

Children affected by migration in ASEAN Member States

COUNTRY BRIEF: LAO PEOPLE'S DEMOCRATIC REPUBLIC

Southeast Asia is a major migration hub comprising countries of origin, destination and transit – with some countries being a mix of all three – for a large number of migrants. Migrants include displaced persons moving both within and between countries for diverse and mixed purposes. In 2020 alone, there were 1.3 million (1,266,009) child migrants in ASEAN and in 2021, around 630,000 (627,390) refugees from ASEAN countries in the world were children. Natural disasters and conflict led to more than 2.5 million (2,522,801) internal displacements of children in 2021. Millions more children remained behind while parents migrated for work, leaving many children at risk.

Data snapshot: Lao PDR migration trends

- Lao PDR's 2015 Population Census found that 7.4 per cent of the population were internal migrants and the majority of these (4 per cent) had moved from one province to another.
- The extent of international (child) migration from Lao PDR is unknown, as a large proportion of this migration is undocumented – data from one study found that 96 per cent of migrants from Lao PDR residing in Malaysia and Thailand had migrated irregularly.
- A significant proportion of children remain behind when their parents migrate. The 2017 Multiple Indicator Cluster Survey (MICS) found that 1.9 per cent of children had both parents living abroad and 2.9 per cent had at least one parent living abroad. Children who remain behind are more likely to be young: 3.6 per cent of children under 9 years of age, compared to 1.5 per cent aged 15–19 years, according to the MICS data.

Many children in the Lao People's Democratic Republic (PDR) are affected by migration. Rural to urban movements predominate in internal migration, while international migration occurs mainly to Thailand. Children tend to move with their families, who are drawn to urban locations or neighbouring countries by better employment opportunities. Most children move with their parents or caregivers but some migrate independently. While migration can have a positive impact on individual children and families, particularly where States facilitate safe and orderly forms of movement, it can also expose children to higher-risk movements, including smuggling and trafficking, along with a range of other protection risks.

This country brief summarizes the key findings of a report on the situation of children affected by migration in ASEAN Member States. The regional study examined the unique drivers of child migration; the ways in which children are affected by migration, including associated protection risks; and the laws, policies and services for children and families affected by migration.

It is important that the unique situation and needs of children affected by migration are understood so that more effective and targeted policy and programmatic responses can be developed. Until recently, much of the migration literature focused on the experiences of, and the impact on, migrant adults. Children and their interests have been largely invisible, with little knowledge generated about the unique drivers or impact of migration and particular migration policies on children.



People sit aboard a boat at the Lao immigration office for arrivals and departures from Thailand on the Mekong River in Savannakhet, Lao PDR. © UNICEF/ UNI15581/Jim Holmes

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‘Children affected by migration’ is a broad umbrella term that encompasses children (those aged under 18 years)¹ who move or have moved within their country of origin or across the border into another State, temporarily or permanently. This includes children who migrate voluntarily or involuntarily (as a result of forced displacement due to natural disasters or conflict); or for economic, social, educational or cultural reasons. It includes children who move individually or to accompany parents who have migrated. It also includes children who remain behind while one or both of their parents migrate (‘children remaining behind’).²

¹ This is in accordance with international definitions of childhood in particular as set out in the Convention on the Rights of the Child, Article 1. It should be noted that in the domestic laws of some ASEAN States, such as Thailand, children who have attained majority through marriage are not included within the definition of ‘child’ in the Child Protection Act 2003. In addition, in some domestic laws, such as the Philippine Republic Act 7610, a child over the age of 18 who cannot fully take care of themselves because of a physical or mental disability or condition is included within the definition of a child.

² Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of migration, CRC/C/GC/22 16 November 2017, para. 9. See also: UNDESA, which defines an international migrant as anyone who changes their country of usual residence, ‘Recommendations on Statistics on International Migration, Revision 1’, 1998; and International Organization for Migration, ‘IOM Definition of “Migrant”’, <www.iom.int/who-is-a-migrant>, accessed 6 April 2021.

1. Profile of children affected by migration in Lao PDR

Much of the movement in Lao PDR is internal, with many children, families and parents/caregivers moving from rural to urban areas in search of better economic opportunities. Young people tend to migrate internally from rural to urban areas to seek employment in garment factories or restaurants, or they cross borders.³ Families from Lao PDR also tend to migrate internationally to seek work – with most migrating to neighbouring Thailand.⁴ Thailand, with a robust and stable economy, has become a migration hub in Southeast Asia, enabled by its long and porous borders with Lao PDR and other adjoining countries. A large proportion of this migration occurs irregularly – that is, outside the destination country’s regular process or not in compliance with its laws. Many people choose to migrate irregularly due to the costs and complexity of lengthy, formal migration channels.⁵ This has encouraged a market for smuggling, which can place children and families at risk of trafficking.⁶

While children do migrate with their families or as individuals, many more remain at home when one or both of their parents migrate. The limited opportunities for children to migrate in a lawful way with their parents can be a strong deterrent to parents taking children with them, as is the often very limited access to education and other services for undocumented children in destination countries.⁷ The working conditions in the destination country of the parent(s), which can involve long hours with limited flexibility and limited safe and affordable day-care options, can also be a barrier to children migrating with their parents.⁸



³ United Nations Population Fund and Lao People’s Revolutionary Youth Union, *Adolescent and Youth Situation Analysis Lao People’s Democratic Republic, Investing in young people is investing in the future*, 2014, pp. 42–43.

⁴ Um, K., *Southeast Asian Migration: People on the move in search of work, refuge and belonging*, Sussex Academic Press, 2015, p. 60.

⁵ Harkins, Benjamin, Daniel Lindgren and Tarinee Suravoranon, *Risks and Rewards: Outcomes of labour migration in South-East Asia*, International Organization for Migration, International Labour Organization and Rapid Asia, 2017.

⁶ See United Nations Office on Drugs and Crime, *Smuggling of Migrants in Asia and the Pacific: Current trends and challenges*, Volume II, 2018, pp. 78–87.

⁷ United Nations Children’s Fund, ‘Children “Left Behind”’, Working paper, <www.unicef.org/media/83581/file/Children-Left-Behind.pdf>.

⁸ Ibid.

2. Drivers of (child) migration

Children in Lao PDR migrate and are affected by migration for a range of reasons. The figure below explains the drivers of migration in Lao PDR, including individual and family drivers, along with factors that operate at community and structural levels in a child's life.



Structural drivers

- Uneven economic development and opportunities between Lao PDR and neighbouring countries (in particular, Thailand), along with opportunities for higher wages, encourage regular and irregular international migration flows.
- Limited and poor economic opportunities in rural areas and better opportunities in cities encourage rural to urban internal migration flows.
- Government policies, particularly resettlement policies, address inequalities in rural, agricultural areas by resettling families in more developed areas and urban locations.
- Environmental disasters and the impacts of climate change have contributed to short-term displacement.



Community drivers

- Social and family networks, particularly those with previous experience of migration, provide children and families with information, access to opportunities and logistical and financial support that encourages their migration.



Family drivers

- Economic hardship and poverty in families can drive migration. In Lao PDR a culture of familial duty is a driver of women and girls pursuing mobile prostitution (i.e., migrating internally on a temporary basis to engage in sex work) to support their families financially.



Individual drivers

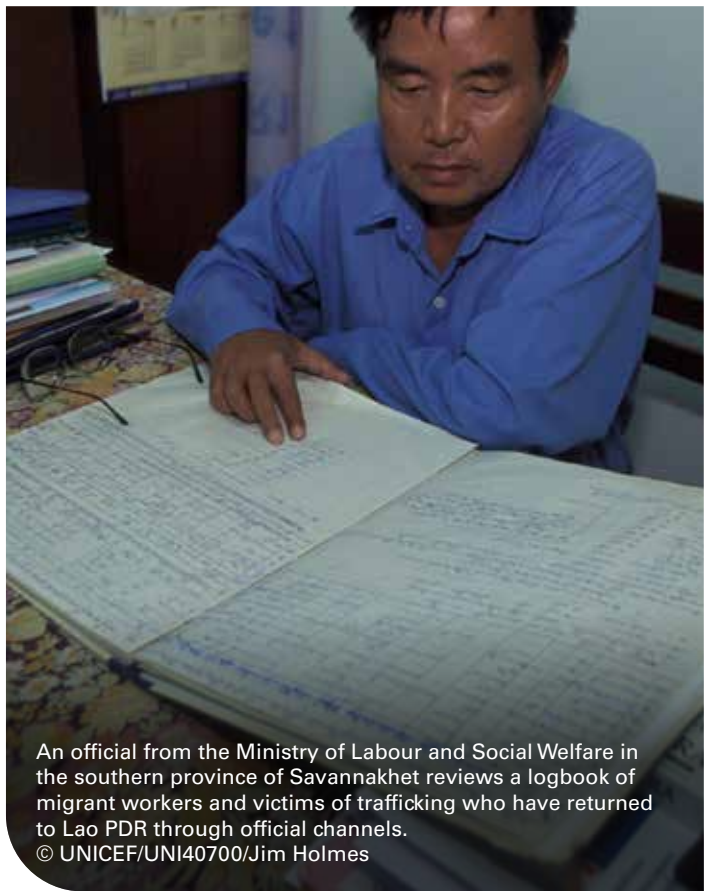
- Child marriage can be considered as a driver of migration. Some early marriages may take place with mutual agreement, others involve girls being sold, forced, pressured or trafficked across international borders for marriage with the promise of a better life in a more developed country.
- Migrants can also be driven by a search for improved educational opportunities.

3. Protection risks

Children from Lao PDR who migrate to Thailand, particularly those who migrate irregularly, face a range of protection risks. These can include exposure to arrest, detention and deportation, which, in turn, can expose children to the risk of family separation; child labour and economic exploitation, including in informal or clandestine contexts and industries; sexual exploitation and trafficking; and limited access to services, including birth registration (for children who are born abroad), education and affordable health services. These risks are further detailed in the Thailand country brief. Evidence also indicates that there is a practice of trafficking girls from Lao PDR (and other countries in the region) to China for the purpose of marriage, which, in some cases, can lead to rape and forced pregnancy.⁹

Children who migrate internally also face protection risks, such as exposure to trafficking and exploitation. While the majority of trafficking in Lao PDR is cross-border trafficking to Thailand, a significant number of trafficking cases are domestic in nature.¹⁰ Child labour is a serious concern in Lao PDR, with children who have migrated internally exposed to this risk. The latest Lao Social Indicator Survey (2017) found that 27.9 per cent of children aged 5 to 17 years old were working under hazardous conditions during the week prior to the survey, and 42.8 per cent were engaged in child labour in the course of that week.¹¹

While children who remain behind in Lao PDR may benefit from improved living conditions and access to education and other services due to remittances sent home by migrating parents, they may also face a range of risks and harms to their welfare and safety due to being separated from their parents.¹² Most children who remain behind live with their grandmothers. This can provide stable caregiving; however, it may place a substantial burden on grandparents, particularly those who are living in poor conditions, resulting in inadequate care for children in the absence of external support. It can also result in children taking on heavy care burdens for themselves and younger siblings.



An official from the Ministry of Labour and Social Welfare in the southern province of Savannakhet reviews a logbook of migrant workers and victims of trafficking who have returned to Lao PDR through official channels.
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⁹ United States State Department, *2021 Trafficking in Persons Report: Laos, 2021*, p. 157, <www.state.gov/reports/2021-trafficking-in-persons-report/laos/>, accessed 15 July 2022.

¹⁰ United States State Department, *2022 Trafficking in Persons Report: Laos, 2022*, p. 342, <www.state.gov/reports/2022-trafficking-in-persons-report/>, accessed 14 September 2022. Special Economic Zones are areas within a state which are subject to different economic regulations than other regions within the same country. According to the International Organization for Migration there are currently 12 Special Economic Zones in Lao PDR.

¹¹ Lao Statistics Bureau, *Lao Social Indicator Survey II 2017, Survey Findings Report*, Lao Statistics Bureau and United Nations Children's Fund, Vientiane, 2018.

¹² Davis, Jarrett, *On the Border: Exploring the perspectives & experiences of street-involved children on the Thai-Cambodian border*, May 2017, p. 37; United Nations Children's Fund, *Executive Summary Study on the Impact of Migration on Children in the Capital and Target Provinces, Cambodia*, May 2017, p. 10, <www.unicef.org/cambodia/media/1446/file/Study%20on%20The%20Impact%20of%20Migration%20on%20Children%20in%20The%20Capital%20and%20Target%20Provinces_Eng.pdf>.



People wait to disembark from a boat at the Lao immigration office on the Mekong River in Savannakhet.
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4. Policies, laws and services for children affected by migration

ASEAN Member States, including Lao PDR, have taken important steps towards protecting the rights of children affected by migration. In particular, the ASEAN Declaration on the Rights of Children in the Context of Migration, which was adopted in November 2019, and the Regional Plan of Action on implementing the Declaration, provide a solid framework for the protection of children in the context of migration. Lao PDR has also ratified the United Nations Convention on the Rights of the Child, which sets out a comprehensive framework of rights, including for children affected by migration. Lao PDR has also adopted a bilateral agreement with Thailand to protect children and others from cross-border human trafficking.¹³ This agreement sets out a series of rights and obligations with a particular focus on cross-border working arrangements in response to cases of human trafficking.

Lao PDR has an extensive set of legal provisions which protect and promote children's rights. The country's national legal framework to protect children from violence, abuse and neglect is based on the Law on Protection of the Interests and Rights of Children (2007). Crucially, this law explicitly includes child victims of trafficking, exploited and displaced children and those who have been abandoned or are without parental care, within the definition of children in need of special protection.¹⁴ In addition to this central piece of legislation, children affected by migration are also protected under more general legal frameworks which set forth their rights to protection and other fundamental rights. These include the Law on Preventing and Combatting Violence against Women and Children (2015); the Education Law (revised 2015); the Labour Law (as amended); Law on Anti-Trafficking in Persons (2016); Law on Youth (2009); and the Family Law (revised 2008).

A range of child protection prevention and response services are provided to children through several different government agencies in Lao PDR. These services include awareness-raising activities focused on educating the public on the risks associated with child labour and child trafficking. However, response efforts tend to be fragmented and under-resourced and primary prevention initiatives tend to be ad hoc. In addition, limited data on the scale and nature of child protection risks associated with migration limit the capacity for effective and targeted policies and programmes.



A girl who was trafficked and forced to work as a domestic servant in Bangkok shows scars on her arms from being burnt with an iron by the owner of the house she worked in for over seven years. She finally escaped, and has returned to her home in Savannakhet province. © UNICEF/UNI40702/Jim Holmes

¹³ Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, 12 July 2017 ["Laos -Thailand TIP-MOU"].

¹⁴ Law on the Protection of the Rights and Interests of Children (2007), Article 2.

5. Suggested next steps



Data and research

Establish a child protection information management system.

All government agencies responsible for child protection should work together to establish a context-appropriate and comprehensive child protection information management system to enable child protection cases to be tracked and consolidated and the data utilized to provide child protection services more effectively.



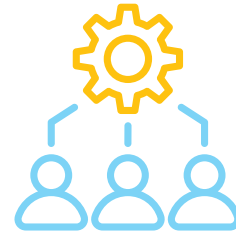
Law and policies

Clarify the roles of different actors in the existing child protection system to improve coordination.

Legislation and policy should make clear the scope of each agency's mandate at each level and include a clear responsibility for technical coordination between agencies at the national level.

Provide capacity-building to all government officials with responsibility for child protection to ensure that laws and policies are effectively implemented.

Effective, targeted and institutionalized training programmes for social services staff at the village, district and provincial level should include capacity-building and skills development to enable the identification and effective response to child trafficking and child labour cases, including in particular for supporting migrant children. This should include training on the existing legislative framework and processes for handling reported cases of children at risk.



Programmes

Strengthen case management processes and ensure that a comprehensive range of services are available at the local level to meet the needs of children affected by migration.

It is important to ensure that targeted services are available for children who remain behind and for children at risk of trafficking and exploitation in child labour connected to migration. In particular, children and their caregivers should have access to sustained support not just in the form of cash payments and other material support but also in terms of strengthening parenting skills and providing regular support for vulnerable caregivers.



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