BRIEFING PAPER
Enhancing the well-being and human rights of young migrants in support of development
ILO, OHCHR, UNCTAD, WHO

Policy Recommendations

Rights of young migrants

- States should ensure that all legislation, policies and administrative regulations that affect young migrants comply with international obligations under international human rights, labour, and refugee law. All labour migration policies or schemes should be transparent, reflect concretely consultation with the social partners (employers’ and workers’ organisations), and recognize and respect migrants’ labour and human rights—in particular, the right to associate and form unions—for youth labour mobility to truly be a win-win situation for all parties involved.

- Continuous efforts should be made to ensure that migrants are not subject to discriminatory policies or practices, and States should ensure that all migrants, including young migrants, have effective access to redress and remedies in this context. States should seek to eradicate xenophobia, racism and related intolerance and to include migrants in existing national plans of action to combat racism, intolerance and discrimination. The participation of children and young migrants is particularly crucial in the design and implementation of effective integration policies in countries of destination, including programmes and campaigns against xenophobia and racism.

- States should ensure that migrants under 18 are protected from child labour and other forms of exploitation, in compliance with their obligations under the UN Convention on the Rights of the Child as well as ILO Conventions on the Minimum Age for Employment, No. 138 (1973) and the Worst Forms of Child Labour, No. 182 (1999). Children should never be criminalised because of their migration status; those who are exploited in child labour or trafficked should always be identified as victims and given access to the support services that they need.

Access to health, social benefits and employment

- Develop and implement migrant sensitive health policies that protect the right to health and incorporate a public health approach and equitable access to health services (i.e. health promotion, disease prevention and care) for young migrants, regardless of immigration status and without discrimination and stigmatisation. In this context, ensure that migrant health services are culturally, linguistically and epidemiologically appropriate. This requires the development of the capacity of the health workforce to better understand and address the health issues associated with migration and

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1 For the purposes of this paper, “youth” (and, by extension, “young migrants”) shall align itself to the official UN definition of the term to mean individuals in the age range of 15 to 24 years of age.; individuals under 15 years of age are referred to as “children” (General Assembly, A/36/215 and resolution 36/28, 1981).
the involvement of migrants in policy and programme planning and implementation.

- Promote coherence among policies of different sectors that may affect young migrants’ ability to access health services and other social benefits, as well as among countries involved in the migration process to guarantee continuation and effective surveillance, e.g. ensure that old-age pensions and health insurance benefits be portable.

- Governments of both origin and destination countries—in cooperation and consultation with the social partners and civil society—should integrate components of national youth employment strategies or policies into their migration policies and national plans whilst also addressing gender-specific issues.

**Skills development and social and financial remittances**

- Origin and destination countries, in cooperation with concerned stakeholders (e.g. trade unions, employers, training institutions), should, at all points of the migration process, actively provide opportunities to young migrants in the area of vocational training and education, e.g. prior to departure, on the job and upon return.

- A long-term perspective of social and professional reintegration of returning migrants in their home economies should be taken, and trade, entrepreneurship opportunities and skills transfers should be encouraged between young migrants in countries of destination and countries of origin. Diaspora networks and exchange programmes should effectively be leveraged to build skill transfers.

- Ensure remittance flows are maintained if not augmented, including by: financial inclusion and education of young migrants, reducing financial transaction costs through increasing diversity of agencies involved in remittance transfers—especially use of public banks and postal networks, improving security, leveraging use of technology, reducing remittance transfer taxes, and improving access to information on remittance transfer costs and exchange rates.

- Channel remittance flows from young migrants to productive sectors of the economy in terms of trade opportunities, for instance in nostalgic goods, investment in enterprises as well as in financial products.

**Introduction**

Young migrants have long been major participants in the global labour market. The 2006 ‘State of the World’ population report published by the UN Population Fund (UNFPA) found that young people between the ages of 15 and 24 constituted over thirty percent of the total international migration flow worldwide. This population of the young and mobile represents human resources and development potential for both countries of origin and host countries as well as for the wider global economy. At the same time, some 152 million young people live in households that earn less than USD 1.25 a day (Bartlett, 2010). And the health and human rights of many migrants is at risk throughout the migration process due to abuse, violence, exploitation, discrimination and barriers to access to health and social services. The human rights protection of young migrants is further endangered by acts and policies stemming from xenophobia and racial discrimination. Vulnerable migrant groups include those in an irregular situation, children, the sick and those who are forced to migrate.

Moreover, in the wake of the recent financial crisis, youth employment has proven to be a challenge. Employment recovery has been uneven across the global economy. Even countries that have fared relatively better, such as the Republic of Korea, have recorded weak employment recovery compared to the overall recovery of the national economy (ILO, 2011). The crisis has hit young people especially hard
and has worsened their situation in the labour market. Of the world’s estimated 211 million unemployed people in 2009, almost 40 per cent—about 81 million—were between 15 and 24 years of age, representing the highest number of youth unemployment to date. All regions of the world recorded an increase in youth unemployment in 2009 (ILO, 2010). This will undoubtedly have a negative impact on the amount and benefits of remittances sent home by young migrant workers. Moreover, the recent democratic movements and consequent instability in North Africa and the Middle East have triggered the sudden return of thousands of migrant workers (the young among them) to home countries whose labour markets are incapable of absorbing them (ILO, 2011).

The North African region itself presents a prime case for the necessity and potential of youth labour mobility. Even before the crisis, high youth unemployment posed a grave problem, and the unemployment rate for young women stood higher than that for young men. The countries in the region have unbalanced demographics skewed toward the youth, thereby burdening labour markets with a surplus of young people trying to enter at a time of fragile political and social transition and in an environment with underdeveloped social support institutions (ILO, 2010). As a result, even those with tertiary education and/or commensurate qualifications are facing unemployment.

Under such circumstances, migration or re-migration for work enters the picture as an attractive solution and adaptation strategy for countless economically active youth. This is especially the case for young workers in countries where social protection is lacking or not guaranteed for them. Labour migration gives them the means to sustain themselves, learn valuable skills that could increase their employability, send a portion of their wages to their families as remittances, and perhaps even accumulate savings for later investment into the growth of their home country economy.

**Evidence**

The labour migration experiences of newly developed economies, which were once migrant-sending countries and have since become migrant-receiving countries, provide compelling evidence that the mobility of the young (and mostly skilled) for work can contribute impressive gains toward the economic development of origin countries. However, economic development must already be underway and policies carefully engineered so that youth labour migration becomes a means to achieve economic growth and not an end in and of itself. Countries like the Republic of Korea and Taiwan (China) were able to direct the flow of skill in their favour through policies chiefly aimed at facilitating diaspora contributions and incentives for return and investment. Both countries devised Government-monitored temporary migration schemes that relied on bilateral agreements with host countries directing migrant workers to specific sectors (Wickramasekara, 2002).

A number of European countries implement labour migration schemes that specifically focus on young migrant workers for the purpose of improving their skills through on-the-job training. The programmes are governed by bilateral agreements or memoranda of understanding (MoU) which fix annual quotas and the majority of these agreements stipulate that trainees must be between 18 and 35 or 40 years of age. The schemes’ declared main objective is improving the occupational and language skills of the young participants. There are built-in mechanisms to achieve these objectives. The German programmes require that for each trainee there be at least four German-speaking regular staff in the enterprise that employs the trainee. Salaries, conditions of work, and social protections are in line with the terms negotiated under local collective agreements or legislation in the host country. The schemes are also to stimulate job creation upon return, and indeed early assessments of the German trainee programmes show that they were successful in imparting training to young migrant workers and encouraging self-employment and enterprise creation in the participants’ countries of origin. Such new enterprises
frequently became business partners to German firms that had initially employed the enterprise founder as a young “guest-employee” (Kuptsch, 1995).

Channelling remittances contributed by young workers overseas to countries of origin has clear economy-wide and individual level development impacts. A recent study conducted by UNCTAD demonstrated the positive correlation between remittances flow and poverty reduction indicators. In 77 developing countries, including least developed countries (LDC), a 10 per cent rise in remittances led to a reduction of 3.9 per cent in poverty headcount ratio and to a 3 to 3.5 per cent reduction in the poverty gap (UNCTAD, 2011). It has already been noted that economy level remittance flows are more resilient than FDI especially during times of crisis, and remittances represent an important source of external finance, accounting for nearly 15 per cent of GDP in 13 developing countries and LDCs included in the UNCTAD study. Remittances flow directly to rural areas and reduce poverty, giving all stakeholders involved in youth labour migration an interest in facilitating and augmenting the positive development impact of remittances from young migrants. Nonetheless, it is important to remember that remittances are not a substitute for effective national development strategies, and migrants should not be pushed to migrate in the absence of labour and human rights protections merely in order to generate remittance flows.

In spite of the progress made in terms of policy on migration governance, policies and strategies to manage the health consequences of migration have not kept pace with contemporary migration trends and do not sufficiently address the existing health inequities and determinants of migration health. Given today’s sizeable migration flows, the collective health needs and health implications are of such public health significance that the 61st World Health Assembly (WHO, 2008) passed Resolution WHA 61.17 on the Health of Migrants, which calls on Member States to promote “migrant sensitive health policies” and “equitable access to health promotion, disease prevention and care for migrants, subject to national laws and practice, without discrimination on the basis of gender, age, religion, nationality or race”. Although most migrants are healthy, young people when they first arrive in their host community, the health of many migrants is at risk throughout the migration process due to abuse, violence, exploitation, poor working conditions, discrimination, and barriers to access to health and social services. These barriers include high costs, language and cultural differences, administrative hurdles, inability to affiliate with health insurance schemes, lack of information about entitlements or legal status (WHO, 2010).

In host societies, migrants continue to confront multiple forms of discrimination in many aspects of their daily lives, from conditions at the workplace to access to education, social security and mechanisms of legal remedy. Specific laws that discriminate—or allow for practices that discriminate—against non-nationals as well as programmes and policies that fail to address the specific needs and vulnerabilities of migrants, often result in migrants and their families being unable to access basic services or only at levels that do not meet international human rights standards. Migrants whose immigration status are either undocumented or become irregular as a natural consequence of host country visa policies, are even more vulnerable to abuses.

**Gaps and Challenges**

There is a knowledge gap in the migration literature on youth-specific migration and its dynamics: a lack of statistics and descriptive studies on, *inter alia*, the level of skills of young migrants, the push and pull factors involved, the extent and nature of brain drain (if any), how many initially migrated as students, the gendered aspect of youth labour migration. There is thus a need for reliable data on the youth migration phenomenon as well as greater social dialogue and consultation in the process of policy
formulation in this area. At present, there is little social dialogue on youth labour mobility and its related contributing elements, such as youth employment trends, and yet evidence gathered by the ILO in Egypt suggest that the lack of social dialogue on these issues contributed directly to the dire situation of the youth in that country (ILO, 2010), where the current estimate on youth unemployment stands at 23 percent for young men and 31.5 percent for young women (ILO, 2011). Furthermore, the disparity between the unemployment figures of young men and those of young women in not only Egypt but almost all countries of the world reflect the reality that young women face greater difficulties in entering the labour market and getting their qualifications recognised (ILO, 2010). Governments should therefore work in close cooperation and consultation with trade unions, employers and relevant civil society organizations to gather reliable and sex-disaggregated data on the youth migration phenomenon and include these partners when devising any policy or plan that affects young migrants or children affected by migration—be they international students, children of migrants, second-generation migrants born on national soil, young migrant workers, etc.

Provisions and the quality of social security, or lack thereof, are not only influential in the decision of young people to migrate for employment, they also determine the ability of young migrants to contribute to the development of their home countries (ISSA, 2011). To this end, sending and host countries face the challenge of cooperating in order to guarantee young migrant workers basic social protections and ensure that social security benefits are portable. Oftentimes young migrants will have their first job abroad and it will be important for them that these working times will be recorded and count towards old-age and other pensions. An additional challenge today in this regard is how to protect the health of migrants and in particular the most vulnerable among them. Innovative solutions are needed to deliver affordable, accessible and migrant sensitive services in order to mitigate out of pocket payments and dependence on costly emergency care. Also, health professionals may not be properly trained to identify and manage health issues presented by migrants, and migrants may not understand health promotion or treatment instructions, have difficulty communicating symptoms due to language barriers or do not know how to navigate ‘foreign’ health systems. Especially considering that childhood and adolescence are the time when interventions or activities that promote health and prevent illness produce maximum results, access to adequate healthcare for migrant children and youth are simply essential to support growth and development.

Fears about migrants taking the jobs or lowering the wages of local people, burdening local services, or passing on social and economic costs to the non-migrant population in the destination country are generally exaggerated. When migrants’ skills complement those of local people, both groups benefit. Yet, around the world today we are witnessing an increase in xenophobia, anti-migrant sentiment and discriminatory practices affecting the human rights of migrants, with irregular migrants at particular risk. The Durban Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance states that “xenophobia, in its different manifestations, is one of the main contemporary sources and forms of discrimination [...] which requires urgent attention and prompt action by States, as well as by the international community.” This poses a considerable policy challenge to not only Governments of countries of destination but also to Governments of countries origin. If migrant workers—due to policies driven by xenophobia—have no secure legal status, are not integrated in the formal labour market or do not get an education of quality, it is more likely that their resources will be largely absorbed into their own daily survival needs, thereby affecting the positive impact that remittances have on the families left behind in countries of origin.

A growing number of youth under the age of 18 as well as children drop out of school prematurely as the perceived pay-off of prolonged education is negative given already high youth unemployment levels, in particular in rural areas. Perceived opportunities in urban environments trigger many of these youth and children to migrate. A myriad of other reasons also contribute, including violence and abuse in the
home or at school, the announcement of an arranged marriage, violent conflict or natural disaster, and
environmental change. Many migrate under circumstances of extreme vulnerability—often
unaccompanied and irregularly—and are thus unable to reap the benefits of labour migration. Those
who manage to reach the desired countries of destination usually disappear into the informal economy.
In particular, migrant children without a legal status face a lack of protection and are under multiple
vulnerabilities as children, informal workers, foreigners and undocumented migrants—girls face an
added gender vulnerability—and are thus susceptible to engaging in unregulated, dangerous and
exploitative work—i.e. child labour (van de Glind, 2010). In addition, migrant child labourers face
discrimination and xenophobia in countries of destination. Migrant children in child labour often receive
less pay, work longer hours, and fewer of them attend school in comparison to local child labourers (van
de Glind, 2010). The Committee on the Rights of the Child has emphasized that discrimination, “whether
it is overt or hidden” is an affront to the human dignity of children (CRC, General Comment No.1, 2001).
The Committee has addressed the issue of disparities that exist between especially vulnerable children
(which would include children affected by migration) and other children, noting that these disparities
often amount to de facto discrimination in the areas of health care, education and social services. The
Committee on Economic, Social and Cultural Rights has similarly noted that both direct and indirect
discrimination will have an impact on the enjoyment of Covenant rights (CESCR, General Comment No.
20, 2009).

Conclusions

Given the current fragile state of the global economy, economic disparities between countries,
imbalance between labour markets, high youth unemployment in almost all countries of the world and
the lure of making one’s fortune in a new and unknown place, migration or re-migration for work
presents itself as an attractive option to young people. The labour mobility and employment of young
migrants can have significantly positive impact on the economic development of countries of origin,
whilst also benefitting countries of destination. Young people bring energy, talent and creativity to
economies and make important contributions as productive workers, entrepreneurs and consumers. If
policymakers take it upon themselves to foster an environment conducive to the rights and skills
development of young migrants and receptive to the contributions they can bring, youth labour
migration can be used as a tool to strengthen skills, increase employability in line with labour market
needs and promote economic development in origin countries by proper use of migrants’ human
capital. In order to achieve this, policy makers must be preoccupied with the health and human rights of
migrants. Without equity or social inclusion, economic growth by itself will not alleviate poverty and
amongst marginalised groups of migrants. Priority attention should be directed towards those who are
suffering discrimination and disadvantage. Accession to already existing legal instruments and the use of
multilateral policy frameworks that cover all migrant workers and not just the young among them—such
as the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their
Families, ILO Conventions 97 and 143, and the ILO Multilateral Framework on Labour Migration—will
prove invaluable in this respect.
Sources/Acknowledgements:


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About the GMG The Global Migration Group (GMG) is an inter-agency group bringing together 16 agencies including ILO, IOM, OHCHR, UNCTAD, UN/DESA, UNDP, UNESCO, UNFPA, UNHCR, UNICG, UNITAR, UNODC, UN Regional Commissions, UN Women, World Bank, and WHO to promote the wider application of all relevant international and regional instruments and norms relating to international migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration. The GMG is particularly concerned with improving the overall effectiveness of its members and other stakeholders in capitalizing upon the opportunities and responding to the challenges presented by international migration. For further information: www.globalmigrationgroup.org