

## CHILDREN AS INDIVIDUALS: ASSESSING THEIR RIGHTS IN THE CONTEXT OF GLOBAL MIGRATIONS

Andrew Burns

A Review of *Child Migration & Human Rights in a Global Age*

By Jacqueline Bhabha

(Princeton: Princeton University Press, 2014), 392 pages.

The central thesis of *Child Migration & Human Rights in a Global Age* argues an interesting position. Rather than treating children as subservient dependents of adult migrants, Jacqueline Bhabha makes a compelling case for examining them individually. In many cases, their needs differ starkly from their parents', and they are especially susceptible to an entirely different collection of dangers. The text is skillfully layered with a legal history of the field, and to maintain its accessibility, the author takes pains to include anecdotes that illustrate "small," day-to-day tragedies. A particularly tragic example follows the travails of a Somali woman whose efforts to bring her children to Ireland were obstructed by bureaucratic incompetence.<sup>1</sup> Despite a pair of issues that surfaced infrequently—specifically, a rare reliance on oversimplified examples and an overreliance on Western policy—*Child Migration* is a very accessible, well-grounded introduction to the hazards facing child migrants.

Bhabha, an academic lawyer dividing her time between Harvard Law School and the Harvard T. H. Chan School of Public Health, is deeply involved in contemporary discourse on migration and refugee policy. Bhabha's expertise belies her treatment of the material in *Child Migration and Human Rights in a Global Age*. Her coverage extends beyond the aggregate migration patterns with which American readers will likely be most familiar. *Child Migration* expands to the far grimmer dangers facing child migrants in conflict zones, particularly trafficking and conscription. Her work celebrates complicated efforts to bring war criminals to justice, with a particularly strong focus on the convictions issued by the Special Court for Sierra Leone.<sup>2</sup> The author's call for action to curb the recruitment of child soldiers and the attending carnage left behind is eloquent, and her appreciation for nuance is a welcome addition to the conversation.


Particularly impressive was her eye for the limited utility of popular coverage (the author cites the film *Blood Diamond* and the book *A Long Way Gone* prominently) of child migration. Both offered a picture of refugee challenges in Sierra Leone and Liberia to a wide audience, but aside from providing entertaining

ammunition, they did not spur serious policy changes. Her acknowledgement of the greater shortcomings of small efforts is an important critique of this sort of reform, even as she acknowledges the importance of appropriate piecemeal solutions in post-conflict settings:

Is there a vicious trade-off at work here? Does the finite route to justice compromise the pursuit of enduring social and economic solutions and long-term peace building? Does the focus on international treaty making, on individualized forms of formal justice, provide an achievable goal—a way of being seen to ‘do something’—that exonerates relevant actors from the obligation to pursue other rights-based strategies that are most costly politically and economically?<sup>3</sup>

My critiques of *Child Migration and Human Rights in a Global Age* fall into two categories. One is its occasional oversimplification of peripheral points. A notable example occurs midway through the book in the chapter on international migration titled, “Family Ambivalence: The Contested Terrain of Intercountry Adoption.” Among a short list of widely varied nations that have had occasion to “denounce intercountry adoptions, defend state ownership of their children, and even close their doors altogether,” the Russian Federation is listed prominently.<sup>4</sup> Including Vladimir Putin’s 2012 decision to ban adoption by Americans as an example of a global statesman questioning the consequences of intercountry adoption is quite a gamble. Although this decision was partially grounded in the well-meaning concerns shared by activists and child advocates, Putin’s decision was largely a show of anti-American grandstanding in the midst of cooling relations between Washington and Moscow. It occurred in concert with the expulsion of the United States Agency for International Development and crackdowns on human rights advocates. The inclusion of this incident does a disservice to Bhabha’s wider argument.

The extent of the author’s focus on Western immigration policy was occasionally frustrating as well. As noted, one of the book’s earlier anecdotes explores the plight of an Ireland-based Somali refugee who waited in vain to receive permission to bring her children to Europe.<sup>5</sup> A bureaucratic snarl-up in Ireland delayed notification of approval for three years amidst a backlog of 2,000 applicants, and the intervention of the Minister of Justice was ultimately necessary.<sup>6</sup> A contrasting picture of, for example, the policy hurdles faced by the estimated 236,000 Somali refugees in Yemen and the 462,970 in Kenya would have provided a more thorough illustration of the global hazards faced by refugees of sub-state violence.<sup>7</sup> Kenya’s Dadaab refugee camp—the world’s largest camp and current home to three successive generations of Somali refugees—is mentioned only in passing, with scant attention to Kenya’s xenophobia that has permeated the issue.

Ultimately, these complaints are minor. As both an analysis of immigration policy and an impassioned argument to afford greater attention to the hazards faced by migrating children, the book is an unambiguous success. Bhabha's legal acumen pervades her writing, and the urgency of *Child Migration* never comes across as ungrounded sentiment or polemic. As a thoughtful introduction to the subject with a careful eye for the legal thicket of migration and refugee rights, *Child Migration and Human Rights in a Global Age* deserves a considered, open-minded read. 

## NOTES

<sup>1</sup> Jacqueline Bhabha, *Child Migration & Human Rights in a Global Age* (Princeton: Princeton University Press, 2014), 31.

<sup>2</sup> *Ibid.*, 198.

<sup>3</sup> *Ibid.*, 199.

<sup>4</sup> *Ibid.*, 130.

<sup>5</sup> *Ibid.*, 30.

<sup>6</sup> *Ibid.*, 31.

<sup>7</sup> "2015 UNHCR country operations profile – Yemen," *United Nations High Commissioner for Refugees*, accessed on 31 January 2015, <http://www.unhcr.org/pages/49e486ba6.html>; "2015 UNHCR country operations profile – Kenya," *United Nations High Commissioner for Refugees*, accessed on 31 January 2015, <http://www.unhcr.org/pages/49e483a16.html>.