

# Children and young people on the move

Navigating contemporary challenges at  
the crossroads of children's rights and  
migration

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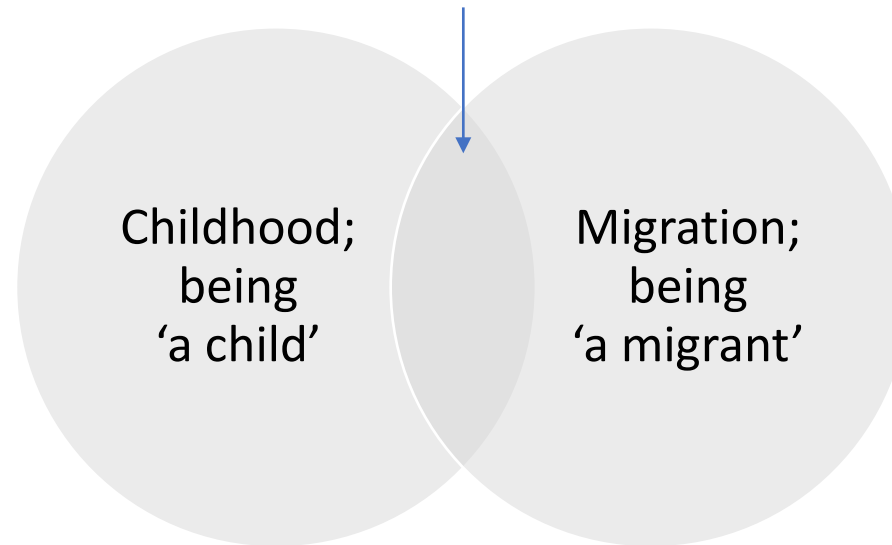
# A few words about me

- Since 2020:
  - PhD on the rights of children and young people in Belgian appellate asylum procedures
  - Multidisciplinary approach: intersection of law, anthropology and childhood studies through the lens of children's rights



# Aim of this presentation

- Cross-cutting contemporary challenges
- Through a lens of children's human rights



- Dilemmas of agency and vulnerability



# Overview

- 3 cross-cutting challenges:
  1. **Definition** – who do we talk about when we discuss children and young people on the move?
  2. **Children's rights** – how can we understand the human rights of children on the move?
  3. **Images of childhood** – how do we reconcile children's agency and vulnerability?
- Q&A

# Challenge 1 – Definition

Who do we talk about when we discuss children and young people on the move?

# Challenge 1 – Definition



# Challenge 1 – Definition



# Challenge 1 – Definition



Forced  
migration

Armed  
conflict






# Challenge 1 – Definition





# Challenge 1 – Children on the move

- Population 0 – 18
- Reasons for movement
- Crossing an international border vs internal displacement
- ‘Global South’
- Children moving alone vs children moving with families
- Childhood = more than migratory experience alone



# Challenge 1 – Conclusion

- Children on the move are not a homogeneous group
- Recognising internal diversity > rights-based understanding of childhood in migration
- Be attentive to where differentiation is needed in research, policy and practice
- Agency vs vulnerability: some aspects experienced as relatively unproblematic, others as traumatic and stressful, others as empowering




## Challenge 2 – Children's rights

How can we understand the human rights of children and young people on the move?

# Short poll


← Exit

## How to participate?



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## Challenge 2 – Children's rights

- Children's rights = human rights of children and young people 0 – 18
  - > including children on the move
- Interactions with children and young people
  - Legal dimension
    - Laws, instruments, legal frameworks...
  - Social/relational dimension
    - Attitudes, beliefs, images, convictions...

A grayscale image of an iceberg floating in the ocean. The tip of the iceberg is visible above the water line, while the much larger, jagged mass of the iceberg is submerged below the surface. This visual metaphor likely represents the visible legal dimension of children's rights versus the more complex and hidden underlying issues.

# Challenge 2 – Children's rights

- Legal dimension:
  - UN Convention on the Rights of the Child
    - All children without discrimination, inc. children on the move
    - Focus on child's best interests (Art. 3 CRC) and the right to be heard (Art. 12 CRC)
    - Lots of other relevant provisions!
      - Privacy, family unity, identity, education, protection for children outside family environment, ...
      - Specific provision on refugee & asylum-seeking children (Art. 22 CRC)
    - Protection, provision, participation
    - Vulnerability vs agency
  - Legal obligation of States to implement rights

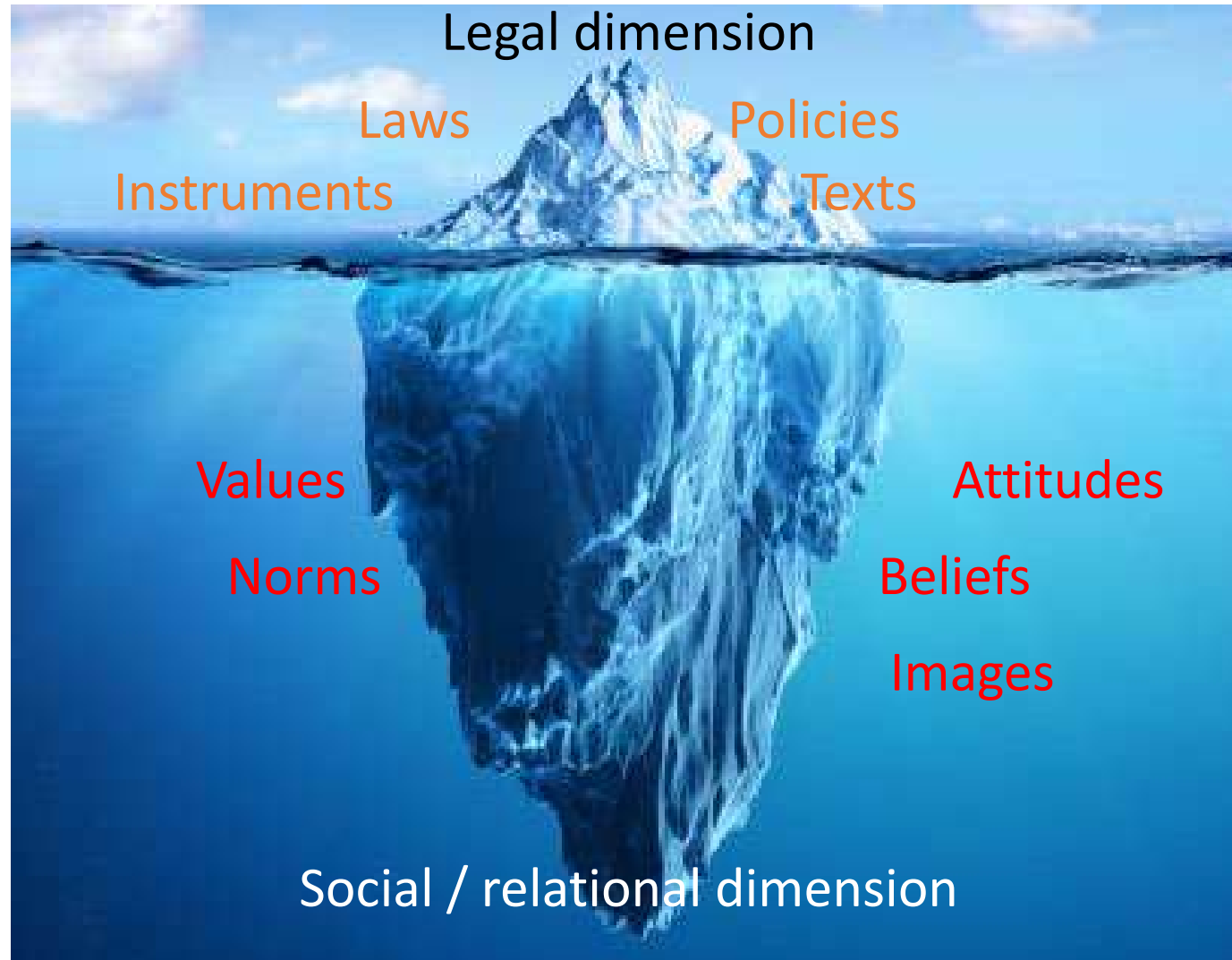


## Challenge 2 – Children's rights

- Social / relational dimension
  - Not codified, less visible
  - Attitudes, beliefs, convictions about children on the move
  - Images of childhood in migration
  - Vulnerability (protection) vs agency (participation)
- Make this hidden part visible through critical (self-)reflection



# Challenge 2 – Children’s rights





## Challenge 2 – Conclusion

- Legal and social/relational dimension are interrelated
- Legal: States to create a safe and enabling environment for children on the move
- Social: understand what lies below the surface to improve children's interpersonal experiences




## Challenge 3 – Images of children on the move

How can we reconcile children's agency and vulnerability?

# Short poll


← Exit

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## Challenge 3 – Images

- Gliding scale between agency and vulnerability
- Reflecting on
  - Assumptions underlying laws, policies and personal preferences
  - How both parts of the iceberg play out in our personal, legal and professional environment



## Challenge 3 – Images

- Bias for protectionist approach
  - Children on the move = vulnerable and in need of protection
- Children as developing human beings
  - Body, mind, emotions
  - Capacity for self-protection and autonomy
  - Dependent on others to realise their rights
- Specific situation of children on the move
  - Traumatic experiences, stress
  - Aggravation of pre-existing vulnerabilities



## Challenge 3 – Images

- Recognise agency of children on the move
  - Making choices of their own
  - Capable of acting responsibly
  - Proud of their own story
  - Have something to say in matters affecting them



## Challenge 3 – Conclusion

- Agency and vulnerability occur simultaneously
  - In varying degrees
  - Throughout the lifecourse
  - Inherent in the human condition
- “Recognising their agency does not make children on the move less vulnerable, it just makes them more human.” (Chase et al., 2020)



# Conclusion

- Challenge 1 – Definition
  - Children on the move = heterogeneous group
  - Different categories and qualities of childhood may require different approaches (agency – vulnerability)
- Challenge 2 – Children's rights
  - Legal and relational dimension of rights is inextricably related
  - Keep both dimensions in mind to address human rights challenges in children's lives (agency – vulnerability)
- Challenge 3 – Childhood images
  - Simultaneous manifestation of agency and vulnerability in children's lives

# How do I apply this in my own research?

- Interactions between judges and minors
- Ethnographic research at asylum court, qualitative interviews with judges and children who have experienced (part of) an asylum appeal at the CALL



# How do I apply this in my own research?

- Challenge 1 – Definition
  - Include accompanied children as a priority for research on child-friendly justice in the asylum courtroom
- Challenge 2 – Children's rights
  - Defining children's rights 'from below', based on a combination of legal (procedural) and relational (interactions) perspectives
- Challenge 3 – Images of childhood
  - Highlighting simultaneous occurrence of agency and vulnerability inside the asylum courtroom

# Further reading

- BRITTLE, R. & DESMET, E. (2020), Thirty Years of Research on Children's Rights in the Context of Migration – Towards Increased Visibility and Recognition of Some Children, But Not All? *International Journal of Children's Rights*, 28:1, 36-65 ([open access](#)).
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- LEMBRECHTS, S. (2023), Towards child-friendly justice in the asylum courtroom, in L. Flower & S. Klosterkamp (eds.), *Courtroom Ethnography: Exploring Contemporary Approaches, Fieldwork and Challenges*, London: Palgrave Macmillan, (in press, forthcoming January 2024).
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# Questions and discussion

