



Child labour among unaccompanied children on the route to Europe – between protection and agency

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

Child labour, and child labour abuse, are one of the main areas where children's rights, defined by national and international legislation, are being violated. It is estimated that 152 million children in the world are exposed to child labour abuse, of which 73 million children were exposed to hazardous [child labour](#).+ In the context of migration, especially irregular and forced, the risk of children being exposed to the abuse of child labour is high. Migration itself contains all the elements that are otherwise defined as risks of children being exposed to this type of abuse: poverty, irregular school attendance, parental unemployment, etc. Unaccompanied and separated children are particularly at risk, being that it is estimated that in 2018, 27,600 of them submitted requests for asylum in around [60 different countries](#). These numbers, however, should be taken with a grain of salt, as large numbers of unaccompanied children have not applied for asylum in

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any country, which puts them at even greater risk of various forms of exploitation, including child labour.

International legal framework for the protection of children from child labour

The central document in this area is the UN Convention on the Rights of the Child ([CRC](#)) which prescribes a set of universally accepted rules that the signatory states should respect in the protection of the rights of children under 18 years of age. In Article 32(1), the obligations regarding the protection of children in the field of employment are prescribed:

The contracting parties recognize the right of the child to be protected from economic exploitation and from performing any work that could be dangerous or interfere with the child's education or would be harmful to the child's health or to the child's physical, mental, spiritual, moral or social development

Article 32(2) establishes that, in accordance with the applicable provisions of international instruments, state parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

The International Labour Organization (ILO) adopted two Conventions related to child labour. The ILO Convention no. 138 (Minimum Age Convention), adopted in 1973, calls for the establishment of a minimum age for work that is not lower than the age of compulsory education. In many countries, this age is up to 15 years of age, or 14 years for developing countries, depending on local regulations on the length of compulsory [education](#). This Convention also defines light work for children, emphasizing that:

The minimum age for establishing any type of employment or work that, by its nature or the circumstances in which it is performed, may endanger the health, safety or morals of young people, should not be [below 18 years](#).

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

Protecting children while appreciating their agency: a possible way forward

The risks for unaccompanied children to be involved in child labour, especially in its worst forms, are related to the broader concept of vulnerability.

Unaccompanied and separated children are often viewed within the [discourse of vulnerability](#), as shown by the UNHCR's categorization of unaccompanied and separated children as '[particularly vulnerable groups](#)'. Unaccompanied children are at particular risk of being exposed to child labour, and it is necessary to continuously work on the mechanisms of their protection in order to reduce the negative consequences that [this phenomenon has on children](#).

The importance of education as a protective factor that allows migrating children to stay out of the labour market, while at the same time creating better opportunities for employment [in the future](#), is particularly pointed out. The importance of protection by competent institutions, especially the social

protection system and the health system, in identifying, recognising and intervening in the abuse of child [labour is emphasised](#).

In the case of children travelling alone, apart from vulnerability and risk, it is important to consider the agency of children. Defined as the ability to express one's will and act in the world, by setting one's own goals and acting independently, the agency includes aspects of independence and autonomy in [decision-making](#). The concept of agency is significant when we talk about unaccompanied children and the processes that lead to their involvement in child labour during their journey. The motivation that children have to reach their desired destination refers to the means they use to reach their goal, which sometimes includes engaging in the (legal and illegal) labour market in transiting countries in order to cover living expenses, pay debts and get funds to continue their journey. In addition, one of the manifestations of agency is related to the cultural practices existing in countries of origin.

Research conducted in Greece showed that unaccompanied and separated children who came to Greece were very often involved in the labour market in their countries of origin in order to help the family, either because they lost breadwinning male family members in the war, or because the resources provided by the adults were insufficient for the [survival of the family](#).

A [recent research](#) (conducted by the Centre for Interdisciplinary Studies of the University of Sarajevo with the research team from University of Belgrade Faculty of Political Science and with the support from Save the Children NWB) involved interviewing 48 migrant and asylum-seeking children in Bosnia and showed that children are very often exposed to the conditions of work that can be considered child labour abuse. Children stated that they usually work in the jobs such as factories, picking fruits or olives and waste collection; they usually work long hours and get paid less than adults or citizens from the country in which they work. However, the children who have the experience of working during their journey do not seem to recognise it as a violation of their rights; they talk about the work as an obligation towards their families, they show pride while talking about the work and the only way to move from country to country once they spend the money provided by their families at the beginning of the journey. The children shared how they make decisions to work in the countries they travel through, as well as ways to form and keep relationships that protect them from getting injured or exploited and provide them with, what they call, '[good jobs](#)'. Literature on the experiences of unaccompanied children on the move to Europe since 2015 is scarce, partly because the children are moving irregularly through countries, partly because they tend to hide the fact they are working, scared of possible consequences. Children tend to not report exposure to inadequate working conditions out of fear they will be deported or detained, but also that they will be forbidden to [continue to work](#).

Looking ahead

There are two core questions that need to be addressed in the search for effective ways to protect migrant children on the move who are involved in work experiences: What alternatives do the protection systems provide to migrant children who are removed from the labour market? How do protection systems

across Europe provide migrant children with the possibility to fulfil the need to earn money and continue their journey, if not through work?

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