

WORKING PAPERS

CHILDREN, CHILDHOOD AND MIGRATION

Roy Huijsmans

June 2006

Working Paper Series No. 427

Institute of Social Studies

CHILDREN, CHILDHOOD AND MIGRATION

Roy Huijsmans

June 2006

Working Paper Series No. 427

Comments are welcome and should be addressed to the author:

c/o ORPAS - Institute of Social Studies - P.O. Box 29776
2502LT The Hague - The Netherlands

workingpapers@iss.nl

The Institute of Social Studies is Europe's longest-established centre of higher education and research in development studies. Post-graduate teaching programmes range from six-week diploma courses to the PhD programme. Research at ISS is fundamental in the sense of laying a scientific basis for the formulation of appropriate development policies. The academic work of ISS is disseminated in the form of books, journal articles, teaching texts, monographs and working papers. The Working Paper series provides a forum for work in progress which seeks to elicit comments and generate discussion. The series includes the research of staff, PhD participants and visiting fellows, and outstanding research papers by graduate students.

For a list of available Working Papers and how to order see the last page of this Working Paper.

Some of the latest Working Papers are published full text (or abstract and content page) on the website: www.iss.nl (Publications / Working Papers Series).

For further information contact:

ORPAS - **Institute of Social Studies** - P.O. Box 29776
2502 LT The Hague - The Netherlands - FAX: +31 70 4260799
E-mail: **workingpapers@iss.nl**

ISSN 0921-0210

CONTENT

ABSTRACT

1	WOMEN AND CHILDREN IN MIGRATION: AN ANALOGY?.....	1
2	CHILDREN, CHILDHOOD AND MIGRATION	3
2.1	An Exploration.....	3
2.1.1	Children as ‘social migrants’	4
2.1.2	Children as ‘political migrants’	5
2.1.3	Children as ‘economic migrants’	7
2.2	Human Trafficking.....	10
2.2.1	Human Trafficking in Children Deconstructed	11
3	MIGRATION OF CHILDREN FROM LAO PDR TO THAILAND	14
3.1	A Brief Context.....	14
3.2	Labour Migration of Children From Lao PDR to Thailand: Building A Profile.....	16
3.2.1	Contemporary labour migration of Lao children: a phenomenon shaped by age and gender	18
3.3	Contemporary labour migration of Lao children: the ethnicity factor.....	20
3.4	Contemporary labour migration of Lao children: is it all about poverty?	21
3.5	‘Trafficked into the worst forms of child labour’: Which forms?	23
4	LAO CHILD MIGRANT WORKER IN THAILAND: SOME FINAL REMARKS	25
5	CHILDREN, CHILDHOOD AND MIGRATION: A FINAL DISCUSSION.....	27

REFERENCES

APPENDICES

ABSTRACT

Children and migration as an area of study has started to attract attention in recent years, particularly labour migration and human trafficking. This paper explores how children and notions of childhood have been incorporated and related to various forms of migration. The paper focuses specifically on labour migration of children and human trafficking and the way these phenomena are addressed. In doing so the paper makes use of the case of Lao children working in Thailand.

1 WOMEN AND CHILDREN IN MIGRATION: AN ANALOGY?

Migration is by no means a modern phenomenon. In contrast, migration has been an ever-present feature of human existence, and in much of present-day Africa and South Asia, ‘movement is the established pattern’ (McDowell and Haan 1997: 3). However, recent figures of the International Organization for Migration (IOM) show that migration has reached an unprecedented scale (IOM 2005). This may to some extent be a simple consequence of population growth. Yet, increasing inequalities between and within countries and increased access to modern means of transport and modern media should certainly also be factored in as contributing factors to the current scale of migration. Moreover, these latter aspects have not just contributed to an increase in migration, but have also transformed migration processes.

Against this background, it should come as no surprise that attention to migration as an issue of international concern and relevance has risen steadily over the past decades. At an academic level this has resulted in a wide range of ‘migration theories’, stemming from different schools of thought.¹ This plurality at a theoretical level is however ill-matched by the small, and seemingly, ‘standard’ set of ingredients which form the basis of most nation-state level migration policies. Migration policies function in most cases as nation-state level gate-keeping instruments.² Constructed from the perspective of the nation-state, such policies are at best outcomes of national political-economic interests and at worst biased towards a fear of ‘otherness’, yet operating in an increasingly interconnected world.

At the same time, progressive thought in the social sciences has contributed to a greater understanding and appreciation of migration as a social process, embedded in social relations. For example, whereas migration used to be studied from a ‘gender blind’ perspective, it is now widely appreciated that migration has a very different effect, impact and meaning on and for women as opposed to men. In addition, work of feminist researchers and activists has contributed to an increased recognition of women as active migrants, and not merely as passive followers of the male migrant

¹ See for a useful introduction and overview Massey *et al.* (1993).

² There are some constructive steps away from the dominant ‘nation-state centred’ approach to migration such as bilateral or multilateral agreements. Such policies act upon the knowledge that any form of international migration involves at the least two countries. Some examples are the several bilateral Memoranda of Understanding signed between nation-states in the South East Asian region and regional policies, such as in the context of the European Union. However, these initiatives still cater exclusively to documented citizens of the concerned nation-states, thus excluding migrants from non-member states and undocumented residents.

(ILO 2003, pp: 9-10; Jolly and Reeves 2005, p: 6; Deshingkar IN: Jolly and Reeves 2005: 7). Since both sending and receiving societies are specific gender constructs, opportunities and vulnerabilities for both sexes differ markedly in the migration process (Donato, Gabaccia et al. 2006: 6). Therefore, it is now slowly realised that 'gender blind' thinking on migration results in labour migration policies skewed towards the needs and realities of 'the male migrant' (Jolly and Reeves 2005; Piper 2005).

The understanding of children and migration has largely followed a similar trajectory as that of women and migration.³ It is a likely assumption that children, like women, have always been part of migration flows, although their presence has till recently attracted little specific attention. Yet, it should be noted that many migrants that we currently consider to be child migrants were unlikely to be seen as children several decades ago. This highlights a main difference between women and children. Whereas distinguishing women from men is in most cases rather unproblematic, in the absence of clear or universal markers, it is less clear when one stops being a child. The near universally ratified United Nations Convention on the Rights of the Child (UN-CRC) has brought legal clarity by drawing the line between childhood and adulthood universally at the age of eighteen. Yet, such universal legal standards are ultimately applied to diverse socio-cultural realities. This is likely to cause, at least some, friction between legal concepts and local realities.

A second parallel between women and children is that they are both considered to be a 'vulnerable group'. Yet, although both women's and children's vulnerability should be understood in relation to the hegemony of patriarchy, the responses to address their respective vulnerable positions in migration differ markedly. For example, knowledge on women and migration has expanded significantly by granting women conceptual autonomy, yet, such an approach is still rarely taken when it comes to studies on children and migration (Iversen 2002: 817). Also, whereas the dominant trend in improving the situation of women migrants focuses on 'empowerment', thus confronting the relations of power that keep women subordinate to men, child migrants are considered to be best helped if removed from the harsh reality of migration and 'rehabilitated' into their 'traditional' role. However, this ignores the fact that children may have their own and legitimate reasons to

³ In this paper, the term 'children' refers to any person below the age of eighteen.

migrate and may be actively mitigating the real risks that migration and migrant labour entails.

The differences in responses between women's issues and children's issues are largely explained by the way children and childhood are constructed as opposed to how women as adults are seen. Although many of the difference in qualities between adults and children are obvious, this becomes increasingly less obvious as children grow older. In addition, drawing a sharp line between 'voluntary' migration, and forced forms such as 'human trafficking' and 'migrating' as a refugee, is equally problematic. However, binary thinking still shapes many responses to children and migration (O'Connell-Davidson 2005: 64-65).

This paper provides a discussion on children and migration which is critical of simple dichotomies which shape much of the thinking on, and responses to children and migration, while on the other hand aware of the real risks that migration presents for young people. The paper consists of five chapters. The introductory chapter is followed by chapter two which presents a general discussion on children in migration and human trafficking. Chapter three takes a more detailed look at this phenomenon in the context of Lao PDR. Chapter four pulls together the various observations drawn from the Lao case while chapter five reflects on the issue of children, childhood and migration from a more general perspective.

2 CHILDREN, CHILDHOOD AND MIGRATION

2.1 An Exploration

The UN-CRC entered into force in 1990, and has put 'children's issues' firmly on various national and international agendas over the last decade. Moreover, the Convention states in Article 3 that in any action concerning children, the child's best interests should be a primary consideration. However, since 'the child' can be any person aged 0-18, has its own gender, socio-economic and ethnic background, 'best interests' differ greatly between children. A problem that is only more articulated, and not necessarily solved, if children are to participate in matters affecting them as the Convention prescribes in Article 12.

Despite this heterogeneity of childhood, various authors have argued that thinking about and dealing with children is still predominantly rooted in singular

concepts of childhood and children (e.g. Mayall 2000; O'Neill 2000). The appeal of a universal 'model' of childhood is rooted in the idea that children possess qualities that are different and inferior to that of adults, largely due to biological and cognitive stages of development. Although it is obvious that particularly young children may not be able to do and think like most adults, such an approach foregoes the fact that 'what children do and what is expected from them is largely historically and culturally determined' (Qvortrup 2004: 267), and thus bound to differ across localities. Also, adult interests may prevent children from part-taking in certain activities while approving, or even stimulating others (*ibid*: 267).

The following discussion on children and migration, illustrates how underlying ideas about what makes 'a good childhood' and how children become 'good adults', has facilitated the approval of certain forms of migration by children, while at the same time attributed great concern to other forms. The discussion also illustrates how these norms have changed over time.

2.1.1 *Children as 'social migrants'*

Of all forms of migration of children, migration for social reasons is generally met with least concern. This is based on the assumption that children's needs are best met, their rights are best protected, and they are best prepared for adulthood within the institution of the family and under the direct protection of their parents. Children are thus conceptualised as passive followers of the adult migrant (King IN: O'Connell-Davidson 2005, p: 64), rooted in ideas of children as dependent, incomplete, incompetent, passive and fragile.

However, it should be noted that in this respect the institution 'family' refers to a particular, contemporary, and in origin western version of family; nuclear family. Appreciating other notions of family, such as the 'extended family' would greatly complicate the picture, as well as acknowledging the fact that 'the family' is not *per definition* a safe haven for children as cases of abuse in the domestic sphere have indicated (Edwards 1996: 816).

Migration of children as part of migration of the nuclear family, or with the purpose of family reunion is presented to be in the best interest of the child. Yet, at the same time it is limited to children with close biological links or legal ties with the family head. The best interest of the child is in the case of family migration or migration for family reunion likely to collide with the best interest of the parents, and

it is thus not entirely clear which one actually prevails. Although, this issue is within the realm of the nuclear family in most cases not more than a thought to ponder about, its implications become clear when applied to international child adoption. In the case of international adoption, a child doesn't 'migrate' with the purpose of family *reunification*, but with the purpose of family *formation*. As in the case of family reunification, also here the best interest of the child is put forward as the main argument justifying 'child migration', it is in this case however less obvious that this argument prevails the best interest of the parent.⁴

2.1.2 *Children as 'political migrants'*

The UNHCR definition of 'refugee' is not age-bound, and globally, half of all refugees are child or adolescent (Cardol 2005: 10). Although most child-refugees have fled their countries and apply for asylum in the company of parents or caretakers there is a considerable group of refugee children who are considered 'unaccompanied'. This latter group, looking at the Dutch context, is the focus of this section since it best expresses how children's rights are in relation to political asylum constantly subject to reinterpretation, much affected by factors which have little to do with the child's best interest.

Applications for asylum by unaccompanied and separated children have risen steadily in several European countries throughout the 1990s. Numbers peaked in 2001, constituting close to 6 per cent of all asylum applications in twenty-one European countries (UNHCR 2004: 3-4). In the Netherlands, asylum applications by unaccompanied minors constituted in this year even one-fifth of all asylum applications (Cardol 2005: 47).

The UN-CRC has urged receiving countries to recognise the specific needs and rights of refugees of minor age, taking their best interests into account. Yet, the extent to which this has transformed national legislation differs considerably, even between neighbouring countries in Western Europe (Pang, Ghrib et al. 2002; Monnikhof and Tillaart 2003: 13-143). The Netherlands has had special policies regarding 'unaccompanied asylum-seekers of minor age' (in Dutch abbreviated as 'AMAs') since 1992 (Monnikhof and Tillaart 2003: 19). However, a closer look

⁴ For a detailed discussion of children's rights, children's welfare and adults' interests in relation to adoption see Penelope Welbourne's recent work based on the UK (Welbourne, 2002).

reveals that the interpretation of AMAs best interests and the consequent 'special regulations' that apply to 'AMAs' have been subject to significant change over the last decade, much due to alterations in the Dutch political and economic sphere (Tweede Kamer 2001: 4).

With the new policies that came into effect in 2001, 'AMAs' still enjoy a special status in the Netherlands asylum regulations as opposed to adults and accompanied asylum seekers of minor age. The main difference lies in the fact that adult and accompanied refugees of minor age must leave The Netherlands in case their request for asylum has been turned down, whereas 'AMAs' are allowed to stay, provided: 1). They have not reached the age of majority according to the law of their country of origin; 2). There is no 'adequate shelter' in their area of origin; 3). They, if sixteen years or older, have not proven to be able to independently take care of themselves in the country of origin; 4). They have not frustrated the asylum procedure or research concerning 'adequate shelter'.

The recent change in 'AMA' policies has been analysed in several publications e.g. (Monnikhof and Tillaart 2003; Human Rights Watch 2003: 2; Cardol 2005). The old set of policies were characterised by a 'protective stance' (Human Rights Watch 2003: 2) based on the assumption that the sending back of 'AMAs' was likely to be against the best interest of 'AMAs'. This led to a set of policies which granted the 'AMA' *in principle* a right to temporary residence, unless proven that return would be safe and harmless. As such, policies worked on the principle of facilitation of integration of *all* young asylum seekers. The new policies have moved from a protective stance to a restrictive approach, yet, despite this drastic change 'the best interest of the child' argument has remained central, though interpreted differently. The new policies are based on the assumption that 'AMAs' have hardly ever lost all their adult relatives, and that it is in the 'AMAs' best interest to reunite them with their families and communities. Also, tougher regulations are meant to discourage human traffickers from trafficking under-aged asylum seekers into the Netherlands. This latter is also seen as acting in the best interest of children since much of the rise in young asylum seekers throughout the 1990s is considered to be caused by expanding trading networks in young migrants (Tweede Kamer 2001: 4). Therefore, the new policies work on the, much criticised, principle of facilitation of return of *all* 'AMAs', unless this is considered too dangerous for the young refugee in question (Cardol 2005: 233 and 318).

In addition to the above, the new 'AMA' policies have been tightened by 'technical' measures. First, 'AMA' has been redefined, excluding minors who are accompanied by a relative of majority age (stretching to fourth grade relative), considered capable of caring for the asylum-seeker of minor age. However, this measure had to be abolished in 2004 due to fierce critique on its incoherence with international law, in which the 'responsibility' to care can't be enforced beyond first grade relatives. Secondly, asylum seekers of minor age whose asylum request has been turned down but could not be send back to their countries of origin used to get a one-year temporary residence permit which could be extended twice, even beyond their eighteenth birthday. After three years asylum on 'AMA' grounds, AMAs could then apply for temporary residence on humanitarian grounds. In the new policies the right of temporary residence on 'AMA' grounds is withdrawn the moment the 'AMA' turns eighteen, which means that the young refugee has to leave The Netherlands at latest on his/her eighteenth birthday and thus loses the possibility to apply for asylum on humanitarian grounds if she/he has entered the Netherlands after his/her fifteenth birthday. Third, the meaning of 'adequate shelter' has been stretched from parents and direct relatives to friends, community-members, clan-members and other forms of shelter in the country of origin. The Dutch government has even opened 'shelters' in Angola in order to facilitate the return of asylum seekers of minor age to Angola (Monnikhof and Tillaart 2003: 19-31; Human Rights Watch 2003: 15-27; Cardol 2005: 234-268).

2.1.3 Children as 'economic migrants'

In comparison with the previous two categories, considering children as economic migrants is perhaps most problematic since it upsets the way children are conventionally seen. The child as a social migrant fits well with the idea of children as part of the family, and children as political migrants adheres to feelings of protection underlying much action concerned with children's issues. However, children who migrate for economic purposes, and particularly for work, are unlikely to have their status recognised. In contrast, since they have left the protective wing of the family and have entered, what is considered prematurely, the adult world of work, they

deviate in two major ways from the normative standard of childhood.⁵ Consequently child migrant workers are often perceived and targeted as either ‘innocent victims or as pathological threats, in any case, as ‘children out of place’ in need of rescue, rehabilitation or control’ (White 2003: 14).

However, it is useful to realise that normative standards of ‘a good childhood’ have changed significantly over time, and are hardly consistent even within a given time and/or society. This, since childhood is not *just* a natural and universally similar stage of life, as is suggested by influential work in the field of development psychology, but largely socially constructed, with biology providing not more than a context (O'Neill 2000: 6). Furthermore, this also implies that childhood as a construct is shaped by various overarching political, economic and cultural interests, most likely of the adult population and not necessarily colliding with the best interest of the children. This suggests that dominant opinions on, and responses to child migrant workers are not necessarily taking the best interest of the child as a primary consideration, but are more likely the product of several, possibly conflicting, interests of which the best interest of the child is but one.

The above can be illustrated with historical examples of migrant work that were considered perfectly suitable and even beneficial during childhood, as well as contemporary, disguised, versions of children as ‘economic migrants’. For example in contemporary Europe and North America the profession of *au pair*, or the recruitment of young foreign football (and other sports) talents have only recently attracted attention as labour issues, and interestingly, the current definition used by the British government for *au pair* still resonates this socialisation ideology, and instead of talking about work or labour, phrases it as ‘help’.⁶ For long these activities were phrased in terms of socialisation, training and learning, or simply considered as an opportunity for a better future for impoverished children. This not unlike the way

⁵ UNICEF describes ‘childhood’ in their latest flagship report as: ‘childhood as a time to grow, learn, play and feel safe’ with access to ‘essential services such as hospitals and schools’ and in protection of family and community (UNICEF 2005: 1). The words protective and hazardous are put in quotation marks since one can neither assume that the family functions per definition as a protective setting for children, nor that work is per definition hazardous for children.

⁶ According to the British government ‘an “au pair” placement is an arrangement whereby a young person: (a) comes to the United Kingdom for the purpose of learning the English language; and (b) lives for a time as a member of an English speaking family with appropriate opportunities for study; and (c) helps in the home for a maximum of 5 hours per day in return for a reasonable allowance and with two free days per week’.

From: http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/immigration_rules/part_4.html, accessed on 28th October 2005.

servant-jobs and apprenticeships in Europe in the 17- and 18-hunderds (Cunningham 1995: 97-99), child and youth migration from e.g. Britain to Australia till the mid 1900s, or the practice of sending children to distant Koran schools or to more affluent kin in e.g. West-Africa have been constructed, and contested, as conducive experiences and/or markers in the process of becoming a 'good adult'. However, all these practices separated the young persons, whom we now consider children, from the nuclear family and involved getting engaged with the labour market at a young age.

On the other hand, migration by children for study purposes has never been considered as a form of economic migration, although the concerned child migrant certainly fills her or his days with activities that are essential for economic (re)production, albeit unpaid. Since, schooling, as the various other economic activities highlighted above, is constructed in terms of socialisation and learning, it is seen as an appropriate occupation during childhood and conducive to the process of becoming a 'successful' adult. This way, certain economic activities done by children are effectively excluded from the adult world of paid work.

Despite this ambiguity about economic migration and childhood, much of the contemporary interventions concerning child migrant workers is premised on the idea of 'restoring childhood'. In practice, this means removing the working children from their place of work and sending them back to their communities of origin. Yet, without denying the real risks and often exploitative conditions of migrant labour at a young age 'the best interest argument' which directs intervention is here used on the basis of general assumptions on particular pre-conditions that are considered essential for a 'a good childhood'. The danger in this is that dissatisfaction or frustration with these 'pre-conditions', thus what institutions like the family, school and local community have to offer to these children may have been the very factors inducing migration in the first place (Camacho 1999; Iversen 2002:831; Whitehead and Hashim 2005: 25-28). As a consequence, the 'rescued', or 'rehabilitated' young migrant may just re-migrate some time later, while the real dangers of migration and migrant labour for children are left unaddressed.

2.2 Human Trafficking

The discussion above has highlighted children's presence in various forms of migration. Policies that deal with children and migration often refer to the 'best interest of the child' argument. However, since there is no such a thing as 'a child', best interests naturally differ across children. As a consequence, policies based on normative ideas of a 'good childhood' run the risk of being unproductive, and perhaps even harmful, for children whose reality doesn't correspond with the image of childhood as a 'time to grow, learn, play and feel safe' with access to 'essential services such as hospitals and schools' and in protection of family and community (UNICEF 2005).

This is particularly evident in the case of child migrant workers, for whom migration may be one of the few options to improve on their current situations. Or for children who have gone through locally available schooling and are now legitimately looking for gainful employment which may not be available in their local communities, or for those who have simply set off attracted by life beyond the local community.⁷ Especially in such cases, it should be realised that what really matters is not the fact that the migrant worker is not yet eighteen years of age, but, essentially, the impact migrant labour has on the child. This understanding should be considered at least as part of intervention strategies since it urges to look at the conditions and relations that make migrant labour harmful for children.

In practice however, the dominant discourse to address children's migrant labour is that of 'human trafficking'. As will be discussed next a human trafficking approach tends to lump together all children, regardless of age, as victims, based on an ill-defined element of 'exploitation'. Without denying the problematic nature of migrant work done by children, the human trafficking focus pays little attention to factors like: the motivations for migration, the children's age and level of development, the kind of migrant work children are engaged in, the physical and emotional impact the type of migrant labour has on children, the child's relation with the employer and co-workers, the child's contact with the sending community, etc. Yet, knowledge about this is essential in order to better understand the diversity and

⁷ In this respect it is of importance to note that several studies have indicated that it are predominantly children in their teens that migrate for labour (Camacho 1999: 63; Koning 1997; Punch 1998 IN: Whitehead and Hashim 2005: 23). However, other studies have stressed that migrant children may also be much younger than that (Kielland and Sanogo 2002; Iversen 2002).

commonalities in difficulties and strategies that children are likely to face, and use, when engaged in migrant labour.

2.2.1 *Human Trafficking in Children Deconstructed*

Human trafficking is most commonly defined as follows:

Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal or organs.⁸

This definition describes human trafficking is a process. This process can, for analytical purposes, be broken down into three stages. Sverre Molland has described this from the vantage point of a trafficker and has labelled the three subsequent stages ‘the method’, ‘the action’, and ‘the purpose’ (Molland 2005, p: 28). Table 1 uses a different terminology and has complemented the ‘traffickers’ perspective’ with that of ‘the victim’. Since human trafficking is the sum of several subsequent events, this leaves open the possibility that not all individual stages of the ‘trafficking process’ are harmful, illegal and/or exploitative. Therefore, in table 1 below, each stage is conceptualised as a continuum with various degrees of ‘force’, ‘illegality’ and ‘exploitation’, ranging from rather harmless and voluntarily conditions to abusive and inhumane situations.

Table 1
The process of Human Trafficking Deconstructed

Stage	trafficker’s perspective	Victim’s perspective
1 - Pre-departure	stimulated -deceptive- coerced	Desire to work somewhere else --- cheated/sold/kidnapped
2 - Travelling and migration	Legal/facilitated- smuggled - forced	Independently/legally --- forced/illegally
3 - Situation at destination	Exploitation (but purposes may differ e.g. labour exploitation, sexual exploitation, etc)	Exploitative (but ranging for example from ill-, no or late payment, which binds the labourer, to forced prostitution)

⁸ Article 3, subparagraph (a) of the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children’ which supplements the United Nations Conventions against Transnational Organized Crime. Available from http://www.unodc.org/unodc/en/trafficking_human_beings.html, accessed on 7-09-05.

In the case of children, the following subparagraph (c) is added to the definition presented above:

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article⁹

(My note: the means set forth in subparagraph (a) are: ‘...by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments of benefits to achieve the consent of a person having control over another person...’).

This subparagraph renders the notion of ‘consent’ irrelevant in the case of children.¹⁰ Furthermore, it centralises ‘exploitation’ as *the* determining factor, without clearly defining it. Especially the notion of ‘forced labour or services’ as referred to in subparagraph (a) can be widely interpreted. In this respect it’s worth noting that labour relations are in essence unequal relations of power between employers and workers. These relations are likely to be more unequal if the worker happens to be an illegal child migrant worker! In addition, the generational subordinate position of migrating children, possibly combined with a subordinate position based on unequal gender or ethnic relations further deteriorates the bargaining position of child migrant workers. In other words, a certain degree of exploitation is likely to be present which means that, at least technically, most child migrant workers could be considered as victims of human trafficking.

However, does this interpretation actually serve the best interest of the wide variety of child migrant workers? As a provocative illustration, one can imagine a situation of a 16 or 17 year old boy or girl, who has completed his/her compulsory years of education, and possibly more, but with little opportunity for further education or paid employment in Lao PDR. She/he then decides, for some reason, to cross the border into Thailand, possibly legally and fully independent, and takes up a job under ‘exploitative conditions’ be it as a domestic worker, in agriculture or in a garment factory. Since minors cannot consent to ‘exploitative labour’, ‘exploitation’ at the workplace (as perceived by adults) becomes *the* determining factor. This way, the

⁹ Subparagraph (d) identifies, in line with UN definitions, any person under 18 years of age as a child.

¹⁰ O’Connell Davidson traces in her critique the intellectual roots of this idea back to liberal thinkers such as John Locke who have long argued that children don’t qualify to exercise freedom since children haven’t yet developed the capacity to reason. John Locke put this as ‘to grant freedom to one who is without is “to thrust him out amongst the Brutes, and abandon him to a state as wretched, and as much beneath that of a Man, as theirs”’ (Locke cited in Archard 1993:7 IN O’Connell Davidson, p: 30).

notion ‘human trafficking’ doesn’t distinguish between this form of human trafficking and cases in which for example a ten year old is with a considerable profit sold by a middle-man to a work as a domestic labourer or sex worker.

Since both governments and NGOs have gratefully embraced the human trafficking discourse and the subsequent funding, there is a real danger that especially the ‘less exploited’ migrant children, who are often more visible, are ‘rescued’ as proof of action.¹¹ This is problematic in several respects. First, it distracts from the worst cases of abuse, yet, there urgent action is required. Second, particularly when older children work in ‘less exploitative’ migrant labour, improving their work conditions seems more constructive than removing them from their job. Third, criminalising the employment of migrant children, which the notion of human trafficking does, is likely to make child migrant workers even more invisible, which increases the likelihood of exploitation (Busza, Castle et al. 2004). In addition, the intention to use the concept of human trafficking to address exploitation of human beings by ‘organised crime groups’ involving ‘elements of duress,’ has thus in the case of children gone lost in the process of translating the definition to the context.¹²

On the other hand it could be argued, that turning a blind eye to, allowing, or even facilitating certain forms of migrant labour for teenagers only addresses the short term and compromises on the long term. Early involvement in unskilled migrant labour may reproduce poverty from an intergenerational perspective, whereas education, particularly beyond primary level, is commonly seen as a way out of this vicious circle.

Which line of reasoning to support, or whether some kind of middle-ground needs to be explored, depends largely on the context. This requires a greater understanding of the process of labour migration by children, paying attention to the structural relations that shape migration processes, but certainly also how this affects different children differently and how children, parents and employers themselves experience, perceive and deal with migrant labour. In this respect a start can be made by asking questions like: who are the children that migrate, and into what kind of jobs? What kind of exploitation do these children experience and how are other

¹¹ Lazcko observes that work on human trafficking has mushroomed since 2000, with the majority of work stemming from Europe and Asia (2005: 7-8), and Molland counts ‘over a dozen trafficking projects’ in Lao PDR with very few more than five years old (2005: 27).

¹² See http://www.unodc.org/unodc/en/trafficking_protocol.html, accessed on 10-11-05.

children able to mitigate this? What are parents' and children's motivations for migrations, and what are the alternatives? How do interventions affect situations? In an attempt to address some of these questions, Part 2 takes a close look at child migrant workers and human trafficking from Lao PDR to Thailand. This is primarily done on the basis of secondary data from seven recent reports, and is complemented with some relevant observations collected through informal discussions with teenagers, villagers and NGO-personnel on this topic in the Lao and Thai context. However, it should be emphasised that no extensive or systematic fieldwork has been conducted and that thus some vital questions remain unanswered.

3 MIGRATION OF CHILDREN FROM LAO PDR TO THAILAND

3.1 A Brief Context

In order to better understand the phenomenon of Lao child migrants working in Thailand, a brief look at the specific context and history is essential. Lao PDR is a landlocked country that in terms of various socio-economic indicators lags far behind most other countries in the region such as Vietnam, China, Thailand and Malaysia. The contrast with neighbouring Thailand is particularly stark as table 2 illustrates.

However, it is precisely in relative close proximity from the Thai border that most of Lao PDR's population resides and the Tai Kadai, the most numerous ethnic group in Lao PDR, share many cultural features, such as a very similar language, with ethnic Thai. Also, due to various developments in the last century and the somewhat arbitrary drawing of the current border between Lao PDR and Thailand there are currently far more ethnic Lao living on the Thai side of the border than in Lao PDR, resulting in often close contacts between populations on either side of the border (Stuart-Fox 1986: 53; Gunn 1988: 4; Goscha and Ivarsson 2003: xiii-xiv).

It should thus come as no surprise that migration from Lao PDR to Thailand is widespread and goes back a long time in history, whilst, establishing the extent to which labour migration from Lao PDR to Thailand is based on 'free choice' has always been a tricky affair. Although the Siamese king Chulalongkorn put with an act that came into force in 1905 an official end to slavery (Turton 1980: 284), 'vertical bonding' was and still is, according to Reid, at the heart of many South East Asian social systems (Reid 1983: 7). Montgomery, in her work on child prostitutes in Thailand, adds to this that children, like in most societies, are in a subordinate position

Table 2
Lao PDR – Thailand: socio-economic indicators

Indicator	Lao PDR	Thailand
GNI per capita ¹³	US \$380	US \$ 2,550
Poverty Headcount ¹³ (% below national poverty line)	39%	10%
Structure of Economy (% of GDP) ¹³		
- Agriculture	47.2	9.9
- Industry (manufacturing)	27.1 (20.5)	44.1 (35.2)
- Services	25.7	46.0
Population Density ¹⁴ (average number of people per square km)	22	117
Infant mortality (per 1,000 live births) ¹³	82	23
Percentage of Population aged 0-14 ¹⁵	41	22
Annual population growth rate ¹⁵	2.2	0.6
Education: Gross Enrolment Rates and GPI ¹⁶		
- secondary education (GPI)	37.6 (0.72)	81.9 (0.95)
- tertiary education (GPI)	3.3 (0.59)	35.3 (1.11)

in Thai society, giving older people the right to tell younger people what do (Montgomery 2001: 63). However, Reid notes that such unequal social relations are not per definition *just* exploitative and abusive, but can also, or at the same time, be cooperative and intimate (Reid 1983: 7). Terwiel illustrates this historically, by stating that putting ‘one’s children, one’s wife and oneself (probably in that order), as security’ was one of the few ways for those at the bottom of the social ladder to raise some capital or to pay off debts (Terwiel 1983: 128-129). Similarly, in the current situation the entrance of Lao youth into Thai jobs, which are likely to be exploitative, can only be understood in relation to its context and possible alternative options, which renders a crude distinction between ‘force’ and ‘free choice’ also in relation to contemporary migration into a largely artificial one.

Recent developments in Lao PDR are thought to have increased migration from Lao PDR to Thailand. After a decade of isolation from the capitalist world, communist Lao PDR has with the adoption of the New Economic Mechanism (NEM) in the late 1980s set off on a new trajectory. Under the NEM, Lao PDR has gradually

¹³ World Bank 2004 data, taken from ‘Lao PDR at a glance’ and ‘Thailand at a glance’ available from http://www.worldbank.org/cgi-bin/sendoff.cgi?page=%2Fdata%2Fcountrydata%2Faag%2Flao_aag.pdf and http://devdata.worldbank.org/AAG/tha_aag.pdf accessed on 22-11-05.

¹⁴ From http://www.thewaterpage.com/mekong_river.htm#Fact%20sheet accessed on 22-11-05.

¹⁵ From 2005 ESCAP Population Data Sheet. Available from http://www.unescap.org/esid/psis/population/database/data_sheet/2005/index.asp accessed on 22-11-05.

¹⁶ Gross enrolment rates reflect the number of pupils enrolled in a certain level of education, regardless of age, expressed as a percentage of the population in the officially corresponding age-group. The Gender Parity Index (GPI) is the ratio of female to male students. Adapted from http://www.unesco.org/education/efa_report/zoom_regions_pdf/easiapac.pdf accessed on 22-11-05.

moved from being a centrally planned economy, largely based on subsistence agriculture, to a more market oriented mode of production. In addition it has transformed from an isolated and inward looking communist state to increased political and economic participation at a regional level.

This process of change can be illustrated with the construction of two ASEAN Highways, both to be completed in 2006. One will connect Bangkok with Kunming in China, and the other will connect Khon Kaen in Thailand with the deep sea port of Danang in Vietnam. Both roads will connect isolated and remote areas of Lao PDR with booming centres of the South-East Asian Peninsula. The infrastructural development projects will undoubtedly further increase migration to Thailand, whilst it is also feared that it will increase human trafficking (Charoensutthipan 2005). In addition, despite the fact that migration seems very much part and parcel of everyday life, it should be noted that migration from Lao PDR to capitalist Thailand was not more than a generation ago legally virtually impossible and considered politically incorrect!

3.2 Labour Migration of Children From Lao PDR to Thailand: Building A Profile

The focus of the next session is on labour migration and/or human trafficking of children from Lao PDR to Thailand. However, as said above, this should be seen against a background of fluid borders and constant, and a long-standing history of, cross-border movement of people for all kinds of purposes (Ginzburg 2004: 23-24; SCUK, LYU et al. 2004: 28-29). The analysis below is based on data available from seven recent reports which are briefly described in annex 2.

Out of the seven studies, two take 'migration' as their point of departure. The remaining five take a 'trafficking approach'. However, table 3 below suggests that in the Lao context migration and trafficking are largely part of the same continuum; 'migration studies' constantly refer to 'trafficking' and trafficking studies apparently can't go without migration. Nevertheless, it should be emphasised that using the term 'trafficking', particularly in relation to children and youth, sets an entirely different tone than the less controversial term 'migration'.

Table 3
Frequency of usage of the terms migration and trafficking¹⁷

Title of the Study	Traffick(ing)	Migra(tion)
Broken Promises Shattered Dream: A Profile of Child Trafficking in the Lao PDR	219	51
Lessons Learnt through Trace: Human Trafficking from Laos to Thailand	423	392
From Lao PDR to Thailand and Home again: The Repatriation of Trafficking Victims and Other Exploited Women and Girl Workers	88	83
Migrant Children and Youth in Lao PDR: Migration along the border of Thailand		
Labour Migration Survey 2003	21	330
Preliminary Assessment on Trafficking of Children and Women for Labour Exploitation in Lao PDR	125	194
Trafficking in Children into the worst forms of Child Labour: A Rapid Assessment	119	90

Annex 1 presents a summary of the information the seven studies provide, based on the three stages of the labour migration/human trafficking process described in table 1. Before drawing any conclusions from this analysis a remark regarding representation should be made. First, only one study, Nr 5 the Labour Migration Survey, claims to be representative, the others are case-studies of purposely selected cases. Secondly, possibly intensifying this first bias, the selection presented in annex 1 represents in no way the extensive research presented in the original reports.

Despite these shortcomings some trends clearly emerge. First, with regard to the pre-departure stage cases of selling of children or kidnapping were not found by any of the studies. Moreover, it are often not the parents that encourage their children to work in Thailand but the children themselves that take initiative, stimulated by real and, or perceived differences in opportunities and lifestyles between Thailand and Lao PDR. Secondly, with regard to the travelling and migration process, travel to the Thai border is often arranged by the children themselves, independently or with friends. The border is crossed either legally, using border passes and unregulated crossings at trade-fairs and festivals, or illegally, using informal manners and crossings.¹⁸

¹⁷ This is done using a simple 'search' function tracing all words starting with *traffick...* and *migra...*

¹⁸ There are several ways to cross the border 'legally' both with papers and without papers. The latter is frequently possible on market days and festivals when villagers are generally exempted from 'paper work' and can cross freely in either direction. Official travelling documents include passports, which most Laotians don't possess and minors are unlikely to have, border passes and 'official papers'. Passport holders can travel anywhere in Thailand. Border passes and 'official papers' are valid for a limited amount of time and restricts movement in Thailand both in terms of time (usually 3 days and 2 nights) and location (usually the bordering districts), however these documents can be obtained much easier and cheaper than passports.

A teenaged boy in Savannakhet town commented in this respect the following:

If you don't have papers you just take a small boat across the river, this is also cheaper than the regular ferry, however, you've got to watch out for the police. If you get caught you'll be sent back to Lao PDR and your parents will have to pay a fine of 2,500 baht, for which they might even have to sell a buffalo.

As this quote illustrates, illegal crossings are likely to be facilitated, however seldom in an exploitative manner, thus portraying the facilitator uncritically as a 'trafficker' is dubious. Thirdly, concerning the stage of work, unlike the two stages above which both seem to be generally voluntary and harmless, here stories differ, largely dependent on the objective of the study. In general, Lao child or youth migrants, in their position as young and illegal migrant workers tend not to get the best jobs, but work which often involves long hours, poor or late payments and run the risk of being mistreated by employers and Thai police. However, only a small minority finds themselves seriously tricked, cheated, abused or exploited in the migration process (Ginzburg 2004: 4), despite the fact that temporary or more permanent employment in Thailand seems to be part and parcel of Lao village life (Wille 2001: 26; Ginzburg 2004: 23; SCUK, LYU et al. 2004: 1).¹⁹ The following section continues to tease out other stereotypical images of victims easily applied to young Lao working in Thailand. Are this predominantly poor, illiterate ethnic minority girls, working in Bangkok's sex establishments?

3.2.1 Contemporary labour migration of Lao children: a phenomenon shaped by age and gender

Estimates on the magnitude of labour migration from Lao PDR to Thailand differ; however, it's widely acknowledged that documented labour migration is just the tip of the iceberg. This can be illustrated with an observation from an elderly man from a village in Savannakhet province, close to the Thai border.

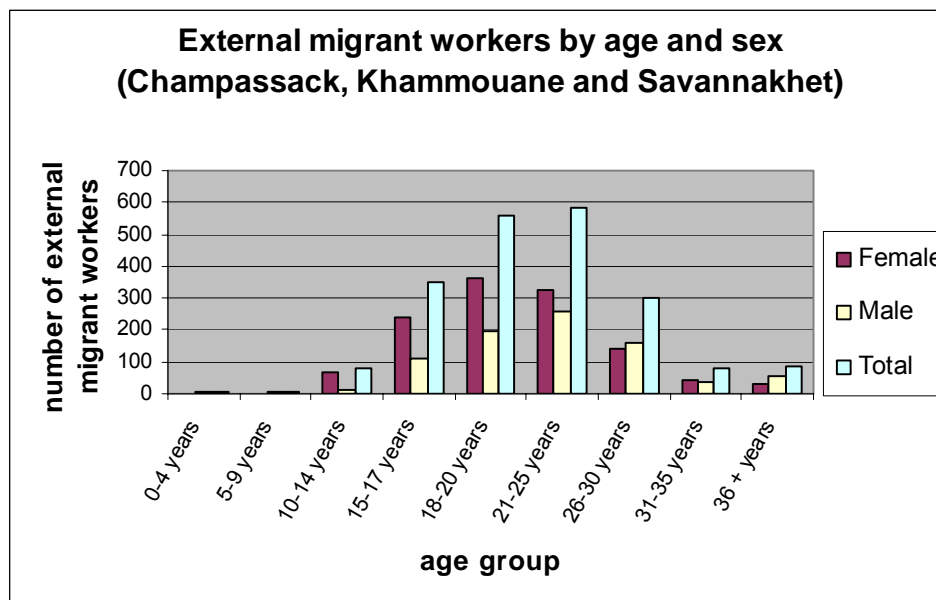
Although the Lao PDR officially claims zero tsunami victims, this village elderly insisted that one person from his village, who worked in Phuket (Thailand) had died, and how another had just managed to survive the Tsunami by climbing in, and holding on, to a tree. According to him, numerous Lao were working in Phuket and despite the great physical distance, getting work in Phuket was rather easy. If one

¹⁹ The TRACE report observes that the villagers use the following terms in relation to their migrating children; villagers distinguish between 'lucky villagers' and 'unlucky villagers' depending on whether or not the villagers receive any money from their children working in Thailand (Ginzburg 2004, p: 23).

wanted to work in Phuket, one could just make a phone-call to a contact person in Phuket using one of the mobile phones in the village. This contact person would be able to give information on current employment opportunities; next, the villagers would simply travel to Phuket.

Since labour migration of children is particularly unlikely to go through official channels, estimates on the scale of this phenomenon are especially hard to come by. Data from the Lao Labour Migration Survey 2003 are in this respect perhaps most insightful. This study presents data from a representative sample from three provinces: Champassack, Khammouane and Savannakhet in central and southern Lao PDR that all share a border with Thailand and are considered to be the main sending provinces of Lao labour to Thailand. This survey finds an out-migration rate of 6.9 per cent, slightly higher among women (7.6%) than among men (6.2%). Of the total migrating population, 21.4 per cent is of child-age, yet, here the gender differences are stark, with 15.6 per cent for the male migrants being a child against 25.4 per cent of the female migrants (MoLSW and ILO-IPEC/TICW, 2003, p: 55-57).

Figure 1²⁰



Source: adapted from MoLSW and ILO-IPEC/TICW 2003 table 27, p: 54.

²⁰ Figure 1 presents *all* out-migration, thus also to other destinations than Thailand. However for the vast majority, 81.5 per cent, Thailand is the destination of migration. There's no information on how the migration destination is shaped by gender and age (MoLSW and ILO-IPEC/TICW, 2003, p: 55-57).

Figure 1 shows how migration is predominantly located in the lower age-cohorts, with the majority of the migrants between 18 and 25 years of age and a significant proportion of the migrants in the age-group 15-17, thus children according to international standards. It furthermore suggests a strong link between age and gender; the younger the migrant, the greater the likelihood of being a female migrant. This pattern is largely supported by the case-studies, with the exception of the SCUK/LYU/MoLSW (2004) study, which finds in their sample boys forming a majority among the young migrants and the IOM report which makes mention of some eleven and twelve years old victims and a mean age of 15 years (Beesey 2004, p: 37).

3.3 Contemporary labour migration of Lao children: the ethnicity factor

Considering ethnic minorities is inherent to any work on Lao PDR. Generally, the numerous ethnic minority groups in Lao PDR are categorised in four ethno-linguistic families, with the dominant Tai Kadai (66.5%) predominantly residing in the lowland (e.g. Mekong valley) areas and the other ethno-linguistic groups predominantly in the more mountainous areas (Sisouphanthong, Sousa et al. 2001: 57-58).²¹ From a poverty perspective figures reverse, with the Tai Kadai being underrepresented and the other groups overrepresented in the poverty headcount (*ibid*: 58). The same picture emerges with regard to health indicators and literacy indicators, with the additional comment that literacy in general is lower for women, but particularly low for women of the non Tai Kadai group (*ibid*: 60-63).

With regard to trafficking and migration, conventional wisdom tends to consider ethnic minorities (non Tai Kadai) as more prone to trafficking given their lesser exposure to the outside world and poorer socio-economic indicators. In contrast, in relation to migration, it is often the Tai Kadai who are considered as most likely to move since they inhabit the border areas which are mostly (central and south) lowland areas, thus physically close, while also linguistically very close to the Thai.

Among the studies that focus specifically on worst case scenarios, the IOM study (Beesey 2004) makes no specific mention of 'ethnic minority', the ILO study on two Lao-Thai border sites finds mainly 'lowland Lao', (Tai Kadai) in the worst forms

²¹ The four ethno-linguistic families are the Tai Kadai, Mon-Khmer (or austroasiatic), Hmong-Mien (or Miao Yao) and Sino-Tibetan.

of child labour in Thailand (Wille 2001: 63), while the UNICEF countrywide report states that ‘the majority of trafficked victims come from Lao and Tai-Thai ethnicity’ (*my note: Tai Kadai*), however, in this latter study Mon-Khmer and Tibeto-Burman are overrepresented as compared to their relative share of the population (UNICEF and MoLSW 2004: 18). The Labour Migration Survey finds that the vast majority of the migrants are Tai Kadai, with Austro-Asiatics in second place, however, not overly represented (MoLSW and ILO-IPEC/TICW 2003: 54). The SCUK report, in contrast, finds in their sample in two of the three (northern) provinces, more Mon-Khmer than ethnic Lao migrants (SCUK, LYU et al. 2004, p: 27), it should however be observed that these Northern provinces have a larger share of ethnic minority inhabitants.

3.4 Contemporary labour migration of Lao children: is it all about poverty?

Labour migrants between Lao PDR and Thailand, whether depicted as human trafficking or migration, move predominantly from Lao PDR to Thailand. This can be related to welfare and poverty indicators. For example, GNI per capita in Lao PDR amounted to a meagre US \$380 in 2004, against US \$2,550 in Thailand, and the poverty incidence measured by the respective national poverty lines indicated 39 per cent poverty headcount in Lao PDR, against 10 per cent in Thailand.²² Based on these statistics it’s tempting to associate directional flows of labour migration and human trafficking with poverty. Yet, interpreting this association as a causal relation, and consequently conceptualising migratory decision making processes as based on maximising utility is falling prey to severe forms of methodological reductionism. In addition, poverty headcounts and per capita incomes are aggregate statistics that hide relevant variations within macro patterns. Thus, in order to get a better picture of the relation between poverty and migration and human trafficking we need to go beyond national aggregate statistics.

The data presented in the case studies reveals that migrating children, whether labelled as trafficked victims or migrants, are generally not, and by no means exclusively, the poorest, nor the least educated (Wille 2001: 64; Ginzburg 2004: 49; SCUK, LYU et al. 2004: 27; UNICEF and MoLSW 2004: 19)!²³ This general pattern

²² World Bank 2004 data, taken from ‘Lao PDR at a glance’ and ‘Thailand at a glance’ available from http://www.worldbank.org/cgi-bin/sendoff.cgi?page=%2Fdata%2Fcountrydata%2Faag%2Flao_aag.pdf and http://devdata.worldbank.org/AAG/tha_aag.pdf accessed on 22-11-05.

²³ This observation is in line with findings in the migration literature.

emerging from the case-studies, finds confirmation in the representative data from the Labour Migration Survey 2003 presented in table 4 below in which educational attainment is used as a rough proxy for socio-economic background.²⁴

Table 4
Educational Attainment of Migrant Workers in Thailand²⁵

Age group	No Education	Primary	Lower Secondary	Upper Secondary	Technical
10-14 (n=77)	24.7%	67.7%	6.5%	1.6%	-
15-17 (n=348)	19.7%	56.7%	20.4%	2.8%	0.4%

Source: adapted from 'Labour Migration Survey 2003', table 18.

A first striking observation based on these figures is not so much the presence of 'uneducated' migrant workers, but the fact that the majority of the young migrant workers *have* gone to school, and a considerable share even beyond compulsory primary level! Yet, comparative observations are needed to arrive at any meaningful interpretation with regard to poverty. Data from the Lao Expenditure and Consumption Survey 2002/03 (LECS 3) provides an approximate benchmark for the first column, the category of 'no education'. According to LECS 3, 17 per cent of the Lao population aged 6-20 has never been to school, 21 for female and 14 for male (National Statistical Centre 2004, p:30). One would logically assume that given the common practice of late enrolment, these rates would be considerably lower for the age-cohorts 10-14 and 15-17 used in the Labour Migration Survey 2003, thus placing the observed share of young migrants with 'no-education' well above the national average. Regarding secondary education, UNICEF data for the period 1998-2002 can be used as a benchmark. It presents gross enrolment rates of 47 and 34 per cent for males and females respectively, thus considerably higher than the education levels among the migrating minors.²⁶ Moreover, the Labour Migration Survey shows that the vast majority of the Lao youngsters that have migrated for work to Thailand come from the Mekong valley region, a region which performs much better in various

²⁴ Little or no education is often seen as one of the outcomes, and possibly more important a future determinant, of poverty, and is therefore a useful indicator of the socio-economic backgrounds of the young Laotians working in Thailand.

²⁵ With regard to gender, it should be noted that in the age group 10-14, boys fare considerably better than girls, while this disparity is no longer evident in the 15-17 age-group in the 'no education' and 'primary education' categories, but can still be observed for 'lower secondary'.

²⁶ From UNICEF: 'At a Glance: Lao People's Democratic Republic. Available from http://www.unicef.org/infobycountry/laopdr_statistics.html accessed on 5th September 2005.

socio-economic indicators, such as education, than the remote and mountainous areas towards the Vietnamese border. Thus from a relative perspective, attaining primary education might be a considerable achievement when measured against national thresholds, it's likely to be only a marginal achievement against regional indicators.

On the basis of the data available the following conclusion can be drawn with regard to socio-economic background of the migrants of minor age. Most of the child migrant workers don't belong to the poorest, least educated section of the population however; educational attainments of young migrants tend to be below regional achievements, at least for Savannakhet, Khammouane and Champassack province.²⁷ In other words, poverty, conceptualised in a minimalist, absolute sense seems not to be a significant attributing factor to migration of Lao minors, while there is reason to believe that poverty in a relative sense or perhaps more broadly, inequality, plays a significant role. In this respect, Molland has rightly pointed out that despite poverty alleviation efforts which might have an effect on absolute levels of poverty, Lao PDR is unlikely to catch up with its more prosperous Thai neighbour any time soon, thus movements of Lao labour into Thailand, legal or not, are unlikely to come to a hold in the near future (Molland 2005: 30-31).

3.5 'Trafficked into the worst forms of child labour': Which forms?

Human trafficking is closely associated with the sex industry, particularly in South East Asia. Yet, the anti-trafficking studies analysed here, conclude that the majority of the victims don't end up in sex work; 35 per cent of the girls in the age group 12-18 met this destiny in the UNICEF study, but only 4.8 per cent in the IOM study, while the SCUK report only talks about 'some' teenagers being involved in the sex-industry (Beesey 2004: 20; SCUK, LYU et al. 2004: 37; UNICEF and MoLSW 2004: 8). However, sex-work is not the only worst form of child labour, the UNICEF study for example finds that those working as domestic labourers have experienced some of the most extreme cases of abuse (UNICEF and MoLSW 2004: 8), yet, this type of work was found to be the most frequent form of employment in the IOM study, with 45.2 per cent of the girls engaged in it (Beesey 2004: 20).

²⁷ Reasons for low participations of the poorest in migration can be straight-forward since the poorest are simply unable to migrate in the first place and tend to show risk averse behaviour, thus not risking being fined for illegal actions (SCUK, LYU, *et al*, 2004, p: 28).

In general terms, the Lao minors were found to be working in a variety of sectors, such as construction, agriculture, factory work, fishing boats, domestic work, sex-industry, restaurants and bars, etc. The various occupations show a strong sex-segregation, with girls much more likely to work in restaurants, bars, domestic work and sex-industry than boys (MoLSW and ILO-IPEC/TICW 2003, p: 51; SCUK, LYU et al. 2004, p: 37). Also, it should be noted that unlike the image of trafficking in which the victim is sold and resold, young Laotians often move voluntarily from one job to the other in Thailand (Wille 2001, p: xii), and return to their village in Lao PDR, just to re-migrate to Thailand again some time later (SCUK, LYU et al. 2004, p: 42). This element of 'free and voluntary movement' shouldn't however be taken as a proof of acceptable working conditions. The contrary seems to be the case since all work done by Lao minors in Thailand is likely to be exploitative in at least some respect, whether it be physical or sexual abuse, no or late payment, a miserable working environment or subject to discriminatory behaviour (SCUK, LYU et al. 2004, pp: 37-41). Nevertheless, Lao youngsters keep (re)migrating, and often, for various reasons, tend to prefer their bleak situation in a Thai job above returning home (Wille 2001, p: 62). In addition, it's quite likely that positive stories have an irresistible effect on potential migrants, much stronger than negative stories, which moreover might not be told or be slightly modified in order not to lose face. This can be illustrated by a teenage boy who has a job in a Savannakhet guesthouse, and compares work in Thailand (on the basis of information from friends who are working there) with working in Lao PDR.

They (peers working in Thai garment factories) earn a lot, without having to work very hard. They earn something like 3,000 baht a month. For the same job in Lao PDR one would not get more than 1,000 baht per month.

However, it should be noted that differences in salary are not the only, or sole motivation for deciding to migrate, perceived and real lifestyle related factors are also frequently quoted as motivating factor for teenagers to migrate to Thailand (Phetsiriseng 2001: 52-54; Wille 2001: 75; Ginzburg 2004: 25-26; SCUK, LYU et al. 2004: 30-33). The same teenager as quoted above continued in this respect that:

Also, working in a Lao factory is not much fun since there's little you can do with the money you earn. There are no cinemas, etc like in Thailand. However, I'm not going to work in Thailand since I've a girlfriend here in Savannakhet, but one day I'll join my friends who work in Bangkok, just to see things.

4 LAO CHILD MIGRANT WORKER IN THAILAND: SOME FINAL REMARKS

A detailed look at seven recent studies on Lao children working in Thailand has challenged various stereotypical images of ‘the trafficked victim’ that are often applied to children in migrant labour. The Lao children working in Thailand work in a variety of jobs and in most cases experience their work positively, despite the presence of real problems. Furthermore, the Lao child migrant workers are predominantly in their later teens, are unlikely to be the least educated or from the poorest segments of the population and are predominantly Tai-Kadai, thus not ethnic-minority.

However, it should be noted that girls tend to migrate at a younger age than boys and are more likely to work in hidden sectors such as sex work or as domestic labour and are thus likely to be more prone to exploitation. Also, even if the majority of the child migrant workers reflect on their migrant work positively, or prefer their situation above returning home, this doesn’t take away the fact that child migrant workers are often exploited. Yet, portraying Lao children working in Thailand *per definition*, or exclusively as poor and passive victims whose childhoods are stolen, to which an uncritical use of the notion of human trafficking adheres, seems a gross over-generalisation. Rather, the picture that emerges is one of a heterogeneous group of teenagers who, by migrating to Thailand, co-construct their ‘childhood’ and thus society in a context of limited opportunities and real risks.

Nevertheless, current trends in the policy sphere in both Thailand and Lao PDR are based on a different reading. Although figure 1 clearly illustrates how migration from Lao PDR to Thailand is situated in the grey area between adulthood and childhood, policy responses sharply diverge on the legal line between adulthood and childhood. A gradual trend towards recognition, facilitation and protection of (male) adult migrants (see a Memorandum of Understanding on ‘Employment Cooperation’ between Thailand and Lao PDR signed in 2002) can be observed on the one hand. On the other hand, strong statements are made on combating human trafficking (see a Memorandum of Understanding on combating trafficking between Lao PDR and Thailand signed in 2005), which could easily serve as an instrument for

banning *all* labour migration by any person under the age of eighteen.²⁸

In conclusion, popular anti-trafficking interventions that are applied to all forms of labour migration by children seem to be missing the purpose. The rescue-rehabilitate-reintegrate recipe for ‘victims’ of human trafficking, and poverty-alleviation combined with awareness raising programmes at a community level in order to address the ‘root causes’ and the ‘lack of information’, are likely to be only effective to a limited extent since differences in economic development, social development and demographic structures between Lao PDR and Thailand are unlikely to disappear any time soon. As a result young Lao will most likely continue to roam the Thai labour market, for various reasons, in search for temporary or more permanent employment. However, due to their weak position as undocumented migrants compounded by a generational subordinate position which is most likely further weakened by gender and possibly ethnicity, young Lao migrant workers, and especially girls, remain particularly vulnerable to exploitation in the Thai labour market. For some types of work, rescue and rehabilitation, remains the only viable solution, yet, criminalising the employment of *all* Lao minors in the Thai labour market, to which a blanket application of the notion of human trafficking in this regard adheres, will make Lao migrant workers of minor age only more, rather than less vulnerable since their work is likely to become even more invisible.²⁹ In addition, such a blanket response to widely different realities in the name of ‘the best interest of the child’ is silent on underlying economic and social interests, that have shaped these policy responses, which however, are predominantly adult interests that may not necessarily collide with children’s interests.³⁰

²⁸ See annex 1 in Muntarbhorn (2005) for an overview of the several multilateral and bilateral Memoranda of Understanding that have been signed by Lao PDR on ‘employment cooperation’ and ‘combating trafficking’. See also, several articles in local papers on efforts to ease labour migration from Lao PDR to Thailand (e.g. Pongkhao 2005; The Nation 16-2-2006; Vientiane Times 19-9-2005 and 5-8-2005) and to combat human trafficking (e.g. Pongkhao 2005 and VNA 16-9-2005)

²⁹ ILO convention 182, article 3 lists some forms of unacceptable forms of child labour. Available from <http://www.ilo.org/public/english/standards/ipe/ratification/convention/text.htm> accessed on 7-12-05.

³⁰ In relation to this, several experts working on ‘human trafficking’ in the Lao PDR commented that the Lao authorities in certain cases tend to prefer depicting ‘labour migration’ as ‘human trafficking’, since the latter implies force, rather than a voluntary decision. This, particularly in relation to migration to ‘capitalist’ Thailand which used to be, and to some extent is still viewed in socialist Lao PDR with great politically charged suspicion and migration to Thailand has long been considered as ‘politically incorrect’. Equally, modernising youth who’ve grown out of touch with traditional institutions such as Buddhism, and traditional village life are often depicted as ‘victims’ of, or ‘promoters’ of bad habits associated with capitalist Thailand and modernity, such as consumerism, prostitution, drugs, hiv/aids, etc.

5 CHILDREN, CHILDHOOD AND MIGRATION: A FINAL DISCUSSION

This paper has traced some of the underlying assumptions that have kept minors as a specific social group, by and large, off the migration agenda, in particular in relation to labour migration. At the same time, approximately half of the population in most of the poorer countries is according to UN definitions a child.³¹ Particularly the ‘older children’ are statistically likely to migrate, since migration is known to be predominantly situated at the ‘youth stage’ of the life-cycle. Moreover, changing rural economies in many of these countries, combined with improved infrastructure have contributed to an increased spatial division of the family, in which sons and daughters are often the ones that leave the homestead in search of temporary or more permanent paid employment in other localities and possibly countries.³²

In spite of this, policies addressing child labour migration are predominantly designed from a human trafficking perspective. This is on the one hand based on real cases of abuse, but also on a perception of children who work beyond their communities as passive and rather helpless victims of abuse. In addition, there are often political and economic interests at stake which have very little to do with children’s interests at all. For example, the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, which came into force in 2003 extends right to *all* migrants regardless of age or legal status. However, given the poor ratification rate of this convention it is evident that universal protection of, and provisioning for, *all* migrants is not high on most political agendas, particularly not those of receiving countries.³³ Along the same line, a human trafficking interpretation may also be used as a justification to crack down on cheap and illegal migrant labour in often marginalised sectors of the economy.

This paper has argued that the responses to, and the way, issues to do with children and migration are viewed, are in most cases based on a range of widespread ideas of what is required for a ‘good childhood’ which are further often shaped by

³¹ In the case of Lao PDR for example, recent data claims that 41 per cent of the total population is between 0-14 years of age. From 2005 ESCAP Population Data Sheet. Available from http://www.unescap.org/esid/psis/population/database/data_sheet/2005/index.asp accessed on 22-11-05.

³² Jonathan Rigg has described this process in much detail in the context of rural Thailand and Lao PDR see (Rigg 2003 and 2004), while it is also observed in other contexts, see e.g. Koning (1997), Wolf (1992) and Camacho (1999).

³³ This convention has been ratified by just over the minimum required number of countries (20), mainly ‘poor’, sending countries. Thailand and Lao PDR have both not ratified this convention. See for more details: http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm, accessed on 12-9-05.

political and economic interests. Regardless the outcomes of interventions based on this mode of thinking, there are at least three major issues to consider. First, the legally defined period of 'childhood' to which interventions are applied may not match various social realities. Second, policies based on 'the child' are, due to the great differences that come with age, let alone, gender, and other factors, bound to be more relevant for some children than for others. Third, what if the factors that are supposed to make 'childhood' a happy period in life actually contribute to the opposite?

In conclusion, the question that remains with any intervention is; are the children's best interests served? Answers here will ultimately differ from situation to situation. The challenge ahead is to maintain the protective, enabling and widely ratified framework that is in place, the UN-CRC, while at the same time acknowledging the need to constantly readjust and adapt this global framework to changing global and local realities. This, for one thing, requires ongoing research at various levels that needs to be wary of both, a normative idea of a 'standard childhood', as well as of an idealisation of children's agency.

REFERENCES

- Beesey, A. (2004) From Lao PDR to Thailand and Home Again: The Repatriation of Trafficking Victims and Other Exploited Women and Girl Workers (a study of 124 cases). Bangkok, International Organization for Migration.
- Busza, J., S. Castle, et al. (2004) 'Trafficking and Health', *British Medical Journal* 328: 1369-71.
- Camacho, A.Z.V. (1999) 'Family, Child Labour and Migration: child domestic workers in metro Manila', *Childhood* 6(1): 57-73.
- Cardol, G. (2005) *Ontheemd, Vreemd en Minderjarig: het recht op ontwikkeling van de alleenstaande minderjarige vreemdeling in (inter)nationale wet- en regelgeving*. Published PhD thesis, Tilburg, Universiteit van Tilburg.
- Charoensutthipan, P. (2005) 'New Bridge 'could carry human cargo''. *Bangkok Post*, Bangkok.
- Cunningham, H. (1995) *Children & Childhood in Western Society since 1500* London and New York, Longman.
- Donato, K.M., D. Gabaccia et al. (2006) 'A Glass Half Full? Gender in migration studies' *International Migration Review* 40(1): 3-26.
- Edwards, M. (1996) 'New Approaches to Children and Development: introduction and overview' *Journal of International Development* 8(6): 813-827.
- Ginzburg, O. (2004). Lessons Learnt Through TRACE: Human Trafficking from Laos to Thailand (Draft Report). Bangkok, UNIAP, UNICEF, Ministry of Labour and Social Welfare (Lao PDR).
- Goscha, C.E. and S. Ivarsson (2003) Introduction. *Contesting Visions of the Lao Past: Lao historiography at the crossroads*, Goscha, C.E. and S. Ivarsson, Copenhagen, NIAS Press: xi-xxix.
- Gunn, G.C. (1988) *Political Struggles in Laos (1930-1954): Vietnamese Power and the Lao Struggle for National Independence*, Bangkok, Duang Kamol.
- Human Rights Watch (2003) *Fleeing Refuge: the triumph of efficiency over protection in Dutch asylum policy*. Washington D.C., Human Rights Watch.
- ILO (2003) *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide*. Geneva, International Labour Office - Gender Promotion Programme.
- IOM (2005) *World Migration 2005: Costs and Benefits of International Migration*. Geneva, International Organization for Migration.
- Iversen, V. (2002) 'Autonomy in Child Labor Migrants', *World Development* 30(5): 817-834.

- Jolly, S. and H. Reeves (2005) *Gender and Migration: Overview Report*. Brighton, IDS-BRIDGE.
- Kielland, A. and I. Sanogo (2002) Burkina Faso. Child labor migration from rural areas: The magnitude and the determinants. Washington D.C., World Bank.
- Koning, J. (1997) *Generations of Change: A Javanese village in the 1990s*, Published PhD thesis, Faculteit der Politieke en Sociaal-Culturele Wetenschappen, Amsterdam, University of Amsterdam.
- Laczko, F. (2005) 'Data and Research on Human Trafficking', *International Migration* 43 (1/2): 5-16.
- Massey, D.S., J. Arango et al. (1993) 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19 (3): 431-466.
- Mayall, B. (2000) 'The Sociology of Childhood in Relation to Children's Rights', *The International Journal of Children's Rights* 8 (3): 243-259.
- McDowell, C. and A. d. Haan (1997) *Migration and Sustainable Livelihoods: A critical review of the literature*, Brighton, Institute of Development Studies.
- Molland, S. (2005) 'Human Trafficking and Poverty Reduction: Two Sides of the Same Coin?', *Lao Development Journal: Juth Pakai* (4): 27-37.
- MoLSW and ILO-IPEC/TICW (2003) *Labour Migration Survey 2003*, Vientiane, Ministry of Labour and Social Welfare (Lao PDR).
- Montgomery, H. (2001) *Modern Babylon? Prostituting children in Thailand*, New York and Oxford, Berghahn Books.
- National Statistical Centre (2004) *The Household of Lao PDR: Social and Economic Indicators*, Vientiane, Committee for Planning and Cooperation.
- O'Connell-Davidson, J. (2005) *Children in the Global Sex Trade*, Cambridge (UK)/Malden (US), Polity Press.
- Olde Monnikhof, M. and H. v. d. Tillaart (2003) *Alleenstaande Minderjarige Asielzoekers in Nederland: AMA-beleid en AMA-instroom in Nederland en andere EU-landen, alsmede de deelname van AMA's aan het Nederlandse onderwijs*. Nijmegen, ITS, Stichting Katholieke Universiteit te Nijmegen.
- O'Neill, T. (2000) 'What is Childhood?' *Introduction to Child and Youth Studies*, T. O'Neill and T. Willoughby. Kendal/Hunt, Dubuque: 3-9.
- Pang, C.L., A. Ghrib et al. (2002) *Trafficking in Unaccompanied Minors in the European union: Belgium, France, Greece, Italy, The Netherlands, Spain*. Geneva, International Organization for Migration.
- Phetsiriseng, I. (2001) *Preliminary Assessment on Trafficking of Children and Women for Labour Exploitation in Lao PDR*. Vientiane, ILO-IPEC/TICW (Lao PDR), PADETC, Ministry of Labour and Social Welfare (Lao PDR).

- Piper, N. (2005) Gender and Migration: A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, Global Commission on International Migration.
- Pongkhao, S. (2005) 'Laos Plans to Receive More Trafficking Victims' *Vientiane Times*, Vientiane. 8th December 2005.
- Pongkhao, S. (2005) 'Huge Demand for Lao Workers in Thailand' *Vientiane Times*, Vientiane. 16th August 2005
- Qvortrup, J. (2004) 'Editorial: The waiting Child, *Childhood* 11 (3): 267-273.
- Reid, A. (1983) 'Introduction: Slavery and Bondage in Southeast Asian History', *Slavery, Bondage and Dependency in Southeast Asia*, A. Reid, New York, St Martin's Press: 1-43.
- Rigg, J. (2003) *South-East Asia: The Human Landscape of Modernization and Development*, London/New York, Routledge.
- Rigg, J., B. Bouahom et al. (2004) 'Money, moral, and markets: evolving rural labour markets in Thailand and the Lao PDR', *Environment and Planning A* 36 (6): 983-998.
- SCUK, LYU, et al. (2004) Migrant Children and Youth in Lao PDR: Migration along the Border of Thailand. Vientiane, Save the Children UK, Lao Youth Union, Ministry of Labour and Social Welfare.
- Sisouphanthong, B., M.D. Sousa, et al. (2001) National Human Development Report Lao PDR 2001: Advancing Rural Development. Vientiane, UNDP.
- Stuart-Fox, M. (1986) *Laos: Politics, Economics and Society*, London, Frances Pinter Publishers.
- Terwiel, B. (1983) 'Bondage and Slavery in Early Nineteenth Century Siam', *Slavery, Bondage and Dependency in Southeast Asia*, A. Reid. New York, St. Martin's Press: 118-137.
- The Nation (2006) 'Foreign-Labour Law a Positive Step' *The Nation*, Bangkok. 16th February 2006.
- Turton, A. (1980) 'Thai Institutions of Slavery', *Asian and African Systems of Slavery*, J.L. Watson, Oxford, Basil Blackwell: 251-292.
- Tweede Kamer (2001) brief Staatsecretaris van Justitie aan de voorzitter van de Tweede Kamer der Staten-Generaal, 'Voortgang implementatie ama-beleidsnota', kenmerk: 5092164/01/PJS.
- UNHCR (2004) Trends in Unaccompanied and Separated Children Seeking Asylum in Industrialized Countries 2001-2003. Geneva, United Nations High Commission for Refugees.
- UNICEF (2005) The State of the World's Children 2006: Excluded and invisible. New York, United Nations Children's Fund.

- UNICEF and MoLSW (2004) Broken Promises, Shattered Dreams: A Profile of Child Trafficking in the Lao PDR. Vientiane, UNICEF, Ministry of Labour and Social Welfare (Lao PDR).
- VientianeTimes (2005) 'Over 9,000 Lao Workers for Thailand', *Vientiane Times*, Vientiane. 19th September 2005.
- VientianeTimes (2005) 'Laos to Export Legal Labour to Thailand', *Vientiane Times*, Vientiane. 5th August 2005
- VNA (2005) Laos and Thailand Intensify Cooperation Against Human Trafficking *Vietnam News Agency*, Hanoi. 16th September 2005 <www.vnagency.com.vn>.
- White, B. (2003) A World fit for Children? Children and youth in development studies and policy. Dies Natalis Address delivered on 9 October 2003 on the occasion of the 51st anniversary of the Institute of Social Studies, The Hague.
- Whitehead, A. and I. Hashim (2005) Children and Migration: Background paper for DFID migration team. London, Department for International Development.
- Wille, C. (2001) Thailand-Lao People's Democratic Republic and Thailand-Myanmar Border Areas, Trafficking in Children into the Worst Forms of Child Labour: A Rapid Assessment. Geneva, ILO-IPEC.

APPENDICES

Annex 1

Report	Observations with regard to the trafficking process
1. UNICEF, MoLSW (2004) <i>Study of selected cases of returned victims across Lao PDR, mostly girls and under 18.</i>	<p>Pre-departure: recruitment usually through 'people familiar to the victims'; recruitment as a slow process building (false) relations of trust; no cases of selling of children (p 40); parents and children were often misinformed (stories about good employment opportunities) (p8)</p> <p>Travelling/Migration: travelling not coercive, often with legitimate border passes or at 'informal crossings' (p40)</p> <p>Work: all cases are considered 'victims', but those in agriculture (a large category) were generally not exploitative/trafficked, while domestic labourers experienced the most abuse (p8). Trafficked into wide variety of jobs: sex-work, factory, domestic work, fishing, agriculture (pp 26-34). Well organised trafficking networks, 'victims may be bought and sold several times'. 17% of all cases have had no contact with their family, in most cases for more than two years (p 9.)</p>
2. UNIAP, UNICEF, MoLSW (2004) <i>Study with ethnographic approach in selected villages in 4 central and southern provinces.</i>	<p>Pre-departure: Lao youngsters want to go to Thailand for various reasons: due to close proximity to Thailand, 'modernisation', lack of employment, materialism, existing networks with Thailand, popularity of migration, curiosity, boredom/hardship of village life (p25), no cases of abduction or selling of children identified (p 47), different types of 'brokers/traffickers' from 'caring' to 'hyenas' (pp: 51-52).</p> <p>Travelling/Migration: in the majority of the cases 'illegal but voluntary movement, often facilitated' (p4).</p> <p>Work: majority of the job experiences were positive (p4).</p>
3. IOM (2004) <i>Study based on interview with 124 female victims (rescued or arrested in Thailand)</i>	<p>Pre-departure: the girls want to leave the village for various reasons; e.g. earning money (for individual of family reasons), the experience and adventure of going to Thailand, following the paths of other people (and success stories), attracted by images from Thai TV (p17). It was uncommon to see children being pushed by their parents into migration (p 18).</p> <p>Travelling/Migration: most women/girls 'seemed to have entered Thailand at official border crossings' (p 16). Many girls/women didn't know their final destination in advance (p17); the majority travelled in a group, often with friends and family, assisted by a 'broker'; (p18).</p> <p>Work: Pay, if paid, was in most cases much lower than promised by the broker, and often not exactly known by the worker. 80 workers did not receive any pay (although 25 might have worker too short for this). More than half of the workers worked very long hours and experienced restricted freedom of movement. 27 were physically abused, 7 sexually abused or harassed. Occupations: 45% in domestic service, 20% in fishery production, 11% in factories, 9% in restaurants, 7% in sales, 5% in sex work. Exploitation was experienced by many housemaids (p19-21).</p>
4. LYU, MoLSW, SCUUK (2004) <i>Participatory study of migrant youth in selected villages in 3 northern provinces.</i>	<p>Pre-departure: labour migration as a voluntary, longstanding and normal part of village life, at times involving up to half of the village (p1), friends and family get an incentive from their (Thai) employers to bring more labourers from their (Lao) village (p34). Young Lao as willing to work in Thailand, yet seldom with accurate information about real working and living conditions. Very small minority leaves without personal connections (p 34).</p> <p>Travelling/Migration: through legal channels (e.g. border pass, festivals, trade fairs) and overstay, or illegal crossing (p2). Two cases of 'trafficking' identified (p34-35). Largely a 'voluntary process', 'often, parents do not agree to let their children go abroad, but they accept it as a matter of fact' (p33).</p> <p>Work: it's easy to find work independently or through friends, but due to illegal migrant status, the young migrants often work long hours and are poorly paid. They also run the risk of abuse by employers and Thai police (p2). Gender segregation of migrant work. Boys in the construction secto, rice mills, factories, plantations, animal raising, and some in restaurants, petrol stations, and as drivers. Girls in restaurants, shops, domestic workers, and at times in factories (p 37). 'The vast majority report some form of exploitation (e.g. no/late/under payments, bad working conditions, trouble with police/employers, discrimination/violence/abuse)' (p 38 and p 39-40).</p>

<p>5. MoLSW, ILO-IPEC/TICW (2003) <i>Representative quantitative labour migration survey study in 3 southern/central provinces.</i></p>	<p>Pre-departure: No specific information about this stage apart from the general observation that 'many diverse factors including natural disaster, unbalanced population growth and strains on education and employment opportunities; resulted in an increase in both legal and irregular migration', as well as 'the opening of the borders, the impact of globalization, market demand, widening economic differentials within and between countries, the growing transnational organized crime and illegal labour recruitment networks' increased the migration of population.</p> <p>Travelling/Migration: 6.9% of total sample population migrated abroad for labour, the majority to Thailand. Migrants stem from all socio-economic classes, but more commonly stem from lower socio-economic classes.</p> <p>Work: 29% of the children aged 10-14 working in Thailand send home remittances, and 46.8% in the age group 15-17 do so. Young migrants are more unlikely than older migrants not to send remittances home, not to have contact with their family and the family has no information on their whereabouts, this is interpreted as being at high risk of abuse. Gender segregated employment, though data not disaggregated by age.</p>
<p>6. MoLSW, ILO-IPEC/TICW, PADETC (2001) <i>Survey in specifically selected villages in 3 southern/central provinces.</i></p>	<p>Pre-departure: young Laotians want to leave the Lao countryside and go to Thailand with or without parental consent due to consumerism, fondness of luxury products, in competition to generate wealth, high demand for cheap Lao labour in Thailand, existence of trafficking networks, economic hardships and few livelihood chances in rural areas, narrow industrial base in Lao PDR, poor education (p53-54)</p> <p>Travelling/Migration: use of border pass (which is overstayed), some young Lao travel independently in Thailand, others through means organised by traffickers (p 51-52).</p> <p>Work: Ways of getting a job differs starkly between villages, with some directly in touch with Thai employers (phone), others relying on agents in Thailand (phone).</p>
<p>7. ILO-IPEC, Chulalongkorn University (2001) <i>Study focussing on Lao child labourers in two Thai border sites.</i></p>	<p>Pre-departure: children decide to go to Thailand, parents are hardly ever the driving force (p xi)</p> <p>Travelling/Migration: Lao minors arranged travel to Thailand mostly by themselves or with friends. In Thailand travelling is often facilitated by trusted friends or relatives (p xi). The travelling process is hardly ever exploitative (p xiii)</p> <p>Work: many Lao girls were found to be working in sex establishments in Nong Khai and Muk Dahan (pp 50-51). It is quite common for Lao youngster to know about a specific workplace in Thailand, others approached employers or recruiters upon entry (p x). In the majority of the cases there's no profit made upon recruitment of a child for work (p xii)</p>

Annex II –description of reports

Study Title	Organisations involved ³⁴	Year	Focus Area	Methodology
Broken Promises, Shattered dreams: A profile of child trafficking in the Lao PDR	UNICEF, Ministry of Labour and Social Welfare	2004	National study including 17 of the 18 provinces (p15), villages selected by MLSW (p15).	Participatory methodologies based on 'rapid appraisal methods'; mainly semi-structured with 253 trafficked persons and with family and village officials (pp14-15).
Lessons Learnt through TRACE: Human Trafficking from Laos to Thailand (Draft)	UNIAP, UNICEF, Ministry of Labour and Social Welfare	2004	26 'border villages' in four central and southern provinces (Khammouane, Savannakhet, Saravan and Champasack), (pp81-82). Villages selected by MLSW or LWU (p14).	'non-rapid research' adopting a "light" ethnographic approach' (p7).
From Lao PDR to Thailand and Home again: The repatriation of Trafficking Victims and other exploited women and girl workers (a study of 124 cases).	International Organization for Migration (IOM).	2004	124 cases of Lao migrants and their family. These women and girls were repatriated from Thailand through the IOM return and reintegration project (p 4)	Case interviews by IOM staff with the migrants while in Kredtrakarn shelter in Bangkok and family assessment reports compiled by MLSW staff in Lao PDR.
Migrant Children and Youth in Lao PDR	Lao Youth Union, Ministry of Labour and Social Welfare, Save the Children UK.	2004	Seven villages in the three northern provinces Bokeo, Sayabouri and Luang Namtha (p15). Villages were selected.	Participatory Action Research with young villagers trained and acting as 'field researchers' (p: 14).
Labour Migration Survey 2003	Ministry of Labour and Social Welfare, ILO-IPEC/TICW.	2003	Focus on 3 provinces: Khammuane, Savannakhet and Champasack	Survey of 6,000 households in 300 villages.
Preliminary Assessment on Trafficking of Children and Women for Labour Exploitation in Lao PDR.	ILO-IPEC/TICW, Padetc, Ministry of Labour and Social Welfare.	2001	Focus on 7 border districts with Thailand in 3 provinces: Khammuane, Savannakhet and Champassak.	Survey of 1,614 families from communities selected by provincial and district authorities.
Thailand-Lao People's Democratic Republic and Thailand-Myanmar Border Areas, Trafficking in Children into the Worst Forms of Child Labour: A Rapid Assessment.	ILO-IPEC, Chulalongkorn University (Thailand)	2001	For Laos: the Thai border sites of Muk Dahan (bordering Savannakhet) and Nong Khai (bordering Vientiane)	Based on ILO/UNICEF Rapid Assessment methodology (px). Interviews with 153 youth with worst forms of child labour experience, 53 adult professionals, 16 family members of trafficked children, 8 traffickers and 8 employers.

³⁴ Most reports are joint productions, since 'all international organisations are required to work through government partners in Laos', although this has the potential advantage of a mutual learning experience and access to each others networks, and it can also be the source of potential conflicts given the different ideological stands of the parties involved (SCUK, LYU, *et al* 2004: 12).