Child and Adolescent Workers (UNATSBO), which represents tens of thousands of under-18s all over the country, has argued that regulation and labour protection are more useful for the poor and the young than wholesale bans. Historically, those seeking to help children have done so without consulting them or taking their views into account. Beyond this being a morally questionable

contradiction, speaking *for* children and adolescents whilst ignoring what they themselves have to say has been highly ineffectual. Bolivia's recognition of their right to be heard is thus of real importance.

It is likely that, as the Bolivian state takes the lead in offering greater respect to its young workers, Bolivian society will follow suit. Significant bodies of research demonstrate that perceptions of a person's status are fundamental to how we treat that person. It is for precisely this reason that many liberal democracies illegalise hate speech. By declaring that young people are capable not only of working and organising, but of making a valuable contribution to their families and their society, Evo Morales is demanding that Bolivian society do likewise. It must respect young workers as people and treat them accordingly.

I neither condone the exploitation of children nor see all child work as unproblematic. But I want readers to see that in our unjust, unequal, and unfair world, regulating child work is better for working children than the counter-productive sticky plaster of abolition. Instead of condemning Morales as regressive, abolitionists and their allies would do better to marshal their forces against the wealth inequalities that necessitate child work in the first place.

Section three

Child trafficking or youth mobility?

The creation of 'trafficking'

Trafficking received its current definition only fifteen years ago. Since that time, the policies pursued in its name have done incalculable damage to the children they purport to protect.

Mike Dottridge

Many children in west Africa are brought up in households belonging to people other than their own parents. There is a long tradition of fostering, yet in many cases the practice is now considered to constitute 'trafficking' or 'modern slavery' because the children involved are put to work during their stay. This makes little sense, yet the terminology of 'human trafficking' and its consequences—namely that the 'traffickers' involved should be prosecuted—has remained in vogue since at least 2000 with the support of European and American funding. This has almost certainly caused more harm than good.

Alongside these foster children are the tens of thousands of independent adolescent migrants who deliberately leave home in search of work. In both scenarios some children are badly exploited and abused. Those that live with their employers, such as the region's hundreds of thousands of child domestic workers, are particularly vulnerable. However, some prosper and flourish.

Efforts to curb exploitation over the past two decades have foundered because they have been based on ideas and methods imported from Europe and North America. By and large they have sought to prevent children from working away from home, rather than to protect children from harm regardless of where they live and whether they were at work or school. This approach fails to adapt to the realities of childhood in west Africa and the practicalities of growing up in villages with little infrastructure.

The creation of 'trafficking'

The abuse of live-in child domestic workers began to be documented systematically in countries such as the Benin Republic, Nigeria, and Togo during the mid-1990s. At the time I worked as the director of Anti-Slavery International, a London-based charity that became highly involved in the process of identifying the region's exploited children, recording their testimonies, and generating policy measures to protect them more effectively. However, these efforts became entangled in well-intentioned developments outside the region.

Researchers quickly established that many hundreds of children from Benin and Togo were being shipped across the sea each year to work for west African households in Gabon—a richer, petrol-exporting country. This 'movement for work' was labelled 'trafficking' in English and '*trafic*' in French, which has slightly different connotations but nonetheless implies contraband taken across a border. At the time, neither word had a precise technical, yet alone legal meaning. When the first findings of research in Gabon were published in 2000, all 133 west African girls and one boy who were interviewed in Gabon were described as "*trafiquées*" (translated into English as "trafficked"). This meant that they, like most west African adults who sought a living in Gabon, had arrived in Gabon as undocumented migrants.

'*Trafic*' and 'trafficking' acquired their legal meanings with the United Nation's adoption of two treaties in 2000. The first defined 'trafficking in persons' as a criminal act, implying the need to prosecute those responsible. The second declared the term '*trafic*' (in French) to mean 'smuggling migrants across a border'. At the same time, the United States adopted its own law on 'trafficking in persons' and launched a global crusade to seek more prosecutions and heavier punishments for traffickers.

The virulence of inaccuracy

These developments were, in many ways, disastrous for children, as

they induced many west African states to produce policies and laws to stop one of the main methods used by young people in west Africa to get on in the world. Benin, ostensibly seeking to punish child traffickers, adopted a new law in 2006 that stopped anyone under eighteen from moving away from home without an official permit. Benin's Ministry of Family and Children, in a national study published in 2007 and supported by UNICEF, estimated that over 40,000 Beninese children were "victims of trafficking" and that each year almost 15,000 children were trafficked. The implication was that a massive two percent of the country's children were in the hands of criminals, even though the employment of children as live-in domestics and in other jobs continued to be socially acceptable.

On the face of it a national study should have been authoritative; however the criteria used for assessing which children had been trafficked were far too wide. Any child working away from home was identified as 'trafficked'. The study itself reported that just 2,066 children out of 40,000 had been "moved by a broker". The other 38,000 children had migrated voluntarily but were considered "exploited" because they were working away from home, not because they had complained about their working conditions or felt they were worse off than when living with their parents. Ironically, the study did not even mention children who were earning a living from commercial sex, even though research a few years earlier had identified adolescent sex workers in the capital, including Nigerian girls brought there to earn money for people who paid for their journeys.

Once inaccurate information is publicised, it is remarkable how it circulates endlessly. In this case, a UN special rapporteur investigating the sale of children and child prostitution was told while visiting Benin in 2013 that 40,000 children were trafficking victims, most of them girls working as live-in domestics. Another UN specialist working in Gabon, herself from Nigeria, acknowledged that 'child fostering' in itself did not amount to trafficking, but "may be abused and can become

a form of exploitation in which children work long hours without schooling". The figure of 40,000 trafficked children was repeated in a report for the 2015 International Labour Conference and Radio France International referred to Benin's "40,000 child slaves" in a broadcast in April 2015.

The wrong cause

However, the real problem goes much deeper that the replication of erroneous statistics or even the false designation of many adults and children as 'traffickers' and 'trafficked'. The world's preoccupation with stopping children from working, and especially working away from home, has prevented Benin and other countries from introducing effective measures to *protect* migrant and working children. On the contrary, the policies resulting from this drive have, if anything, made life more difficult for them. Their combined effect has been to increase the bribes paid to border officials and to encourage the use of clandestine and dangerous ways of transporting child workers. They have demonstrably not improved working conditions or promoted the rights of child workers.

As one of those responsible for bringing the situation of Benin's child workers to public attention in the 1990s, I cannot comprehend why international organisations and western donors do not pay more attention to the views expressed by the young people who are at the heart of this issue. An academic article published five years ago quoted a group of children in Benin as saying that if they were members of parliament, they would not prohibit children from working either in Benin or abroad. Instead, they would insist on the working conditions being made acceptable, at least as long as it was not possible to guarantee that the alternative for children would be quality schooling.

Pathologising young people's movement

The independent movement of children is inevitably rendered as 'trafficking' due to core assumptions regarding what constitutes a proper childhood. Any deviation from these norms is assumed to be suspect.

Iman Hashim

A leading children's charity tells us that child trafficking is child abuse. The largest online encyclopaedia describes it as the sale of children. Neither of these definitions, of course, is accurate. Nevertheless, they are representative of the discourse surrounding the movement of young people in the company of adults who are not their parents.

The actual, legal definition of trafficking is that which is laid out in the Palermo Protocol, formally known as the United Nation's (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime. According to this protocol, the distinction between smuggling and trafficking is that the former refers to the movement of individuals where the individual has consented, while trafficking involves threat or the use of force or other forms of coercion. However, article three of the protocol makes it explicit that in the case of those under the age of eighteen, *consent is irrelevant if their movement is considered to be for the purposes of exploitation.*

Beyond the obviously questionable implication that those under the age of eighteen are incapable of exercising meaningful choice, this definition entails a host of other problems. What constitutes exploitation is not clear beyond prostitution and other forms of sexual exploitation; forced labour or services; slavery or practices similar to slavery; servitude; and the removal of organs. Nor indeed is it clear how one is to establish intent to exploit. At its heart are certain assumptions regarding how young people should be spending their time and with whom; that

properly loved children belong in the non-productive world of home or school. Any deviation from these assumptions, therefore, can only be the outcome of some pathological situations such as conflict, neglect, or poverty and inevitably result in vulnerability to exploitation, harmful situations, and/or abuse.

The case of Mali

A detailed and sensitive study of children's migration for work from Mali to Côte d'Ivoire demonstrates how weaknesses in the conceptualisation and application of trafficking frameworks result from the open question of whether or not an intermediary was involved in any given migration scenario. At the same time, it demonstrates the near necessity of intermediaries to facilitate the safe passage of young people and the near ubiquity of intermediaries in the social and economic activities that attract young workers. In their conclusions, the authors found that by criminalising routine cultural practices and service provision from benign intermediaries, young people are frequently forced into the hands of potentially unscrupulous intermediaries. As a result, the migrations of young people became more clandestine and potentially more dangerous.

The research in Mali found that few of the young people surveyed had been betrayed by an intermediary or tricked into work. This is not to say that harmful or abusive forms of work for children do not exist, only that they are the extreme minority of cases. This reality, however, has not substantially impacted the popularity of international efforts to combat 'slave-like working conditions' and 'trafficking'. They remain a lucrative source of development funds for national governments, and thus in some ways create a perverse need to 'find' exploited children that can then be 'rescued'. Follow this path to its logical end, and you reach the conclusion that any young person moving for work is trafficked. It also leads to the failure to address the very real needs of other child migrants.

The case of Ghana

My own research with young people from the upper east region of Ghana found that the children leaving their home communities independently of their families did so for a variety of reasons, not least among them was the need to earn an income. Many desired to learn a trade, experience new places, live with relatives, or simply do what their friends were also doing. Their experiences of migration ranged from pretty good to pretty grim. Most, however, were positive about their experiences, even when their pay was derisory and their living and working conditions were inadequate. Their responses are perhaps unsurprising. Most come from contexts of poverty and hardship, born into communities that lack income and training opportunities. Nevertheless, these communities value hard work and view productive labour as a central aspect of childhood.

Migration is not a single process. Many of its positive or negative effects do not arise from movement itself but depend instead on a wide range of factors relating to the reasons for migration, the circumstances of the destination, the nature of the work found there, and the migrant's relationship with their employer. A narrow focus on trafficking, the subsequent spotlight on intermediaries, and the dismissal of young people's own choices have resulted in measures that increase the vulnerability of children regardless of their stated aims. A thorough and comprehensive understanding of young people's movement is not possible without taking into account their economic, social, and cultural contexts, and what the children themselves think about their movement and the role they play in it.

Beyond child trafficking

Not all child mobility is 'trafficking' and some forms of child mobility might not be detrimental to children's interests and welfare.

Tanja Bastia

Human trafficking is generally associated with negative connotations: slavery, harsh working conditions, criminal activities, sexual exploitation, and smuggling. These issues become even more worrying and emotive when the people involved are 'children'. This makes it difficult to have rational discussions about what is actually happening and about the measures that could be taken to ameliorate the situation, if required. My starting point in this piece is that human trafficking—adult or child—is very closely associated with labour migration. Unless we recognise the overlaps between the two, any response may worsen the situation of people considered as 'trafficked'.

The 1989 *UN convention on the rights of the child* legally defines childhood as the first eighteen years of life. The 2000 UN protocol to prevent, suppress and punish trafficking in persons especially women and children—from now on, simply 'the protocol'—confirms that anybody under the age of eighteen is a child. This delineation in turn defines the mobility rights of both groups, as it is thought that only adults can knowingly consent to movement. Indeed, the protocol uses consent to distinguish between migrating and trafficked adults, however it considers children who cross borders for work as trafficked by default. This perception is compounded by the fact that many are compelled to work in precarious, unregulated, and exploitative sectors.

This universal age threshold has been widely contested because it does not take into account cultural variations in who is considered a child; nor does it recognise differences between children of different ages (i.e. very young children and adolescents). Neither the UN convention nor

the protocol recognises that childhood is culturally defined. Consequently, they fail to acknowledge that conceptions of childhood, which vary across cultures, not only impact views on child mobility but also affect how children themselves experience migration. For these reasons, there are a number of problems with framing all cross-border movements of children for work as 'trafficking'.

First, trafficking is generally framed as a criminal activity that involves criminal gangs and high levels of violence. This is only rarely the case. Many children move with the help of family members or other people considered trustworthy, rather than organised criminal gangs.

Second, many have highlighted the difficulties in identifying a victim of trafficking. Those who attempt to make these distinctions wrongly end up dividing migrants into two groups: 'victims of trafficking', who deserve our sympathy, and (undocumented) migrant workers, who should be punished for breaking migration rules. This is less a problem for migrant children because they are all seen as 'victims of trafficking'. However separating migrant workers into two categories essentially undermines the right of all people to be offered protection from exploitative labour. Like adults, children who seek work abroad do so in an attempt to take care of themselves, to survive, or to help their families and siblings. Not recognising these needs precludes the possibility recognising the protection of their rights in a working environment.

Third, cases of 'trafficking' are usually 'solved' by repatriating individuals to their countries of origin, which more often than not returns them to the situations that led to their migration in the first place. Without an improvement in the situation the cycle will most likely continue. This is true of children as well.

Fourth, being labelled a 'victim of trafficking' is often associated with stigma, which, if anything, is likely to worsen the situation that the 'victims of trafficking' face when they are returned to their countries

of origin. Governments of countries of origin are not doing enough to deal with these problems.

Fifth, criminalising children's migration for work drives any kind of work involving underage migrants underground. This makes the children more vulnerable, exposes them to even worse working conditions, and hinders the reach of protection mechanisms.

Finally, the current approach to children's mobility entirely disregards children's agency, yet research demonstrably shows that children, and particularly adolescents, exercise agency in their migration decisions.

These points do not mean that all forms of child mobility should be permitted, nor that exploitation should be condoned. The point I would like to highlight is that 'child trafficking' is generally the symptom of a more widespread problem—simply tackling the symptoms will not improve the situation. To provide realistic solutions to child trafficking and children's exploitation we need to move away from considering all forms of child mobility as trafficking and start distinguishing between different types of movements of children. This would necessarily also require the participation of the children involved.

This article is based on observations drawn from ethnographic research on Bolivian migration to Argentina. To read more, see my article in International Migration, 'Child trafficking or teenage migration: Bolivian migrants in Argentina'.

Young people's migration and the pursuit of status

Young people's mobility must be understood within processes of change. Migration provides opportunities to achieve status, an under-recognised yet important aspect of young persons' lives.

Karin Heissler

Media reports and policy documents on human trafficking often focus on the exploitation and harm experienced by child and young migrants. In the absence of reports on mobility practices more broadly, the focus on trafficking risks generalising young people's migration to the point of misrepresentation. More specifically, it suggests that all young people's movements entail harm and exploitation. In order to avoid this, we must situate young people's movements within a wider understanding of mobility and the processes affecting it. This will help us to better comprehend the factors motivating mobility and to develop a more contextualised, dynamic understanding of the risks and opportunities presented by migration. What, then, leads young persons to migrate? What experiences do they have?

Across Asia, where I have done most of my research, the mobility of children and young people for work or schooling is a long established rite of passage. The migration patterns of these children, however, have been changing as agricultural livelihoods have become less sustainable and as educational systems have modernised. These shifts have prevented many young persons from pursuing viable livelihoods locally, and in any case fewer and fewer are interested in farming, the traditional livelihoods of their parents.

Examples of this abound across the region. Nitya Rao and Munshi Israil Hossain, for example, found that agriculture in Bangladesh is increasingly seen as difficult work with limited returns. At the same

time Dhaka, Bangladesh's capital city, has become less feared as a destination for work, resulting in higher numbers of persons considering out-migration. Likewise in Indonesia, the lack of decent work has 'pushed' young people out of their villages and toward the 'light' and 'heavy' work in factories, transportation, and construction that is readily available in cities. In Nepal, the migration of young men to India has been long-established as a rite of passage. This flow has increased in recent years due to limited opportunities for schooling and the lack of employment available locally. In rural Laos, Roy Huijsmans has observed that young people are more interested in migrating out for non-agricultural work than in pursuing the farming related livelihoods of their parents.

In addition to these 'push' factors, transformation in urban settings and across borders has increased demand for young workers with some level of education. The modernising process of formal education thus also impacts on young people's migration, creating aspirations for livelihoods different from those of their parents. Even though the expected gains from formal education have not yet materialised for many 'poor' and disadvantaged groups, namely access to decent employment, growing numbers of children and young persons are migrating to attend school.

Work status and personal reputation are extremely important factors in decision making processes, even for children and young persons from 'poor' or otherwise disadvantaged backgrounds. For those educated children and young people who remain un- or under-employed, migration may offer face-saving opportunities for their development. For example, young educated Nepali men often migrate to Delhi to pursue better educational opportunities—both formal and informal— in the hopes of attaining the upward social mobility denied to them in their home country. Even if the young men take what they describe as a 'low' status job in Delhi, they see it as a way to earn money and improve their skills so they can secure even better work further afield.

I found from my field sites in Bangladesh that educated boys who do not have the resources to secure decent work at home are embarrassed to do the locally available, 'low' status work. They prefer to migrate, even for similar 'low' status work, to locations where no one from their home village can see them. When they return home, they describe this work to their peers using terms associated with higher status work. Similarly, Nitya Rao found that migration offered the possibility for young women in rural India to leave a stifling home environment. Their new lives in a cosmopolitan setting have brought them higher status than if they remained in their home villages, even though they were doing manual domestic work. Furthermore, living away from home and earning an income created choices and opportunities for some women and girls that would have been inconceivable without migration. These benefits can be both short and long term, for example delayed marriage or having more influence over one's parents regarding the choice of husband.

The examples presented above show the need for a more contextualised and dynamic understanding of the motivations, opportunities, and risks associated with children and young people's migration. Migration cannot be understood outside wider processes of social and economic change, including the diversification of livelihoods and aspirations created by formal education. For many children and young people, migration is not a wholly negative experience. On the contrary, it provides avenues for aspirations that cannot be met locally and opportunities to achieve status and reputation, extremely important yet under-recognised aspects of young persons' lives.

'Children' in global sex work and trafficking discourses

It is too simple to frame children involved in child prostitution in India and 'sex trafficking' in Canada as mere victims. Their roles in these phenomena are far more complex.

Treena Orchard

One of the most perplexing features of contemporary child prostitution and sexual trafficking discourses is their conflation with one another. The sexual labour of children is often described as child prostitution and unproblematically equated with the distinctive phenomenon of 'child trafficking'. This occurs with such frequency and inattention to cultural context, with such disregard for the lived experiences of the children or youth involved, that many people are often confused. Identifying the unique but overlapping socio-economic, sexual, and political features of child prostitution and sexual trafficking is critical to alleviating this confusion. I seek to nuance the discussion using the examples of the *Devadasis* in India and 'sex trafficking' in Canada.

Devadasis in India

I confronted these issues during my fieldwork in 2001 and 2002 with *Devadasi* women and girls in rural south India, who belong to a traditional system of temple and religious servitude that often involves the exchange of sex for money or other material goods. Much of the academic literature and everyday social discourse holds that *Devadasis* are oppressed victims of 'backwards' cultural traditions. The *Devadasi* tradition has also featured prominently in debates about sex trafficking and HIV/AIDS, often as a 'naturalised' supply of girl children to feed the sexual demands of men in large cities and to 'cure' men of the disease. The solution, it thus seems to many, is rescue by the state or regional service agencies in order to allow these children to achieve a more respectable kind of femininity and spiritual redemption.

Over the course of my fieldwork I spoke with many women and girls about their lives and how they are shaped by the *Devadasi* system. Their answers were complex. They wove together gender inequity, poverty, and ambivalence toward sex work with the indignity of being part of a tradition under attack by social reformers. They also spoke of the positive aspects of the *Devadasi* tradition, such as generating and keeping a significant portion of their income, as well as being able to spend leisure time with their peers; two meaningful aspects of social life that are unavailable to many Indian women. Their responses to questions regarding the involvement of young girls and youth were equally nuanced. The laments of both mothers and daughters mixed with notions of filial duty and a sense of pride from girls who materially helped support their families.

In this context neither sex nor childhood were understood as bounded, discrete phenomena. Rather, they were factors of life that necessitated survival and also gave meaning to their lives. These insights contest the universal assumptions of victimhood. They tell us, if nothing else, that it is wrong to see child prostitutes in less-developed countries as merely oppressed victims of cultural superstitions, desperate for state-sanctioned interventions to lift them up from their fallen status.

'Sex trafficking' in Canada

Similarly complicated ideas about of the role of children in sexual trafficking discourses exist in Canada. The issue of sexual trafficking has been featured prominently in print and social media, often in reference to the federal government's recent release of twenty million dollars to agencies that support women exiting the sex trade. A recent story from the *London Free Press* encapsulates various aspects of the contemporary sex trafficking discourse. Headlined as "SEXUAL TRAFFICKING" and illustrated with a colour photo of a young person's hands in chains, the story regales us with harrowing tales of young girls lured into abusive sexual relationships by so-called boyfriends. Devastated parents and service agents, the story tells us, seek

to educate the public about the "possible signs of trafficked women" to prevent future victims.

Trafficking in Canada is thus discussed alongside not only sex work and crime, but also abusive relationships and a range of normative behaviours many young girls experience as they grow up: withdrawal from family and friends, staying out late without telling their family, absences from school, and substance use. The story also states that any "lies" these girls tell parents or police, including their stated consent to certain activities or relationships, should not be believed.

This 'everything is trafficking' discourse confuses the issue and produces troubling outcomes at systemic and individual levels. It overwhelms those in service provision, who are pressed into service like never before and are often unable to meet the growing demands for 'trafficking'-related services. It also engenders familial panic about female children, which centre firmly on ideas about misplaced trust, premature sexualisation, and external coercion. This encourages parents to report or take their daughters to the authorities if they think they have been 'trafficked'. Young girls are framed here as not only victims of inappropriate socio-sexual relationships, but also as criminally suspect in their own families. As for the girls, whose experiences are rarely featured in such accounts, they reside in the vacuous spaces allotted to them within this discourse: victim, survivor, and the gratefully saved.

The child prostitution discourse in India and the sex trafficking discourse in Canada are unique in their constituent elements and outcomes. However, they are also two sides of a shared global story in which constructions of 'children', especially young girls, play central roles. The lives of these children or youth are similar in some ways and very different in others. It is critical that we disentangle and contextualise them if we wish to address in meaningful ways the underlying structural issues associated with sexual trafficking and sex work that involves children. Papering over the complexities of their lived

experiences with discourses that reduce various events or behaviours to products of 'internal culture failings' or 'external criminal forces' is oppressive. Moreover, to do so does not help explain the dynamics of these complex situations and reduces young people to non-agential players in an adult's game.

Child trafficking: what are we really talking about?

The moral panic over child trafficking detracts from important questions about children and childhood, the state, and immigration. We worry about child trafficking, but what exactly is it?

Viviene Cree

Child trafficking generates great anxiety amongst professionals, parents, and the general public. It is simply an abhorrent idea: how could adults buy and sell vulnerable children? Extensive effort has thus been put into combatting the practice. In the UK, local authorities have drafted guidelines for identifying and working with trafficked children, and child trafficking units have been established across many counties in the country. These and other efforts might suggest that we are faced with a severe and growing problem; a child trafficking epidemic that demands increasing attention and resources. But is that really so? What is the extent of the problem, and indeed, when authorities talk about child trafficking, what do they actually mean? Scrutiny of the policy discourse and available evidence shows that often a very different reality exists than the image of 'trafficking' shown to the public.

Child trafficking, according to the UK's National Society for the Prevention of Cruelty to Children (NSPCC), is when children are recruited, moved or transported, and then exploited, forced to work, or sold. They are often subject to multiple forms of exploitation. Children are trafficked for: child sexual exploitation; benefit fraud; forced marriage; domestic servitude such as cleaning, childcare, cooking; forced labour in factories or agriculture; and criminal activity such as pickpocketing, begging, transporting drugs, working on cannabis farms, selling pirated DVDs, and bag theft. It is often asserted that many children are trafficked into the UK from abroad, though children are also said to be trafficked from one part of the UK to another. Figures from the UK National Crime Agency's third annual Strategic Assessment of the

Nature and Scale of Human Trafficking in 2013 (released in September 2014) estimated that of the 2,744 people identified as potential victims of trafficking, 602 were children; an increase of 22 percent from 2012.

All of these numbers might suggest that the phenomenon is indeed on the ascendency, although closer attention to the data reveals that those identified were *potential* victims rather than *actual* victims of child / human trafficking. This, alone, should give major pause for thought.

A challenge faced by those seeking to count victims of trafficking lies in the rather woolly definition and idea of trafficking itself. The supposed clarity offered by the NSPCC definition—itself taken from the Palermo Protocol, 2000—often falls apart in practice because it is very difficult to identify what should be included (and excluded) when we talk about child trafficking. According to the definition, movement or mobility is necessary for trafficking to have taken place (child A is moved from location X to location Y). But is movement of children necessarily harmful? Clearly not, as demonstrated by the 'mom's taxi' phenomenon for middle-class children. So it's not actually the movement of children across spaces that's concerning. Rather, it's what happens to children during and after the journey.

What if a child's life is awful before the journey? For example, when a child from a war-torn country moves or is sent by parents to be brought up by friends or relatives elsewhere. Does this constitute child trafficking? In practice, different agencies (governmental and NGO) have defined child trafficking so loosely that almost any form of movement involving a child can end up being described as 'child trafficking'. Some reports include adoption, fostering, and children going missing from care within their working definitions of trafficking; others include children placed illegally in children's homes. This lack of consistency means that it is often impossible to know not only what the problem is, but also if it is getting worse, better, or remaining roughly consistent over time.

The second definitional problem relates to the idea of the child itself. What do we include (and exclude) in our definition of a child? Are we talking about children up to the age of sixteen (the school-leaving age and legal age of sexual consent in the UK), or eighteen, or perhaps even 21 years, as the UN Convention on the Rights of the Child suggests? Not only does the lack of agreement make giving accurate numbers on child trafficking (if we can neatly pin this down) across the world an exercise in futility, but also the issue throws into sharp relief contested ideas about young people and sex. When is a young person able to understand and consent to their movement regardless of what the outcome of the movement is, and when do they need protection from it? Different perspectives across countries and over time suggest, again, that there is no way of knowing whether this is a problem that is worsening, improving, or staying that same.

What else is going on here?

It is right that children and young people (wherever they come from) should be protected from harm, but the current scare about child trafficking might best be seen as an example of moral panic. Moral panics exaggerate issues of genuine concern. In doing so, they draw attention away from other important social issues and contribute to wider societal fear. They are not, as Jock Young argued in 2009, one-off disturbances. They reappear in connection with shifts in the wider social order. As my colleagues and I have written elsewhere, the idea of child trafficking is an old concern that first appeared in the late nineteenth century, another time of widespread social anxiety. At that time, concern about the 'white slave trade' focused on the (mistaken) idea that young women were being seduced in large numbers and transported to brothels in Europe.

The re-appearance of child trafficking as a social issue today connects with wider concerns about immigration and asylum seekers, children and childhood, as well as the police and social services. It speaks to the language of moral outrage: "how could we let this happen?" It speaks to

a feeling of loss; to the notion that childhood has been somehow 'lost' or 'stolen', and is 'in crisis'. And it speaks to a widespread sense that the world is increasingly out of control; that 'something must be done'. In particular, it helps to fuel anxiety about the supposedly widespread practice of 'modern slavery'; in this case the enslavement of children torn away from the protection of their family, with no regard for the circumstances from which the child has moved or is being moved.

The outcome of this moral panic is that our sights are taken away from more pressing concerns faced by children deemed to have been trafficked. It is far easier to label a child as a victim of trafficking than to argue that he or she is a victim of wider socio-political and economic harms, and that these need to be addressed. Thus we condone highly illiberal and repressive immigration policies that scapegoat and stigmatise both adults and children in the name of protecting children from being trafficked across borders. We also contribute to the increasing surveillance of children and young people, whose lives are evermore regulated and managed in the name of child 'protection'. Rather than panicking about child trafficking, I suggest that the interests of children and young people would be better served by more compassionate welfare and immigration policies that give support to their families, and by the provision of mainstream youth services that allow them to enjoy their childhoods without constant scrutiny and supervision.

A previous version of this piece was published 11 November 2008.

Fake morals and forced identities for young migrants in Europe

Young migrants live dynamic lives, yet dominant conceptions only allow them two identities: 'victim of child trafficking' or 'illegal migrant'. These identities are forced and based on fake morals.

Brenda Oude Breuil

During the course of my research on unaccompanied migrant minors (*mineurs isolés étrangers*) in Marseille, France in 2008-2009, I stumbled upon a case of a young migrant boy from North Africa that clearly illustrated how our dealings with migrant youth have all the appearances of a clenched spasm. He was supposedly 16 years of age, and after arriving by boat—as is the case for many of these boys escaping home countries they feel have nothing to offer them—the boy tried to make a living as a (contraband) cigarette vendor in Marseille's informal market. His living conditions worried social workers and the boy eventually was brought before a juvenile judge who placed him under tutelage in a state institution. This judge deemed the boy 'in need of state protection', his minority playing a central role in that decision.

Not so long after, the boy was apprehended for pickpocketing. The public prosecutor (*procureur*) was evidently so fed up with what he almost surely saw as 'welfare scroungers' that he ignored both the boy's identity papers—which described him as 16 years old—and the earlier court decision. He ordered a bone x-ray (*teste osseux*) to determine the boy's 'real' age and 'true' identity. This test, which has a fault margin of about 1.5 years, resulted in a dramatic twist of fate: the boy was suddenly now eighteen years old, and thus was no longer a minor in need of protection but an illegal migrant. The child protection measure installed by the juvenile judge was annulled and the boy was ordered to leave French territory within three months.

Although this series of events took place several years ago, more recent cases show that not too much has changed. They illustrate the judgemental, oftentimes 'morally' based approach used with migrating young people who do not fit the social categories available to them. They also show how young migrants' complex, liminal realities—which are characterised by movement—become reduced to the fixed identities that nation-states understand.

We are currently experiencing the paradoxical reality of ever more porous borders on the one hand, which make it almost impossible for nation-states to control the movement of people, and public demands for ever more (government induced) protection and security, on the other. One result of this situation, as Jock Young details in his excellent book *The Exclusive Society*, has been that when groups of people fall outside the system, they are morally blamed for their precarious position, socially and economically excluded, demonised, and kept at distance.

Ideal victims, folk devils

In the case of young migrants in Marseille—and this holds true for most of Europe's major cities—this means that symbolically they are only allowed to play one of two roles. They must be either a 'victim of child trafficking', who should be protected and kept within the narrow confines of government institutions, or an 'illegal migrant', whom governments will be ready to expel. These two roles correspond to the criminological concepts of the 'ideal victim' and the 'folk devil'. The first refers to stereotypical victims with whom we can easily empathise, as they are weak, innocent (because of their age or gender), voiceless, and in need of help. The second refers to stereotypical enemies who are blamed for all that is wrong in society and who are vehemently feared.

Thus, when young migrants find their way to West European cities in order to earn a living, grow into independent adults, and deal with the indignity of belonging to the world's 'have-nots', they *might* be labelled

as 'trafficked children'—provided they have the right age and the experience of exploitation. The category is backed up by forceful visual representations of children that are desperate, dirty, confined, and deprived of all agency. Whether the 'child' actually believes himself to be victimised, or deems the conditions of exploitation acceptable or at least better than 'back home', or takes pride in his income earning activities is completely ignored. His agency is pushed aside with arguments of cognitive superiority of those who define and represent him. It is not my intention here to deny severe experiences of child exploitation. Rather, I oppose the application of a reductive label that ignores the individual and diverse experiences, motivations, and agencies of the children under discussion.

If not labeled as 'trafficking victims' in need of protection, young migrants are labeled as 'illegal'. Since this label requires that one is over eighteen years of age—as most European nation-states cannot legally expel individuals below this cutoff point—governments can and sometimes do go to great lengths to designate them as such, as observed in the abovementioned case. Their 'felt' identity—which is *in-between* the category of child and adult, a person who is growing up, gaining independence, and earning a living yet is still vulnerable to exploitation, drug abuse, psychological instability, and unease—is manipulated and molded into the clear-cut category of a rational adult who exploits, undeservingly, the benefits of the guest country.

Both identities are *forced* upon them. The labels do not describe what we could know about them if we took the time to fully explore their realities, their needs and dreams, as well as the structural conditions that caused them to leave home. The current conception of migrant young people in Europe is manipulated and based on fake morals, and as such it does not offer any outlook for a humane and sustainable way to address their needs.

Contributors

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This volume, replete with contributions from world-renowned children's rights academics and practitioners, argues that the dominant abolitionist discourse and its associated policy directives often impede the best interests and rights of the children they purport to 'protect' or 'rescue'. This largely happens because the protections proposed are politically disengaged, fail to tackle the underlying causes of children's insecurities, and often lack thorough understanding of the social, cultural, and economic circumstances surrounding young people's work, mobility, and lives. The volume therefore advocates for an approach to securing child and youth welfare that is more nuanced, context specific, non-dogmatic, politically engaged, and takes young people's own accounts seriously.

"The team at Beyond Trafficking and Slavery do incredible work to advance public debate around trafficking, slavery and forced labour. The site has already become the go-to source for campaigners, workers organisations, and students. They are a major ally in our effort to protect workers' and migrants' rights, and to resist the spread of market fundamentalism."

—*Sharan Burrow, Secretary General of the International Trades Union Confederation*