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## **Child Trafficking: ‘Worst Form’ of Child Labour, or Worst Approach to Young Migrants?**

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### **ABSTRACT**

This article presents a critique to the human trafficking discourse in relation to child migration, based on data obtained from the anti-trafficking community in the Greater Mekong Sub-region combined with an analysis of secondary material. It also presents a set of qualitative accounts of migration at a young age from Lao PDR and Thailand. On this basis a more theorized, grounded and nuanced perspective on child labour migration is developed. This situates child labour migration historically, embeds it within overarching processes of rural transformation and accounts for young migrants’ agency in the social process of migration, the latter shedding light on the social production of exploitation in relation to young migrants.

### **INTRODUCTION**

In various countries, a sizeable share of the migrant population is below eighteen years of age (Ensor and Goździak, 2010; Yaqub, 2009a). Some of these so-called child migrants have migrated as part of family migration whilst others have migrated without parents or adult guardians. This article focuses on the latter group of child migrants who often (but not exclusively) migrate for purposes of work. Research suggests that these child migrants are generally older children, and seldom younger than ten years of age (Bastia, 2005; Iversen, 2002; Pearson et al., 2006: 25; Punch, 2007; Thorsen, 2006: 89; Yaqub, 2009a: 12–13).

When it comes to child labour migrants, ‘moving or receiving them for the purposes of exploitation *is* trafficking regardless of whether any

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force, threats or coercion were involved' (ILO, 2008: 6, emphasis added). Since most child labour migrants experience some degree of exploitation (e.g. Pearson et al., 2006; SCUK et al., 2004) many may thus be considered victims of child trafficking. Furthermore, ILO Convention 182 (Article 3) states that 'the term *the worst forms of child labour* comprises', among other things, 'trafficking of children', making it a priority area for intervention. Partly due to the above, the child trafficking frame has come to dominate policy debates concerning child labour migration and anti-child trafficking inspired interventions, often revolving around removing or discouraging children from migration, have become the main approach to counter the exploitation of child labour migrants (Busza et al., 2004; Whitehead and Hashim, 2005; Yaqub, 2009b: 5).

This article takes a critical stance against the tendency of addressing the very real issue of exploitation of child labour migrants through anti-child trafficking interventions and is critical of viewing the phenomenon of child labour migration solely through a child trafficking lens. In making our case, we focus on the Greater Mekong Sub-region (GMS), drawing on primary material obtained from research with Lao and Thai child migrants working in Thailand.<sup>1</sup> The focus on the Greater Mekong Sub-region is deliberate; whilst human trafficking is regarded a global problem affecting all parts of the world (US Department of State, 2011) the GMS is considered a trafficking hotspot (David et al., 2011: 1; ILO, 2003: 29; UN-ESCAP, 2000), especially in relation to the trafficking of children (Pearson et al., 2006; Wille, 2001).

The article is organized as follows. After a note on methodology, we present a number of problems concerning the trafficking discourse. The article then proceeds with three specific cases of young female workers, one from Thailand and two from Lao PDR. On the basis of this qualitative material we develop a theoretical perspective on child labour migration that transcends that of child trafficking by accounting for child migrants' agency, by conceptualizing child labour migration as a generational manifestation of overarching processes of rural change, and by theorizing exploitation of child labour migration from a relational perspective. The final section then returns to the starting question; whether child trafficking is one of the worst forms of child labour, or rather one of the worst approaches to young migrants.

## Methodology

Material for this study was generated through a range of methods. Much of the general discussion is based on a critical reading of existing material on human trafficking, which is enriched with primary data obtained from

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1. The Asian Development Bank defines the GMS as comprising Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam.

interviews with people working in the field of anti-trafficking in the GMS. The case studies of Thai and Lao child migrants were the result of PhD research undertaken by the two authors. The Thai case study material was collected in 1996 when Thai children represented the bulk of children working in Thailand. The Lao case studies were collected in 2007–09 and illustrate experiences of the ‘new face’ of child labour in Thailand, namely that involving children from Thailand’s neighbouring countries (Baker, 2007).

### **THE PROBLEM(S) OF HUMAN TRAFFICKING: DEFINITION, NUMBERS AND POLITICS**

Human trafficking is frequently referred to as a modern form of slavery (Williams and Masika, 2002) and there is indeed no shortage of recorded cases of severe exploitation and abuse encompassing the violation of all human rights that easily fit such a strong qualification (e.g. UNICEF and MoLSW, 2004). However, the human trafficking frame is not limited to such extreme cases of exploitation, and has come to dominate policy and practice concerning a wide range of child labour migrations (Huijsmans, 2008; Whitehead and Hashim, 2005).

Whilst the human trafficking discourse has been highly successful in generating public concern and social action towards the plight of young migrants, emotive terms like ‘modern slavery’ have contributed to turning anti-trafficking into a moral obligation that is beyond critique. In this section we aim to destabilize the discursive framework of human trafficking in relation to child migration in particular. We do this by focusing the discussion on three recognized problems with the human trafficking discourse: first, the problem of defining human trafficking, particularly in relation to child migrants, and the subsequent problem of applying this definition to real-life scenarios; second, the absence of empirical evidence for claims that human trafficking is widespread and increasing; and third, the problem that anti-trafficking interventions often conflict with child migrants’ best interests.

#### **The Problem of Perception, Definition and Practice**

Contemporary concerns about human trafficking are closely associated with the prostitution of women and girls. According to Doezema (2000), this association has an historical precedent in concerns about ‘white slavery’ at the end of the nineteenth century. Nonetheless, in publications by influential multilateral bodies an explicit effort may be observed of broadening the discourse of human trafficking to make it inclusive of male victims and of trafficking for purposes of exploitation other than forced prostitution (e.g. David et al., 2011: 11; ILO, 2008: 6–7; US Department of State, 2011: 7–8). In this light, the United Nations Inter-Agency Project, a UN body

coordinating anti-trafficking initiatives in the GMS, introduced the label ‘underserved victims [of human trafficking]’, including male victims of labour exploitation, for example, on plantations and fishing boats (UNIAP, n.d.) in order to change widespread perceptions of human trafficking as a problem limited to women and the sex industry.

The Palermo Protocol, the most widely used definition of trafficking, also leaves no doubt that human trafficking is by no means limited to the sex sector.<sup>2</sup> It defines trafficking as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (UN General Assembly, 2000: Article 3a)

Nonetheless, this definition of human trafficking has also been critiqued for a lack of clarity. For example, legal scholar Gallagher (2001: 987) has pointed out that the term ‘exploitation’, which is central to the definition of human trafficking, is defined vaguely. Furthermore, ‘slavery’, ‘forced labour’, ‘practices similar to slavery’ and ‘servitude’ are listed as examples of what exploitation should, at a minimum, include, but are undefined (*ibid.*: 987).

Defining human trafficking broadly and leaving room for interpretation may be seen as a strategic act, typical of many UN Conventions. Drafting teams strive for a balance between writing a Convention with teeth, and one that will be ratified by a sufficient number of States Parties for the Convention to become successful. However, in the Palermo Protocol a lack of definitional clarity has created considerable confusion about what is, and what is not, human trafficking. For example, whilst the Palermo Protocol is clear about the fact that exploitation is not limited to the examples listed in the Protocol, this raises the question of ‘how deceived does a worker have to be about the nature and terms of the employment prior to migrating before s/he can properly be described as a “victim of trafficking”?’ (O’Connell Davidson, 2005: 73).

For children, the definition of human trafficking is further stretched. Article 3c of the Palermo Protocol states that ‘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)’ (see above). The definition of

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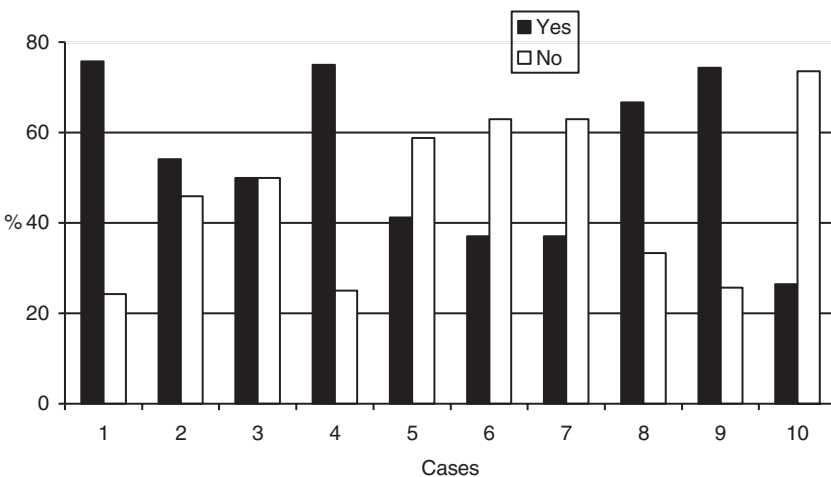
2. The Palermo Protocol is formally known as the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’, which supplements the United Nations Convention against Transnational Organized Crime (UN General Assembly, 2000).

trafficking in children thus becomes: the recruitment, transportation, transfer, harbouring or receipt of persons, for the purposes of exploitation.

This means that the Palermo Protocol renders children’s consent to any form of facilitated migration leading to exploitation irrelevant in qualifying as a case of human trafficking (Huijsmans, 2006: 12). In the name of child protection, the Palermo Protocol thus sidesteps the inherent tension of the United Nations Convention on the Rights of the Child (CRC) between adult (or adult-run organizations’) constructions of children’s best interest and the concerned children’s own opinions on this. A further factor complicating the Palermo Protocol is that migrants, child migrants included, seldom migrate independently; in most cases migration is facilitated, often including a form of recruitment, facilitated transportation, etc., and the recruiter or facilitator may profit from this (Huijsmans, 2010; Iversen, 2002). This should not lead either to the conclusion that because migration is facilitated migrants are accurately informed about the details and conditions of their migratory endeavour, or to the assumption that migrants are necessarily deceived by these facilitators.

In sum, a widespread perception of human trafficking as a problem of women and girls in the sex industry, combined with a lack of definitional clarity of what constitutes human trafficking, the rendering of a child’s consent irrelevant where migration leads to some form of exploitation, and a realization that migration is often facilitated yet seldom a fully transparent process, ensures that there is considerable confusion about what, precisely, constitutes a case of child trafficking. Figure 1 illustrates that between professionals working with the anti-trafficking discourse in the GMS there is

*Figure 1. View of what Constitutes Trafficking by Thirty-seven People Working in the Field of Anti-trafficking (based on ten case studies from the field)*



disagreement in qualifying real-life examples as cases of trafficking.<sup>3</sup> Box 1 presents two of the cases which were used to generate the data shown in Figure 1.<sup>4</sup>

*Box 1. Two Case Questions Testing Awareness of the Palermo Protocol (as used to gather data for Figure 1)*

**Which of the following children have been trafficked?**

1. Dariya, 13 year old girl from Cambodia, was recruited by Mr X to work in a shoe-making factory in Thailand. She arrives and finds herself working around the clock with restrictions placed on her movement. Rent and food expenses are inflated and docked from her pay but the balance of her earnings is given to her.

Yes, trafficked       No, not trafficked

2. Sie Wing, a 17 year old girl from China, agrees to an offer made by recruiter Mr Y to work in a brothel in Viet Nam for five days per week for low wages. She arrives at a brothel in Viet Nam and the terms of agreement (time/wages) are honoured.

Yes, trafficked       No, not trafficked

Notes from a concluding session of a Bangkok-based workshop during which some of the data presented in Figure 1 were collected adds further detail to the Figure.<sup>5</sup> The starting principles of organizations and academics concerning child trafficking vary considerably as they are shaped by, among other factors, religious, humanitarian and intellectual convictions. Consequently there is significant variation in organizations' working definitions of trafficking, migration and exploitation, particularly when it comes to delicate matters such as sex work and issues involving children. This variation is reflected in Figure 1 and is something that professionals working with the anti-trafficking discourse are well aware of.

A more pressing issue, however, for non-governmental organizations (NGOs) and to a lesser extent inter-governmental organizations (IGOs), is the role of donors. Several participants claimed that they were being pressured by donors who demanded the creation of anti-trafficking projects, at

3. Respondents included Australian, European, North American and South-east Asian nationals, and comprised mostly NGO and IGO personnel, but also included academics.

4. For a full list of the cases, please contact the authors.

5. 'Perspectives on Children's Active Engagement with Migration in the Southeast Asian Context', an international workshop in the Asia-Europe Workshop Series funded by the Asia-Europe Foundation and the European Alliance for Asian Studies and organized by Durham University (UK) and Mahidol University (Thailand), Bangkok, Thailand (19-20 February 2009).

times based on particular conceptualizations of human trafficking; pressed for urgent spending of large amounts of money on anti-trafficking initiatives (at times regardless of form or type); and forced into the production of (anti-)trafficking data (any data) which donors require for further fundraising activities.

For NGOs working with young migrants but sceptical about the human trafficking discourse and concerned about its impact on migrant children this raises a moral dilemma. Should they voice their concern about problematic aspects and consequences of the human trafficking discourse with the chance of losing funding, or should they accept this ready source of funding, thereby contributing to the reproduction of a discourse they find problematic?

### **The Problem of Shaky Numbers and Unsubstantiated Claims**

Over the past decade the human trafficking discourse has enjoyed a dramatic rise in popularity. The growth in anti-trafficking projects carried out by governmental, non-governmental and inter-governmental actors has been tremendous and studies on trafficking have mushroomed (Laczko, 2005). To illustrate this, in 2005, Molland (2005: 27) counted 'over a dozen trafficking projects' in Lao PDR, and noted that very few of these projects were more than five years old. Within five years the Lao anti-trafficking sector had expanded dramatically. In May 2009, the Vientiane office of the UNIAP<sup>6</sup> listed a total of thirty-five different organizations involved in anti-trafficking initiatives. This includes eleven IGOs (including eight UN bodies), eight Lao government bodies, ten international NGOs, one Lao non-profit organization, two private companies, and three bi-lateral initiatives.<sup>7</sup>

The legitimizing factor justifying this growth in anti-trafficking activities is the recurrent claim that human trafficking is a rapidly growing problem, which needs to be addressed. However, as Table 1 shows, this claim is repeatedly stated, but seldom substantiated.<sup>8</sup> The inaccuracy or lack of methodological rigour underlying most figures on human trafficking is no secret in the anti-trafficking community (e.g. David et al., 2011: 4–5), and key actors have started addressing it. UNESCO has a 'Trafficking statistics project', scrutinizing the methodology by which figures on human trafficking are generated. With this project UNESCO aims to 'separate trafficking myths from trafficking realities' (UNESCO, n.d.).

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6. United Nations Inter-Agency Project concerned with anti-trafficking specifically.

7. Data were kindly supplied by the UNIAP office in Vientiane. IGOs and international NGOs in the Lao PDR are obliged to carry out their initiatives in partnership with a Lao government body. This probably explains the high number of Lao government bodies involved in anti-trafficking initiatives. In addition, at the time of writing the Lao government did not allow Lao citizens to establish NGOs, hence the absence of national NGOs.

8. See Zhang (2009) for a similar observation in relation to sex trafficking.

*Table 1. Reports Indicating that Human Trafficking is Increasing (Showing whether the statement was based on empirical research or not)*

| Source   | Based on primary research | Quotes another source |
|--|---------------------------|-----------------------|
| UNICEF (2008a)                                 | No                        | No                    |
| UNICEF (2008b)                                 | No                        | No                    |
| Marshall (2007: 5)                             | No                        | No                    |
| Inter-Parliamentary Union and UNICEF (2005: 4) | No                        | No                    |
| UNICEF (2004: 6)                               | No                        | No                    |
| UNIFEM (n.d. [produced in 2002 or later]: 5)   | No                        | No                    |
| Marshall (2001: 4)                             | No                        | No                    |
| Tumlin (2000: 3, 32)                           | No                        | Yes                   |
| UN-ESCAP (2000: 14)                            | No                        | No                    |
| Richard (1999: 13)                             | No                        | Yes                   |
| Sanghera (1999: 5–8)                           | No                        | No                    |
| McCaughey (1998: xi)                           | No                        | Yes                   |
| Ghaley (1998: 6)                               | No                        | No                    |

Along similar lines, UNIAP has launched a competition calling for innovative research proposals to generate reliable figures on human trafficking in response to the awareness that: ‘Even after nearly ten years of attention to human trafficking, estimates of the number of human trafficking victims are very limited and generally lack empirical merit . . . the counter-trafficking community has yet to come up with reliable methodologies for getting those numbers’ (UNIAP, 2008).

These two initiatives are commendable for demonstrating that influential actors in the anti-trafficking community are actively trying to address known shortcomings. However, they are also evidence of the limited extent to which these actors have taken on board critical observations on the human trafficking discourse. The value of the notion of trafficking remains undisputed; the prevailing concern is with devising better methods by which human trafficking can be clearly identified, targeted and thus addressed.

**The Problems of Anti-trafficking Measures, Politics and Conflicts with the Best Interests of Child Migrants**

A problem plaguing anti-trafficking measures in relation to children in particular is the difficulty of disentangling migration from human trafficking (Bastia, 2005; Huijsmans, 2008). The definition of child trafficking (discussed above) is based on a series of binary constructs, most importantly the adult–child and migration–trafficking binary (O’Connell Davidson, 2005). The problem with binary constructs is that they cannot deal with empirical fluidity. The construct of childhood on which the child trafficking discourse is based is one of vulnerability, immaturity and dependence, portraying

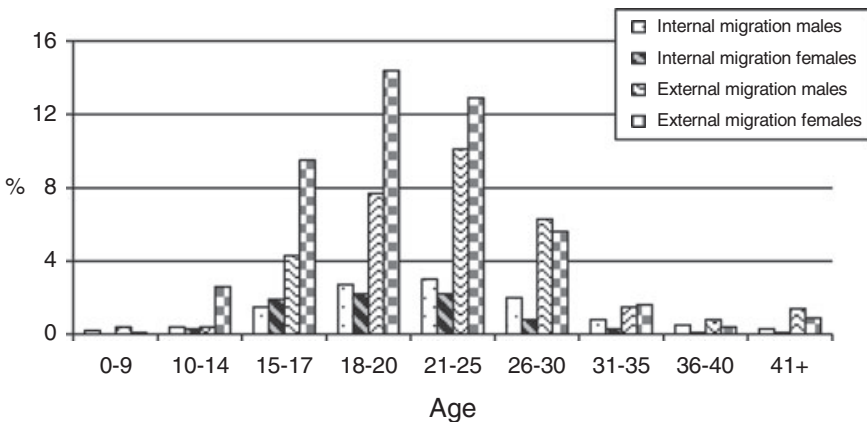


childhood as incompatible with activities like work and migration. This explains a widespread ill-appreciation that migration may well constitute a way in which older children in particular legitimately act upon their environment.

Portraying child migrants solely as out of place, as victims in need of rescue, whose childhoods need to be restored (O’Connell Davidson and Farrow, 2007), gives rise to dominant counter-trafficking strategies which revolve around discouraging and preventing children from migrating, and the removal of current child migrants from migration. This approach towards child migrants (up to eighteen years of age) exists alongside policies concerning the migration of adult workers (eighteen years and above) that increasingly shift towards the precise opposite, namely enabling safe migration, inspired on the one hand by migrant rights thinking, and informed on the other by a realization that migration may have developmental potential and constitutes a here-to-stay reality (on the GMS, see World Bank, 2006). This binary approach towards the mobility of people below and above eighteen years of age fits poorly with the reality which shows that migration straddles this division (see Figure 2).

Studies have demonstrated that the dominant policy of discouraging and criminalizing children in migration only contributes to making migration a

Figure 2. 2003 Lao Labour Migration Survey: Khammuane, Savannakhet and Champasack



Notes:

The migration survey used random sampling procedures. It surveyed a total of 5,966 households (38,924 individual records) and found a total migration rate of 6.5% (2,526 migrants). The survey reports current age of migrants, and not the age at which migrants left for migration. In addition, the survey does not specify how it has defined migration.

Source: MoLSW et al. (2003).

more risky undertaking for the children involved (Bastia, 2005; Busza et al., 2004; Whitehead and Hashim, 2005). It thus contradicts one of the central pillars of the CRC, that of the 'best interest' of the child. Furthermore, too often anti-trafficking measures are not informed by child migrants' opinions and experiences. This contributes to the 'problem' of repatriated young victims of trafficking escaping their rehabilitation and vocational training centres in order to re-migrate;<sup>9</sup> and to the situation in which relatively little is known about the experiences of repatriated victims of child trafficking who live in shelters, despite worrying reports about these shelters (Brunovskis and Surtees, 2007; Gallagher and Pearson, 2008; Goździak, 2008). The same holds for children's perceptions of the services and programmes provided to them to avoid them becoming trafficked again.

This raises an important question: if the human trafficking discourse appears to contain a series of problems, and may even make matters worse for young migrants by criminalizing their employment, why then does it continue to receive widespread support? Looking at the politics underlying anti-trafficking measures sheds some light on this question. A useful starting point is appreciating the role of the United States in globalizing the human trafficking agenda. Under the Bush administration, the US not only became a major funder of anti-trafficking initiatives (Goździak, 2008), but also put itself into the role of global anti-trafficking monitor. The US State Department developed 'annual reports on human trafficking in every other country deemed [by the United States] to have a significant problem in this area' (Gallagher, 2007: 1). These 'Trafficking in Persons' reports have been important, not least for the economic implications of performing poorly on this unilateral assessment of countries' anti-trafficking efforts:

Under the Act [United States 2000, Victims of Trafficking and Violence Prevention Act], the US will not, as a matter of policy, provide non-humanitarian, non-trade-related assistance to any government that does not comply with the minimum standards [set out in the Act] and that is not making significant efforts to bring itself into compliance (Sec. 10a). In addition, such countries will also face US opposition to their seeking and obtaining funds from multilateral financial institutions including the World Bank and the IMF (Sec. 110(d)(1)(B)). (Gallagher, 2007: 4)

Despite the above, it would be wrong to conclude that the discourse of human trafficking has been forced upon countries in the South, as this ignores the way in which global discourses are adopted by local actors and employed in more localized power struggles. This is illustrated by the argument that the global human trafficking discourse has given legitimacy to national policies which make immigration more restrictive (O'Connell Davidson, 2005: 69; Sharma, 2003: 58). We would add to this that the human trafficking

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9. Personal communication with a director of an anti-trafficking project in the Lao PDR (2007), and with UNICEF officials in Cambodia and Lao PDR (2008); and personal experience with child migrants from Vietnam working in the Cambodian sex industry (2000–2004)

discourse may also be employed by national level actors to selectively curb *emigration*.<sup>10</sup> Widespread and uncontrolled migration poses challenges to the ongoing processes of nation building for many Southeast Asian nations, which are young constructs with ethnically diverse populations (Castles, 2004; Scott, 1998). As in various other countries (e.g. Uganda; see Cheney, 2007), in Lao PDR young people are key targets in the state project of nation building (Evans, 1998). This places a political premium on keeping them within the space of the state (Scott, 1998). From this perspective, the anti-trafficking discourse provides states with a double-edged knife. The language of protection and crime prevention enables states to legitimately impose themselves on their subjects, whilst also constituting a tool to keep young people, in particular, from migration (see e.g. Somsack Pongkhao, 2008).<sup>11</sup> This may be another motivation underlying what O'Connell Davidson and Farrow (2007) have termed, 'the construction of vulnerability' in relation to young migrants.

#### **HUMAN TRAFFICKING THROUGH A MIGRATION/DEVELOPMENT LENS**

Having presented a critique to the human trafficking discourse in relation to child migrants, this article now turns to three specific cases of young female migrants — one Thai and two Lao migrants. The case descriptions sketch rich accounts of migration and trafficking as situated in the changing social landscape of Lao PDR and Thailand. The pictures that emerge not only serve as counter-images to the stereotypical portrayals of human trafficking but, ultimately, as a basis for moving beyond narrow debates on human trafficking.

Presenting three female cases is deliberate. Girls appear to be overrepresented amongst the younger cohorts of migrants (see Figure 2); in addition, the combined working of gender and young age contributes to producing scenarios that are conducive to exploitation. Due to their age the youngest migrants are prohibited from formal employment and are therefore seldom hired into larger, more regulated work settings. This is one of the reasons why female child migrants often end up in smaller, unregulated, family-run work settings, frequently domestic work, which contributes to their invisibility (see also Pearson et al., 2006: xix).

##### **The Case of Jiab (Thai)**

At the time of the interview (1996), Jiab was sixteen years old, an only child living with her mother in a village about 80 km from the provincial city Khon Kaen in Isaan (northeast Thailand). Her father had passed away and Jiab was earning money so that she and her

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10. For an elaboration see Huijsmans (2011a).

11. This may take the form of fining parents whose children have migrated in an undocumented fashion, or of fining or imprisoning young migrants upon return.

mother could make merit (*tam boon*) for her father, by feeding monks and entertaining fellow villagers with traditional music.

At thirteen, when she finished primary school, Jiab first left her village and worked as a domestic worker for a family in Khon Kaen. The family had relatives in the village and came to seek a young girl who would look after their children. She stayed in this position for six months before returning to her village for about two months to harvest the family's rice. With the completion of the harvest she returned to Khon Kaen to work as a sales assistant in a gold shop, where she worked for seven months.

*At the gold shop it was very cruel. Sometimes when we sold the gold he [the boss] would forget to weigh the gold, and as a result some of the gold would go missing. And, of course, he would blame us. We had to do all the housework too. We would get up at 6 in the morning; we would have to hurry to send his kids to school. We would then buy food, cook, wash the bathroom; we had to do everything.*

*He was strange. When he lost some gold he made us responsible. If he didn't find the gold, he would take it out of our wages. He would swear at us often. His voice was very loud, but it was his wife who liked to criticize us. She would say we were country idiots, and she couldn't understand why anyone wanted us. She would tell us that we should stay with the thugs at the market, as we were country idiots who couldn't work.*

*For Songkran [Thai New Year] we were going to return to our villages, but he wouldn't open the shop for us to leave. [Jiab and her fellow workers were living in the shop.] The three of us were stuck; the other three [living in a second gold shop] were able to return home. We couldn't leave as he had shut us in. He wouldn't open up the shop, as he didn't have enough workers. At first he told us to stay there until the 12th, and he would come and take us home. But on the 13th he didn't open the shop again, and he was still telling us he would send us home first thing. He then returned and told us he was going to open the shop to sell. On the 14th he was going to send us home, but he didn't let us out until lunchtime. We were screaming for help, but no one came. All three of us screamed for help. Some people came to the shop to buy gold, and we told them, through the locked door, to go to the second shop and ring the bell to tell him to come and open up but he never did.*

*He was a womanizer also. I was told that whoever works at his shop would have to sleep with him. There was this big problem. There was a girl. You see there were two gold shops. The sister of my boss owned the other shop. This girl went to work at his sister's shop. The boss slept with this girl, and she became pregnant. He gave her 500 Baht [US\$ 20].<sup>12</sup> This girl then tried to commit suicide by taking pills. The sister rang our shop to tell our boss to come quickly and pick up the slut and to throw her away anywhere. Our boss's wife answered the phone and went to see the girl. She hadn't died. She was 17 or 18. She took the girl back to the girl's home. This happened often.*

*Then there was a scene; there was a new girl, very innocent. The boss told me to hit her. He liked his employers fighting each other. So I returned home and felt so relieved once I got home.*

After this, Jiab returned to her village and spent the next two months working around the village before going to Bangkok to become a construction worker where she stayed for around three months before returning again to her village to harvest the rice.

*I felt that construction work was better than working at the gold shop. I was doing work that wasn't that difficult even if I was hauling metal or stones to combine with the cement.*

She and her friends had no problem finding work in Bangkok despite being under the Thai legal age to work. They would borrow ID cards from older friends or would have a receipt for one and thus were accepted to work. When asked if many children would do this she said: *Yes, lots of us do this in Bangkok. Yes, we do this often. All of those aged between 12 and 14 would do this.*

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12. All US\$ equivalents are calculated using exchange rates valid at the time of interview.

For the rice harvest Jiab again returned to her village. As soon as the rice harvest had been completed she started to cut sugar cane in her local area. She stayed in this job for a total of five months. This work was her most physically demanding job:

*It was very tiring because if we worked hard we got paid a lot, we didn't have time to rest. . . . We started 6 in the morning, and sometimes we would return at 5 and other times it was 7 at night.*

After five months cutting sugar she returned to her village, spending three months working on the family farm; then she returned to Bangkok to work again as a construction worker. She and friends from the village worked on a townhouse. They worked for only fifteen days earning 1,300 Baht (US\$ 52). Her wage was lower than before as there was no overtime. She and her friends returned to the village for a Buddhist celebration. It was at this stage I interviewed her. She was planning to stay in the village for about three months, working on the family farm, before returning to Bangkok to work in a factory. Once again she was only thinking of working for about three months before possibly returning to her village.

### **The Case of Khik (Lao)**

Khik is the second-born child, with four siblings. She also has two step-brothers from her father's second marriage, following the death of her mother in 1999. Khik's household farms primarily, but the family also has a history of migration. Her father worked for several years in Thailand in the 1990s, and again with his second wife, for one year in 2000. Khik's older sister is married to a Thai whom she met whilst working in Thailand and she now lives in the Thai city of Rayong. Her younger sister has been working as a domestic worker in Bangkok. At about age seventeen, Khik first worked away from home.<sup>13</sup> She worked for some months as a kitchen-help and cleaner in a restaurant in the Lao capital Vientiane. However, after some months she learnt that her younger sister had returned home from Bangkok so she also went back to her village. There Khik and her sister, together with two other girls, heard from a woman from a nearby village on the Thai side of the Mekong River about opportunities for domestic work in Thailand. The four girls were shipped across the Mekong River through an illegal border crossing by a local boat man on an agreed day. On the Thai side of the river a Thai police van was waiting to take the four girls to the Isaan city of Udon Thani.

Apart from a general description of their prospective work and salary (which turned out to be accurate), the four girls knew little about what they were getting themselves into. They therefore decided to use new nicknames as an attempt to conceal their identity, which they thought would make it more difficult for their Thai recruiters and prospective employers to trace them in case they had to escape.

Once in Udon Thani the four girls learnt that two of them would have to go to Bangkok to work, and the other two were to stay in Udon Thani. The girls were told to decide about this among themselves.

Khik decided to stay in Udon Thani. Since this was her first time working in Thailand, she preferred to live and work relatively close to the Lao border so that she would not be too far away from her village and would be able to find her way home independently in case of any troubles.

The family Khik worked for in Udon Thani was a middle class Thai household. Her employers had one child, a daughter of about five years old, and it was Khik's job to look after this girl as her parents were busy running a veterinary clinic. The parents of Khik's employers were a retired couple who also resided in the house. In practice, therefore, the grandmother was the one supervising Khik's day-to-day work, which apart from looking after the young girl also entailed some domestic tasks. The police officer with whom the girls had travelled to Udon Thani was a son of the elderly couple and the three other girls Khik has come to Thailand with were all placed in households related to the one Khik was working for.

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13. Khik does not know her date of birth, but guessed that she was about seventeen when we first met her; she was then working in a restaurant in Vientiane.

As a live-in nanny, Khik worked seven days a week; she started when the little girl woke up at about 6 or 6:30 am, and ended soon after the child was asleep at about 8 pm. For this, Khik earned about 3,000 Baht (US\$ 85) a month which was two-and-a-half times what she had earned in the restaurant in Vientiane. Khik heard that her employers hired a Lao girl because it was difficult to find a Thai girl to do this work. Khik was satisfied with her job, which she said was not difficult. On the other hand, she did have to experience some verbal abuse every so often.

Visiting Khik in Udon Thani we witnessed an example of this treatment. When we met her she explained that she had gained permission from the grandmother to meet her 'cousin from her village' (first author's research assistant). Khik arrived at our meeting together with the young girl, since the child had insisted on coming along. Although Khik claims that the grandmother was aware of the little girl joining her, we met a furious grandmother when we walked Khik back to the gate after an interview which lasted about thirty minutes. The grandmother claimed that she had been looking for the little girl everywhere and feared that she had been kidnapped. We listened to the grandmother abusing Khik; she accused her of irresponsible behaviour for taking the girl out of the gate (which Khik afterwards explained she did frequently), and she threatened to report Khik to the Thai police for staying in Thailand illegally. Khik, in tears, uttered apologies, and the research assistant tried to explain the situation to the grandmother but with little success; we had to leave Khik behind. When we later got in touch with Khik by telephone and referred back to the incident, she insisted that we should not worry. She explained that this was simply how the grandmother was; from time to time she got mad without reason. Furthermore, when we suggested that she may want to leave this employer she disagreed because she had just been promised a rise in salary.

### **The Case of Tukta (Lao)**

Tukta is the third-born child and has five siblings. Tukta's household farms and is also heavily involved in migratory endeavours. Her mother hailed from the Thai region of Isaan and her father was born on the Lao side of the border. An unmarried uncle of Tukta's also resides with the household.

Her father regularly works as a recruiter of Lao labour for employers on the Thai side of the Mekong River. He does not profit from the recruitment of Lao labour, but from the fees he charges for shipping them illegally across the river. Tukta's older sister lives in Thailand with her husband whom she met whilst doing migrant work. Tukta's older brother regularly works in Isaan, mostly on a commuting basis and as a member of his father's work teams composed mostly of his friends.

At thirteen or fourteen years of age Tukta first worked away from home. Her father learned that a local authority in the Thai village across the river was looking for a domestic help. Tukta's father recommended his daughter and, consequently, Tukta worked as a live-in help for one month. Her work consisted of looking after a small child and doing a series of domestic chores. Her working days started at about 5 in the morning, steaming rice and sweeping the floor. At about 6 am the child would wake up and she would bath, feed and get the child ready for school. During the day she carried out domestic tasks, and looked after the child, usually till about 8 or 9 pm. For this she earned 2,000 Baht (US\$ 57) a month. Tukta explained that this work was harder than working in her own household; at home, she told us, it was easier not to do things, or to put things off, if she did not feel like working. She worked for this household for only one month as she started missing home; she did not much enjoy her work, and the rice crop in her parents' fields needed to be harvested.

After the harvest Tukta did not return to her nanny job but remained in her village, working in her parents' household supplemented with some agricultural day labour on the Thai side of the river. About half a year later, Tukta migrated again, this time with a friend of the same age from her village. The girls were approached by a woman from their village about doing domestic work across the border in Thailand:

*She said we would work as a maebaan [housekeeper] on the Thai side of the river not far from our village*

This woman had a dubious reputation of sending village girls to various forms of work in Thailand, but the two girls agreed nonetheless. Together with this woman the two girls travelled across the Mekong River to Thailand.

*She sent us across the river, left us there with Thais and returned. I don't think she knew what would happen to us, she just sent us across the river, got paid from the Thais and left.*

The Thais told the girls to enter a van that was to take them to a nearby Thai town where the girls believed they would be working. However, once they arrived at this destination they were told to get into another van and to continue the journey, but the girls refused.

*No, we did not want to go, but they pushed us in the van. The Thais did not hit us or do anything bad but they pushed us in the van as we did not want to go.*

The girls, realizing things were going wrong started to cry. When they arrived at their final destination (a Karaoke bar) they did not know where they were and had to learn from women inside the establishment that they were in Ayuthaya (central Thailand).

The two girls did not want to work in a Karaoke bar and Tukta explained that she cried a lot but fortunately nothing bad happened to them. They managed to steal a mobile phone and get in touch with her parents. One of the women in the Karaoke bar assisted them in getting out and within four days they were back in their village.

*It was the first time this woman in the Karaoke helped someone like us. When we got back to our village we called her, and she explained that after helping us she moved to a new place as she was afraid that she would be killed for having helped us leave.*

Once Tukta and her friend were back in their village, the woman who had first approached them was fined 3,000 Baht (US\$ 85) by local authorities for her involvement in this affair, which she had to pay to Tukta's parents; but no further measures were taken in part because Tukta's parents were satisfied with this measure.

In the village, Tukta's story is a public secret. When we asked Tukta if she had told anyone about her experience, she responded negatively. If occasionally someone does ask about this, it is her parents who respond and not Tukta. The research assistant claims that fellow villagers inquiring about Tukta's experience would be either very close friends, or people without manners. The point is that bad experiences are something that should not be talked about.

All three migration events described above contain elements of exploitation. Jiab's migration episodes were internal to Thailand; nevertheless, she experienced the worst exploitation of the three girls while at the gold shop. Khik's work as a child minder was a facilitated form of migration leading to exploitation since working hours exceeded what children can legally do in Thailand. Equally, Tukta's first migration event, due to her age and working hours, can be read as a case of facilitated migration with the purpose of exploitation. Her second migration experience, in which she was lured and sold into a Karaoke bar, resembles the stereotypical trafficking narrative. However, it was the only case observed by the first author over the course of more than one year studying a Lao village with a high prevalence of young migrants (Huijsmans, 2010).

In the discussion which follows, the debate as to whether or not these forms and degrees of exploitation represent examples of trafficking is sidestepped because such discussions have little theoretical and conceptual potential; they keep us locked in stalemates without advancing knowledge. Furthermore, these qualitative accounts do not, of course, address the numbers gap highlighted above, and are, as qualitative descriptions, ultimately unique accounts. This qualitative material is, however, of value in accounting for

child migrants' agency, for conceptualizing child labour migration as a generational manifestation of overarching processes of change, and for theorizing exploitation of child labour migration from a relational perspective. This is done by adopting a migration/development lens instead of the trafficking/criminal lens (Yaqub, 2009b: 1) and by conceptualizing young migrants as social actors exercising agency, albeit constrained, in the social process of migration.

### **Analysing Migration Stories: Accounting for Child Migrants' Agency**

Studies which adopt a trafficking/criminal lens to study child migration typically perceive 'children as a group defined by their naivety, passivity, incompetence and dependence' (O'Connell Davidson and Farrow, 2007: 20). Demonstrating the diverse ways in which child migrants exercise agency constitutes an important mode of critique to counter such perspectives, and the cases of Jiab, Khik and Tukta provide ample material to support this line of critique. For example, Jiab and her friends obtained false ID cards so to gain employment, even though they were under the legal age of employment. Khik and her friends started using new nicknames when migrating to Thailand, demonstrating awareness that their employment offers might not be true. Tukta went one step further by escaping from the Karaoke bar in central Thailand and making it safely back to Lao PDR.

The three case studies also illustrate that despite clear evidence of young migrants exercising agency, exploitation remained an important feature of their migratory experience. Hence, whilst children's agency in migration may constitute an under-researched issue (Dobson, 2009), we ought to be wary of celebratory accounts focusing exclusively on agency or only on certain manifestations of agency (Durham, 2008). Theorists such as Bourdieu, Foucault and Giddens have stressed that agency cannot be understood in isolation from the social (Valentine, 2011). Acting on such observations requires collapsing the agency–structure divide (Layder, 1994) and the micro–macro divide by integrating the analysis of micro-level data of children's everyday experiences of migration with analysis of relations and forces shaping these experiences but operating at other scale levels (Ansell, 2009).

### **Young Female Migrants' Subject Positions**

Accounting for young migrants' agency starts with positioning them socially. For this we draw on the language of subject position. We use this term to denote that young people are positioned differently in various social fields; they are never just a child. They may be a daughter at home, a student at school, a labourer in the factory, etc. Moreover, these subject



positions often need further differentiation like ‘dutiful daughter’, ‘poor student’, ‘Lao labourer’, etc. These subject positions carry social meaning and assign privileges and responsibilities within relations of power. Whilst many of these subject positions are attributed to young people, young people may, through their actions, resist, negotiate or adopt particular subject positions. Needless to say, the scope for doing so differs from context to context.

When the three girls first became involved in migrant work they had left school but had not yet married or established their own households. The girls’ agency, especially in the process of entering migration, thus needs to be accounted for in the context of their natal household. Whilst the three girls are, according to international and national legislation (both Lao and Thai), considered children, the legal position of child is of limited relevance in developing a social analysis. In rural Lao and Thai communities the subject position of ‘child’ certainly exists and assigns a particular social position to young people. However, in such local frames of meaning the notion of child is less rigidly defined than in legal documents and may take a range of shapes, varying significantly by gender, birth order and a range of other social, physical and psychological attributes (Huijsmans, 2010, 2011b; Rende Taylor, 2005).

Being out of school, the three are seen as grown-up girls or youth, rather than children.<sup>14</sup> The subject position of child, with its connotations of vulnerability and immaturity, is, however, not yet fully out of reach nor entirely redundant in shaping the social position of these girls. By becoming involved in migrant work, the girls position themselves more firmly as youth and step out of the moral framework of childhood (see also Hashim and Thorsen, 2011). Since being a child is not a much desired social position, demonstrating youthful qualities by becoming a young migrant needs to be appreciated as an act of grown-up girls repositioning themselves socially.

Differences in social meaning attributed to the subject position of child and youth can be clearly illustrated with reference to work. In the rural Lao and Thai context young people from an early age are expected to actively contribute to the household economy. Yet, the social meaning attached to work by young people considered children and to those considered youth differs significantly. Children’s working activities are primarily seen as part and parcel of socialization and are seldom paid. Work by youth, however, is valued in different terms. It is generally appreciated as productive and considered on a par with adults’ work. Furthermore, it may also be framed as a means to ‘repay’ parents for the hardships of raising the children. The latter is, however, highly gendered as it is more strongly

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14. The terms used are *phu sao* (Lao) / *phu ying* (Thai), meaning ‘female adolescents’ or *wai nhum* (Lao) / *wai run* (Thai), meaning ‘youth’, rather than *dek noi* (Lao) / *dek lek* (Thai), meaning ‘child’.

pronounced in connection with grown-up daughters than sons (Mills, 1999). Young males' work, in contrast, is often valued beyond the household and constructed as a contribution to national development, whereas their filial obligations are still commonly addressed through Buddhist rituals and institutions (Huijsmans, 2010).

The intersection of intergenerational (parent–child) and intragenerational (between siblings, between own children and fostered children) relations shapes grown-up daughters' agency in becoming a young migrant. This should, however, not be read in a one-directional and all-determining fashion. If a particular intra-household configuration of a grown-up daughter's subject position puts pressure on her to migrate, this also means that migration for such a girl is a fairly easily available path towards self-realization (if so desired), whereas this may be very different for other grown-up daughters despite being of the same chronological age (for a more detailed discussion see Huijsmans, 2011b).

The dynamic interaction between subject position, individual aspirations, socially prescribed obligations, and overarching structures is captured by Punch's (2002) notion of 'negotiated interdependence': 'young people work within their structural limitations whilst fulfilling both individual and household needs and asserting some level of agency over their choice of transition' (Punch, 2002: 123). A similar conceptualization of the intertwining of agency and structuring relations informs Mills' work (1997, 1999) on young female migrants from north-eastern Thailand. However, Mills goes beyond Punch as she includes a fluid concept of subject position in her theorization of young female migrants' agency, which she views as 'shaped not only by the structural disparities of the contemporary Thai and global political economy but also by the cultural resources that are available to them — resources through which they seek to understand who they are and who they wish to become' (Mills, 1997: 55–56).

Subject positions are thus neither firmly fixed, nor entirely voluntary. Consequently, subject positions situate daughters in sets of relations, and are also actively drawn upon by daughters in their efforts to reposition themselves in these relations. For example, Jiab's involvement in migration is to a great extent related to her father's death. As the only child and daughter she is expected to contribute to financing merit-making activities for her deceased father, which she does through her migratory earnings. The subject position of 'dutiful daughter' thus emerges as a structuring force in Jiab's case. In Tukta's case, however, it emerges as a resource which Tukta draws upon to — prematurely but legitimately — terminate her first migration experience by framing it in terms of having to help out her parents with the rice harvest. Through this agentive engagement with the subject position of 'dutiful daughter', Tukta successfully redirects her migratory experience. In the same act, however, she contributes to reproducing this structuring discourse.

**Era Level Transformations and Processes of Rural Change**

The social field of the household is fertile terrain for accounting for young migrants' agency. Yet, limiting our analysis to the household would be short-sighted, and would ignore how migration of young household members is both a product and catalyst of wider processes of change. For this, we first locate the current phenomenon of child migration in historical time. This dimension is constructed on the basis of life-history interviews with older villagers. Interviews with parents and grandparents by the second author indicated that migration for work has had a relatively long history in Isaan, with villagers travelling first to Vientiane (the capital of Lao) when it was a French colony, and then to Bangkok once the rail and road systems improved (from the 1960s onwards) to seek employment (Baker, 1998).

Parents in the Lao study village informed us that in the 1950s and 1960s migration for work was predominantly Vientiane oriented, not very widespread and primarily involved young men. Following the establishment of the communist Lao PDR in 1975 migration became heavily policed, and it was not until the 1990s that the phenomenon of migration for work (rather than refugee movement) re-emerged at a significant scale. By then Thailand had become a more important destination than Vientiane (Huijsmans, 2010) as the Thai economy had grown quickly since 1988 (despite a brief slump during the Southeast Asian crisis), creating employment opportunities for non-Thais (Baker, 2007). In addition, whereas unmarried daughters had seldom migrated for work in earlier decades, a rapid rise in young female migrants can be observed from the 1990s onwards. This process resembles what had earlier been seen in Thailand (Mills, 1999). Changes in migration dynamics in Thailand and Lao PDR are thus shaped by era level transformation, comprising changes in political, social and economic realities.

Embedded in these era transformations is a process of rural change which continues to unfold and which directly underpins the phenomenon of child migration. Rural change has been described as a process in which rural households have become embedded in spatially highly diverse networks and are no longer primarily connected to their immediate community. In addition, rural livelihoods are no longer primarily dependent on the land but have become based on a range of activities, often, and importantly, including activities of a non-agricultural nature (Bebbington, 1999; Bryceson, 2002; Rigg, 2005). Young people, through their involvement in migration, are key agents in this process of rural transformation (Huijsmans, 2010). In some cases their agency may be circumscribed, for instance if, as a result of capital encroachment, the option of becoming a farmer or even an agrarian worker is no longer realizable or viable (e.g. Barney, 2012; White, 2011). For the majority of the young people studied here, however, this was not the case. The stories of Jiab and Tukta illustrate that young villagers' involvement in non-agricultural migrant work is by no means a simple response to

landlessness, a lack of local employment opportunities, or absolute poverty, as is often suggested in the trafficking literature (Inthasone Phetsiriseng, 2003; Molland, 2005). Jiab and Tukta, like most other young villagers, frequently participate in paid day labour in their local areas and their labour was also easily absorbed by their domestic households.

The impact of changes in the orientation of rural livelihoods is not limited to the economic realm and questions of poverty (Rigg, 2006), but also transforms social norms. This point is underscored by the older sisters of Tukta and Khik who found marriage partners at their migration destinations and who, despite the prevailing ideology of matrilocal residence patterns, no longer reside with their parents. These daughters' life-choices may not have met with the approval of their parents or that of their natal community, yet their acts nonetheless created an important social precedent making it easier for subsequent daughters to depart from the dominant normative script. The phenomenon of child migration can thus be seen as a product of macro-level transformations, but also as a catalyst in subsequent processes of social change.

### **Migrant Illegality, Patron–Client Relationships, and the Production of Exploitation**

Crossing an international border, particularly without documents, significantly affects young migrants' position in the social process of migration. Moreover, being an undocumented migrant is a far more fixed subject position than that of the dutiful daughter discussed above and one that structures young migrants' agency at the migration destination. This would imply that cross-border child migrants have significantly less scope for exercising agency than those who migrate within national borders. This would make the former more vulnerable to exploitation. Indeed, studies adopting the human trafficking lens frequently focus, for this very reason, on cross-border migration and ignore internal migration despite the latter often being of a far greater magnitude (UNDP, 2009). Of the three cases described above, Jiab suffered the worst case of exploitation despite being a Thai national involved in internal migration. This shows that migrant illegality is important but not all-determining in structuring the experience of migration at a young age: avoiding the status of an undocumented migrant is no guarantee of escaping exploitation.

From interviews with young Lao migrants and non-migrants it was clear that young Lao are aware of the illegal status attributed to crossing the border and obtaining employment in Thailand without passport and work permit, but also that they have little faith in the protection that Thai (and Lao) authorities theoretically offer to exploited or abused undocumented migrants. Therefore, undocumented migrants generally shun authorities even if they are suffering exploitation and abuse (see also Maniemaï Thongyou and Dusadee Ayuwat,

2005). There is a widespread perception that they will be the ones fined and/or arrested and not their Thai employers, regardless of legal regulations. This lack of faith in the rule of law is reinforced by actual experiences with Thai (and Lao) authorities that are implicated in processes of hiring and employing undocumented migrant labour, as illustrated by Khik's case.

The structuring role of young migrants' undocumented status is most obvious in Khik's case. Her story also illustrates how migrant illegality constitutes an important bargaining chip in the relation between young undocumented migrants and their employers. This becomes clearer if the relation is conceptualized as a patron–client relationship. On the basis of his/her social position, possibly combined with connections with authorities, the employer (patron) usually has a reasonable ability to safeguard the protection of the young migrant's illegal status and, on this basis, exercises a degree of power over the young migrant without necessarily having to demonstrate this through coercion. In Jiab's case, the absence of this subtle exercise of power revolving around the notion of migrant illegality may partly explain why coercion and force played such a dominant role in tying Jiab and her colleagues to their work and employer.

The young undocumented migrants' part of maintaining the patron–client relation is firstly based on their labour. Demonstrating diligence in work often goes a long way in ensuring that their undocumented status remains protected. However, it may not be sufficient, as accounts of sexual exploitation suggest. Paid and particularly unpaid work is part and parcel of growing up in Thai and Lao villages. Working hard for long hours is a common feature of many young migrants' lives and may in objective terms be read as exploitation. From the perspective of unequal patron–client relations a subjective dimension also emerges: labour may then be recognized as a resource young migrants draw upon to fulfil their part in the unequal patron–client relationship. Working hard for long hours may, therefore, be performed without any overt coercion or force. Whilst this highly constrained form of agency may be seen as self-exploitation, at the same time, it should also be recognized that working hard leads occasionally to material rewards, as Khik's increase in salary illustrates.

The notion of migrant illegality is borrowed from De Genova (2002) who developed it on the basis of ethnographic work among irregular Mexican migrant workers in the USA. The value of De Genova's concept of migrant illegality is that it connects the everyday lived experiences of migrants with the more abstract sphere of migration policy and policy enforcement. De Genova (2002) observes that in efforts to address irregular migration, cases of actual arrests of undocumented migrants are relatively rare. He argues, therefore, that the power of such practices lies in the 'sense of deportability' it creates (De Genova, 2002: 439). It is this sense of deportability that both Thai employers and young Lao migrants are aware of, not least due to anti-trafficking awareness programmes, and that positions the young undocumented migrant and her employer differently in the unequal patron–client

relationship. De Genova (ibid.: 439) adds that this sense of deportability leads to a spatialized social condition of illegality, in which the physical borders of nation states are reproduced ‘in the everyday life of innumerable places throughout the interiors of the migrant-receiving states’. This is particularly evident in young undocumented migrants doing domestic work; it became explicit when Khik was threatened by the grandmother with being reported to Thai authorities whilst in the private space of her temporary home.

The notion of migrant illegality situated in patron–client relationships sheds light on the question of vulnerability. It underscores that vulnerability is not something intrinsic to young female migrants, but a product of a series of social relations and constructs shaping their migratory experience. The occurrence and intensity of exploitation become more likely because of this relationally structured vulnerability, and should thus be seen as socially produced. It further illustrates that the analysis of exploitation, and the related notion of victimhood, may be integrated with analyses of young migrants’ agency, despite the fact that this is seldom done. Young undocumented Lao migrants in Thailand rarely challenge unfairness or dissatisfaction with their work but generally put up with it, only to leave the job without any notice when exploitation is stretched beyond certain limits (if they are in a position to do so, that is). To read this as mere passivity, as victimhood analyses tend to do, is misleading. Such behaviour is also agentic as it stems from young Lao migrants’ awareness that challenging migrant work conditions with employers may make matters worse, since it is these same employers on whom the migrants depend for protection of their undocumented status. Accounting for agency in such ways adds complexity to the whole notion of agency, highlighting the severe constraints involved and recognizing that, by exercising agency, young migrants may undermine their own well-being (see also Gigengack, 2000).

## CONCLUSION

The ILO’s adoption in 1999 of Convention 182, on the worst forms of child labour, marked a significant shift in response to child labour. It called for a differentiated rather than a blanket approach, and prioritized the most intolerable forms for action. Convention 182 also constitutes a shift in thinking, away from focusing on children in employment to focusing on *harm* to children in employment (White, 2005: 332).

‘Trafficking of children’ is listed as one of the worst forms of child labour in Convention 182 (Article 3a) and is an issue that has received considerable attention in development policy and practice, particularly in relation to the phenomenon of child migration. In relation to children, anti-trafficking efforts revolve predominantly around discouraging or removing children from migration (Yaqub, 2009b). This is based on a construction that sees working

away from home at a young age without parents or adult guardians as the problem, rather than the exploitation harming child migrants. Adopting an anti-trafficking approach to address the very real issue of exploitation of child labour migrants has resulted, we argue, in the opposite to what made Convention 182 such a milestone; the differentiated approach that prioritizes the intolerable and focuses on harm.

To destabilize the dominance of the human trafficking discourse in debates and practices concerning child labour migration, this article has addressed a range of problems and misperceptions related to a human trafficking approach to child labour migration. First, it has critically analysed the knowledge base presenting human trafficking as a clearly identifiable problem of significant magnitude and one which is constantly growing. Second, in the general absence of reliable evidence that trafficking is on the rise, it has delved into the question of why states continue to implement counter-trafficking measures, and how these measures affect young people in migration.

These observations respond to the first part of the sub-title of this article: it is misleading to understand human trafficking as one of the worst forms of child labour because this falsely homogenizes the wide diversity of child migrations that could, according to the definition of the Palermo Protocol, be qualified as child trafficking. It then follows that responding to the 'problem' of child trafficking based on the standard anti-trafficking response of rescue–repatriation–reintegration is highly problematic. We would therefore like to affirm the second part of our sub-title: the child trafficking discourse indeed gives rise to interventions which often contribute to making the lives of children who need or wish to migrate for work worse off (see also Busza et al., 2004; Hashim and Thorsen, 2011).

In addition, analytically child trafficking also constitutes one of the worst approaches to child migration. It is problematic since it disconnects the phenomenon of child labour migration and the exploitation experienced by many young migrants from the overarching processes of change in which they are embedded and from the social relations through which they unfold, and it mutes young migrants' constrained agency. Therefore, the second part of this article has — on the basis of a series of rich qualitative accounts of young Lao and Thai migrants — reconstructed an analytical perspective of child labour migration and the production of exploitation that accounts for young migrants' agency and that is firmly grounded in, as well as contributing to, the changing socio-economic landscape of contemporary rural Lao PDR and Thailand.

This second part should have made three points clear. First, any attempt to end child migration based on the logic that this would do away with child trafficking and exploitation is simply unrealistic, as child migration is intrinsically related to wider processes of change. Second, reducing young people's involvement in migration to absolute poverty or the absolute lack of employment would be an oversimplification which falsely reduces the young

people concerned to mere pawns in structurally determined games. Third, it is not the act of migration at a young age that leads to exploitation; rather, exploitation is produced socially, connected to the relational position of young migrants in the social process of migration. Furthermore, young migrants are by no means passive, but actively negotiate these structural relations. They aim to mitigate the risks of migration and to negotiate exploitation, and it is mostly young migrants themselves — and not anti-trafficking interventions — that terminate unacceptable forms of migrant work.

By presenting this alternative analytical perspective we certainly have no wish to deny that child migrants often suffer from various forms and degrees of exploitation, and neither do we suggest that we should be oblivious to this reality. Instead, by presenting this more theorized, grounded and nuanced perspective, we hope to have provided arguments for broadening the policy space for discussions and interventions concerning the exploitation of child labour migration beyond the narrow domain of child trafficking.

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