



Briefing Paper 529

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The Invisible Group: Child Migrants, Child Labour and the 2022 Global Conference

*"Child labour, in its intolerable forms, constitutes a kind of violence that is less obvious than others but it is not for this reason any less terrible."*¹

Compendium of Catholic Social Doctrine, 3245

1. Introduction

Every year, 12th June is observed as the World Day against Child Labour. The theme for 2021 is 'Act Now End Child Labour.'¹ 2021 is an important year for this sector. It is four years since the last Global Conference on Child Labour, held in Argentina, and there are four years left to achieve Sustainable Development Goal 8.7, which seeks the abolition of child labour by 2025. For South Africa 2021 marks the start of the twelve month formal preparatory phase for the next Global Conference on Child Labour in 2022, which will be hosted by the South African Government.² At the beginning of 2021 the South African Government listed child labour amongst the forms of modern slavery.

Pope Francis also marked the World Day against Child Labour, tweeting: "Children are the future of the human family: all of us are expected to promote their growth, health and tranquillity."³ He expanded on this later during a general audience at the Vatican, saying that "tens of millions of children are forced to work in degrading conditions, and are victims of slavery

and abuse, harassment and discrimination. I truly hope that the international community will extend children's access to social protection to eradicate this curse."⁴

He went on: "We all need to renew our commitment, especially families, to protect the dignity of every boy and girl and to offer them the opportunity to grow in a healthy environment. A peaceful childhood allows children to look at life and the future with confidence."⁵

Few will forget the dramatic moment in 2014, on the eve of 12th June, when Pope Francis, speaking of this scourge, held up a red card and warned those who employ child labour that their time is up. Sadly, since then the numbers have increased and practices have become harsher.

2. Background

A recent joint Report by UNICEF and the ILO states that there are now around 160 million children, half of whom are between 5 and 11 years old, who

are engaged in child labour. Africa accounts for 72.1m of the total number. This marks an increase of 8.4m over the past four years. Approximately 72m of these children are engaged in what is termed 'hazardous work', defined as work that is harmful to health, safety or morals.⁶ It is estimated that 31m children thus employed are to be found in Africa. Over the past four years, 16.6m more children in Sub-Saharan Africa have been forced into child labour. As the COVID-19 pandemic takes its toll and poverty rises exponentially, millions more are at risk. It is estimated that the pandemic will force a further 9m children into labour in the next year or so. These are the first increases in two decades. UNICEF has warned that "the pandemic threatens to reverse the progress made in this area."⁷

About 70% (112m) of working children are found in the agricultural sector, 20% (31.4m) in services, and 10% (16.5m) in the industrial sector.⁸ An ILO Report states that "many child migrants end up in agriculture or services such as domestic work. Some of them, but not all, are victims of trafficking."⁹

Henrietta Fore, the Executive Director of UNICEF, said recently: "Now, well into a second year of global lockdowns, school closures, economic disruptions, and shrinking national budgets, families are forced to make heart-breaking choices. We urge governments and international development banks to prioritize investments in programmes that can get children out of the workforce and back into school, and into social protection programmes that can help families avoid making this choice in the first place."¹⁰

3. The Invisible Group

Within this already 'at risk' group, recent analysis has pointed to an even more vulnerable group, namely child migrants. Some of the literature refers to them as the 'invisible group'.¹¹ In a core statement an ILO Report states bluntly that research "suggests that in a variety of areas migrant children are worse off in child labour compared to non-migrants. The findings emphasize the need for social policies to include attention to migrant child labourers."¹²

Another study concludes: "The labour conditions and practices of unaccompanied minors are a particular area of concern however. From the unaccompanied minors study, work opportunities were a significant pull factor for unaccompanied minors and a fairly large number of the children (23%) did not mind what they did, provided they could get work. Children were also likely to want to sell or trade and this is likely to be because this is their current occupation."¹³

According to the ILO, "child migrants often experience maltreatment – including suffering from isolation, violence, sub-standard working conditions, non-payment of wages, and the threat of being reported to the authorities. Evidence suggests further that *amongst child labourers it is migrant children who receive less pay, work longer hours, less often attend school, and face higher death rates at work in comparison to local children.*"¹⁴

Furthermore, "despite the numbers of children involved, the needs and interests of migrant children are largely absent from mainstream debates on child protection, child labour and migration. As a result, most governments have failed to develop effective policy responses to assist and protect migrant children. And yet, governments are obliged to offer such protection as per Article 2.1 of the UN Convention on the Rights of the Child, which states that "*Every child without discrimination of any kind, irrespective of the child's or his/her parents' or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, is born with the same rights.*" This includes the right to be free from child labour for both local and migrant children".¹⁵

The Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, agreed to at The Hague Global Child Labour Conference in 2010, also includes a focus on child migrants. In Article 5 it states, "Governments should consider ways to address the potential vulnerability of children to, in particular, the worst forms of child labour, in the context of migratory flows." An important safety net for vulnerable children on the move and a barrier to exploitation is the strengthening of social systems. There is a need for "strengthening social protection systems so

that all families gain access to health care, education and social welfare, even in the face of humanitarian crises.”¹⁶

It has been noted in this regard, however, that “children in South Africa engage in the worst forms of child labour, including in commercial sexual exploitation and forced begging, each sometimes as the result of human trafficking.”¹⁷ A December 2020 report issued by UNHCR and the Red Cross indicated that there were about 642 000 migrant children in South Africa.¹⁸ Given the concealed nature of child labour and the difficulties in tracking it, it is difficult to estimate the percentage that is under the yoke of child labour.

4. A Statement of the Problem

“The number of children on the move is very difficult to estimate, as almost all who enter South Africa do so in an irregular fashion. Over and above this, the lack of a proper registration and tracking system for those who have been identified as entering in an irregular fashion places further constraint on establishing sound and reliable statistics for this vulnerable population. Because of their immigration status, children on the move are extremely vulnerable to violence, abuse and various forms of exploitation during their journey or in the country of destination. They also face great difficulties when seeking assistance, protection and basic services such as education and health.”¹⁹

These problems are described in greater detail in a country study commissioned by UNICEF: “The research on child migrants indicates very poor implementation of the legal and policy framework and significant abuses of migrant children’s rights. In particular, children are often left behind when caregivers migrate and face a range of vulnerabilities associated with this. In addition, children are migrants in their own right, and the existing research indicates that, where children migrate alone, they are particularly vulnerable to exploitative working conditions, violence and the denial of basic rights. Migrant children’s access to basic health and education is extremely compromised and there is evidence of widespread

violence and abuse against them – very often by the state authorities whose duty it is to protect them. Furthermore, there is an indication from the research that children who live outside of the major urban centres are particularly vulnerable. There is a lack of capacity for intervention with child migrants in South Africa. Many of the migrant rights organisations that exist do not specifically address the rights of children and many children’s organisations lack the knowledge on migrant children’s rights to intervene effectively. Access to rights is almost entirely facilitated by NGOs in South Africa, with migrant children having very limited direct access to government departments and services. This report makes recommendations for intervention by the United Nations Children’s Fund (UNICEF) and other partners for strengthening migrant children’s access to basic rights in South Africa.”²⁰

A further observation is that it is not only independent or unaccompanied minors who are vulnerable to forced labour in South Africa, but also those in vulnerable family situations. “An ILO study on commercial agriculture in South Africa observed that children of migrant workers on some farms were actually required to work if they wished to live with their parents. Also, infants, toddlers and young children are often brought along to the fields because there is little accessible, affordable day care in rural areas, exposing them to many of the same workplace hazards as their older siblings and parents.”²¹

The sad reality is that, despite policy improvements within the domain of child labour over the past few years, this article raises the same issues in 2019 – especially with regard to the vulnerability of migrant children and exploitative labour practices – as those highlighted in the earlier studies.²² The point is made in these studies that a key issue in dismantling child labour with regard to migrant children is the issue of documentation. “Without documentation, non-national children in South Africa are denied access to basic human rights. But with an inefficient asylum system in South Africa, the issues seem set to persist. Many of the difficulties facing migrant and refugee children in South Africa centre on a lack of viable documentation options.”

South African NGOs working in this sector have stated the difficulties thus: “The reality is that

many unaccompanied and separated children are unable to access legal pathways to regularize their stay in South Africa, and they have limited documentation options as the immigration system is very restrictive and makes it almost impossible for unaccompanied and separated children to have access to any legal status without their parents to assist them, since children derive legal status from their biological parents.”²³

Doctoral research in 2018²⁴ shows that migrant children crossing the borders continue to be influenced by push/pull factors. Amongst the pull factors, the quest for a better life and education, and often exaggerated stories of life in South Africa circulating in their home situations, influence children to make the dangerous move to cross borders, mostly irregularly. The push factors include poverty, loss of one or both parents, and peer influence. These factors underline just how vulnerable migrant children are to exploitative labour practices.

5. The Way Forward

To reverse the upward trend in child labour noted over the past few years, the ILO and UNICEF are calling at a global level for:

- Adequate social protection for all, including universal child benefits.
- Increased spending on free and good-quality schooling and getting all children back into school, including children who were out of school before COVID-19.
- Promotion of decent work for adults, so that families don’t have to resort to child labour as a way of generating family income.
- An end to harmful gender norms and discrimination that influence child labour.
- Investment in child protection systems, agricultural development, rural public services, infrastructure and livelihoods.

These need to be tackled seriously in preparation for the 2022 Global Conference to be hosted by South Africa. As an addendum to the point made above with regard to policy and legislative improvements in the campaign against child labour generally in South Africa, it should be noted that: “Since 2017, South Africa has made a significant advancement in efforts to eliminate the

worst forms of child labour. The government passed a Child Protection Act prohibiting persons convicted of child trafficking from working with children. The adoption of Phase IV of the National Child Labour Program of Action for South Africa has increased funding for the Child Support Grant [which] provides monthly direct cash transfers to primary caregivers who have vulnerable children. While some changes are occurring to help improve child labour laws, the South African government requires more action to minimize the harm from child labour in South Africa.”²⁵

It is also worth noting that, as part of the efforts to counter child labour, the International Labour Organization continues to establish and encourage Child Labour Units and a National Steering Committee “to eradicate child labour in South Africa by mobilizing globally and providing knowledge locally. The goal of these committees is to gain assistance from a global outreach in acquiring the right resources to eradicate child labour, to provide knowledge of what child labour is, methods on how to reduce it and how to instigate action plans to disperse it.”²⁶

In addition to these more general advocacy strategies, those in the sector dealing with the ‘invisible group’ are also calling for two very specific issues to be highlighted in South Africa. Firstly, there is a need for a more conscious, targeted incorporation of the situations and needs of migrant children to be factored into the general strategies around child labour. The second issue is that of documentation and an asylum process that deals both holistically and sensitively with migrant children (which includes a deconstruction of the element of fear embedded in the encounters with officials and the provision of reasonable access to places for documentation).

The international guidelines for such advocacy should be noted: “To address these challenges IPEC is integrating a migrant child perspective in its actions against child labour as follows:

- An increasing number of projects include a focus on migrant children;
- Child labour research deals with migrant children;
- Where possible, relevant advocacy tools, events and policy advice include attention to child migrants; and

- IPEC collaborates with 15 international organizations and NGOs in the recently created Global Working Group on Children on the Move for a set of joint initiatives focusing on child migrants.

A related topic that also requires attention is how the migration of parents who leave their children behind affects these children in terms of education and the risk of child labour. Where relevant, it would be important to promote inclusion of such a focus in research on the impact of remittances.”²⁷

These guidelines should also help frame the advocacy efforts of those working to eradicate child labour, and specifically the plight of migrant children in that situation. NGOs in South Africa generally agree that the thrust of advocacy attempts, especially those focused on the nexus between child labour and migrant children, should centre on certain key issues in order to minimise the vulnerability levels of children and offer them alternatives to forced labour:

- Understanding the rights of foreign children as stipulated in the South African Bill of Rights and the Children’s Act, as well as various pieces of labour law;
- Assistance with the process of family tracing and family reunification either in South Africa or in country of origin;
- Provision of information and assistance with regard to pathways to legalising their stay in South Africa; and
- Conducting social worker home visits, and assisting with access to the services of the Department of Home Affairs.²⁸

6. A Theological Footnote

The scourge of child labour and the additional dehumanisation of migrant children through their added vulnerability and need to survive, strike at the heart of a faith orientated understanding of the human person, predicated as it is on their dignity and the human rights that follow from that dignity. Recent Catholic Social Teaching has emphasised the notion of ‘integral’, that which is appropriate for the full flourishing of the person. In this case it is perfectly obvious that forced labour and the pathologies that surround it are inappropriate for the child’s integral development. Even the most basic surveys of the kinds of work children are

involved in show that most of it, by far, falls into the category of demeaning, dangerous and what is called ‘worse or hazardous forms of work.’ Just by labour standards alone, quite apart from age, these forms of work would affront the principle of dignified work. This principle takes into account the rights to productive work, to decent and fair wages, to join a union, and to economic initiative. All of this is clearly suppressed in the case of child labour.

It is also clear that all of this undermines another core teaching, namely the promotion of the common good, which affirms that society must be organised so that the good of all its members, irrespective of any differences of race, age, gender, religion, social status, etc., must be respected, protected and guaranteed. The use and exploitation of children for others’ benefit is thus a misuse of difference and an abuse of vulnerability, which in itself is a violation the preferential option for the poor, marginalised and vulnerable – a principle that commits the faith community to a special duty of protection of people in those categories. A journal article sums it up thus: “The Catholic Church sees child labour as a moral issue as children are meant to be cared for and looked after until their minds and bodies are sufficiently developed. This includes giving them the right to education, food, shelter and support. The Church’s doctrine states that child exploitation is a violation of an individual’s dignity, no matter the circumstances.”²⁹

In all of these considerations it is also critical to remember that an integral part of the social doctrine is the commitment to action. We are reminded in the ‘See-Judge-Act’ methodology that “the [third] strand of the response of Catholic Social Teaching is a call to action, to intervention, whether on a small or large scale.”³⁰

7. Conclusion

In this coming year, as South Africa gears up to host the 2022 Global Conference on Child Labour, the challenge of continuing to bring its policies and legislation increasingly in line with its international obligations and the demands of the Constitution and Bill of Rights, remains a priority. There is also a need for the political will to translate those commitments into prosecutions where necessary, and for effective practical

prohibitions and prevention strategies. All policy considerations in this area should include the situation of migrant child labourers as a matter of course. This must involve a more sustained and robust engagement with civil society, which at present carries a large part of the burden in assisting these vulnerable children. Until these intertwined pathologies involving vulnerable children are truly eradicated, it will remain a blot on the copybook of a country which prides itself on a heightened sensitivity and commitment to human rights.

Pope Francis wrote tellingly: “I have always been distressed at the lot of those who are victims of various kinds of human trafficking. How I wish that all of us would hear God’s cry: ‘Where is your brother?’ (Gen 4:9). Where is your brother or sister who is enslaved? Where is the brother and

sister whom you are killing each day in clandestine warehouses, in rings of prostitution, in children used for begging, in exploiting undocumented labour?”³¹

Francis has also emphasised that child slavery and labour can be found everywhere, and that many people, however unknowingly, benefit from the effects of child slavery and child labour. “Let us not look the other way. There is greater complicity than we think. The issue involves everyone! This infamous network of crime is now well established in our cities, and many people have blood on their hands as a result of their comfortable and silent complicity.”³²

These sentiments should inform our advocacy and our actions.

Peter-John Pearson
Director

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- ¹ <https://www.firstpost.com/world/world-day-against-child-labour-2021-theme-this-year-is-act-now-end-child-labour-9709661.html>
 - ² <https://www.ilo.org/ipecc/Campaignandadvocacy/wdacl/lang--en/index.htm>
 - ³ <https://www.vaticannews.va/en/world/news/2021-06/ilo-unicef-united-nations-report-world-day-against-child-labour.html>
 - ⁴ https://www.ilo.org/ipecc/news/WCMS_246659/lang--en/index.htm
 - ⁵ <https://www.cgfmanet.org/en/infosphere/world-day-against-child-labor-2021/>
 - ⁶ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_800090/lang--en/index.htm
 - ⁷ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_800090/lang--en/index.htm
 - ⁸ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_800090/lang--en/index.htm
 - ⁹ [https://www.ilo.org/ipecc/areas/Migration and CL/lang--en/index.htm](https://www.ilo.org/ipecc/areas/Migration%20and%20CL/lang--en/index.htm)
 - ¹⁰ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_800090/lang--en/index.htm
 - ¹¹ https://www.ilo.org/ipecc/Informationresources/WCMS_189339/lang--en/index.htm
 - ¹² https://www.ilo.org/ipecc/Informationresources/WCMS_189339/lang--en/index.htm
 - ¹³ <http://www.migration.org.za/wp-content/uploads/2017/08/For-Better-Implementation-of-Migrant-Children%E2%80%99s-Rights-in-South-Africa.pdf>
 - ¹⁴ [https://www.ilo.org/ipecc/areas/Migration and CL/lang--en/index.htm](https://www.ilo.org/ipecc/areas/Migration%20and%20CL/lang--en/index.htm)
 - ¹⁵ [https://www.ilo.org/ipecc/areas/Migration and CL/lang--en/index.htm](https://www.ilo.org/ipecc/areas/Migration%20and%20CL/lang--en/index.htm)
 - ¹⁶ <https://www.unicef.org/social-policy>
 - ¹⁷ <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/south-africa>
 - ¹⁸ <https://www.unicef.org/southafrica/press-releases/unicef-and-south-african-red-cross-partner-assist-migrant-children>
 - ¹⁹ <https://www.savethechildren.org.za/what-we-do/our-work/child-protection/migration>
 - ²⁰ <http://www.migration.org.za/wp-content/uploads/2017/08/For-Better-Implementation-of-Migrant-Children%E2%80%99s-Rights-in-South-Africa.pdf>
 - ²¹ [file:///C:/Users/loved/AppData/Local/Temp/20110503 Migration & CL WP Final OnLine.pdf](file:///C:/Users/loved/AppData/Local/Temp/20110503%20Migration%20&%20CL%20WP%20Final%20OnLine.pdf)
 - ²² <https://www.dailymaverick.co.za/article/2019-08-07-no-papers-no-rights-the-plight-of-undocumented-foreign-children-in-sa/>
 - ²³ <https://www.scalabrini.org.za/service/paralegal-and-advocacy/unaccompanied-and-separated-children/>
 - ²⁴ http://uir.unisa.ac.za/bitstream/handle/10500/24560/thesis_mathe_m.pdf?isAllowed=y&sequence=1
 - ²⁵ <https://borgenproject.org/10-facts-about-child-labor-in-south-africa/>

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- ²⁶ <https://borgenproject.org/10-facts-about-child-labor-in-south-africa/>
²⁷ [https://www.ilo.org/pec/areas/Migration and CL/lang--en/index.htm](https://www.ilo.org/pec/areas/Migration%20and%20CL/lang--en/index.htm)
²⁸ <https://www.scalabrini.org.za/service/paralegal-and-advocacy/unaccompanied-and-separated-children/>
²⁹ <https://cccatholicstudiesrcblog.wordpress.com/2017/05/23/child-labour-the-catholic-church/>
³⁰ <http://eprints.gla.ac.uk/103569/1/103569.pdf>
³¹ <http://eprints.gla.ac.uk/103569/1/103569.pdf>
³² <http://eprints.gla.ac.uk/103569/1/103569.pdf>

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