



**Africa Region Multi-Stakeholder Consultation on the status of implementation of the Global Compact for Safe, Orderly and Regular Migration**

**Thematic Area 2: Protecting migrants through rights-based border governance measures (addressing Global Compact for Migration objectives 4, 8, 9, 10, 11, 13, 21)**

**Summary Report**

**Rapporteur: Ms. Thandie Mwape Villadsen**

**Co-leads: OHCHR and UNICEF**

**Monday, 5 July 2021**

**1. Introduction**

The United Nations Economic Commission for Africa (UNECA), in coordination with the United Nations Network on Migration (UN Network) and the African Union Commission (AUC) jointly convened a stakeholder consultation on **Protecting migrants through rights-based border governance measures** with all relevant stakeholders for a transparent, inclusive, diverse and meaningful civil society engagement and participation in the implementation, follow-up and review of the Global Compacts for Safe, Orderly and Regular Migration (GCM) in Africa. This thematic-based stakeholder consultation was driven under the auspices of the UN Network, with particular agencies assigned co-lead roles. The United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) are co-leads for this thematic area with the support of IOM, UNECA and AUC.

**2. Purpose and specific objectives of the stakeholder consultations**

The virtual stakeholder consultation took place on 5 July 2021 and drew over 60 people from across Africa, among them youth, women-led organizations, the United Nations, the Red Cross and Red Crescent Movement and diverse civil society organizations. The outcomes of the stakeholder consultation will feed into the Africa Regional Review meeting planned to take place in August 2021, a process that will contribute to the International Migration Review Forum in 2022.

The 5<sup>th</sup> of July stakeholder consultation discussed the challenges and opportunities for meaningful stakeholder engagement in Africa on Thematic Area 2, formulated key messages and recommendations to inform the continental review meeting and in particular reviewed the following objectives of the GCM: -

- **Objective 4:** Ensure that all migrants have proof of legal identity and adequate documentation
- **Objective 8:** Save lives and establish coordinated international efforts on missing migrants
- **Objective 9:** Strengthen the transnational response to smuggling of migrants
- **Objective 10:** Prevent, combat and eradicate trafficking in persons in the context of international migration
- **Objective 11:** Manage borders in an integrated, secure and coordinated manner
- **Objective 13:** Use immigration detention only as a measure of last resort and work towards alternatives
- **Objective 21:** Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration.

### 3. Opening Remarks

UNICEF Representative to the African Union (AU) & UNECA, Dr. Edward Addai, opened the stakeholder consultation stating that the GCM presents an opportunity to address migration on a continental, regional and national level, focus on 'what works' and to scale up promising practices while addressing the systemic weaknesses that have put migrant children's lives at risk for too long. UNICEF noted that migration is the heartbeat of Africa and yet there is an increasing need to ensure that men, women, youth and children are able to move within countries and from country to country in an orderly and safe manner, and not because of conflicts or other humanitarian situation forcing them to do so. It was stressed that the GCM represents a breakthrough for children and States alike and that for the first time, children and young people are placed at center of migration management and governments are provided with a practical tool to better meet their existing obligations to protect, and empower all children, regardless of their place of origin or status.

### 4. Overview of the GCM process and update on recent developments

Ms. Monami Maulik, from Secretariat of the UN Network on Migration, who moderated the consultation, shared several key developments at the start of the meeting: -

- A poll, circulated ahead of consultation to gather information on level of familiarity on the GCM process, reveals that there is considerable knowledge amongst stakeholders.
- The UN Network on Migration work plan at the global level is underway in its second iteration. This new plan (2021/2022) will run until May when the International Migration Review Forum meets in New York City. She highlighted the core thematic areas and cross-cutting principles and informed on the state of affairs of the GCM review process.
- Ms. Maulik reinforced the principles on which the consultations are held: -
  - **Transparency:** Generating an open call for engagement to all relevant stakeholders and providing an open and equal channel to receive inputs.
  - **Inclusivity:** Creating room for the widest possible access to all relevant stakeholders through different forms of engagement.
  - **Diversity:** Ensuring non-discriminatory access to all, with particular attention to underrepresented voices and to migrants in situations of vulnerability; and
  - **Meaningful participation:** Providing effective access to all preparatory and follow-up processes within the context of the regional review and encouraging the mobilization of resources to enable participation of relevant stakeholders.

### 5. Setting the scene - Migrant Youth Voice

**Mr. Paul Mukuna Kabeya** gave a compelling story of his experience as a young migrant who arrived in South Africa in 2006 from the DR Congo and explained the difficulty of accessing public education without documentation and that he missed the majority of his primary school. Access to private school was extremely expensive for his family to afford. He however managed to complete school with support from Civil Society Organizations after he enrolled in the Refugee Program and later winning a scholarship that accorded him an opportunity to finish high school at a private school. He explained the dilemma of continuously applying for renewal of temporary documents in short spans of time which led to many missed opportunities. He expressed hope amidst challenges faced that good people

exist and they supported him to push on his journey- stating that this is indeed the spirit of Ubuntu (the philosophy and practice of unity and support of each other). While Mr. Paul's story is one of perseverance and hope, it reinforces the challenges with documentation. He is still on an asylum permit.

## **6. UN Major Group on Children and Youth, Africa Regional Focal Point**

**Mr. Sidoine Felix Leudjiue** informed that he has led consultations with at least 25 youth-led and youth-focused groups across the continent in 21 countries, to feed into a position of youth and migration through the UN Major Group on Children and Youth. Youth consultation have called on urgency in the implementation of the GCM. There is concern that migration has fallen off the priority issues as countries battle COVID-19 pandemic and this will impact achievement of the 2030 Goals as risk of migrants being left behind is high. There is potential of missed opportunity for young migrants to thrive and contribute positively to their host communities. Documentation is a key impediment to assimilation coupled with mistrust and discrimination from governments and corruption which inhibit migrant youth to thrive. Strengthened collaboration is needed between community groups and government institutions.

## **7. Group Discussions- Keynote Speakers**

### **Ms Joelle Rizk- Regional Migration Advisor, International Committee of the Red Cross (ICRC)**

The GCM acknowledges the overarching obligation to respect, protect and fulfil the human rights of all migrants and more generally upholds the obligations of States under international law. Migrants go missing as they embark on dangerous journeys over land and sea, cross areas affected by armed conflict or other situations of violence and find themselves in detention. Many die and are never identified – their remains lost or buried in anonymous graves. Furthermore, without identification and proper registration of their deaths, national statistics fail to accurately report the true number of migrants dying along routes and at destinations.

Unlike some other Objectives of the GCM, Objective 8 has thus far not been the subject of a dedicated workstream and/or follow up process. Coupled with the often politically sensitive nature of migration, this may have contributed to the fact that steps taken since the adoption of the GCM to implement this Objective have been far from sufficient, both globally and in Africa. This is reflected, inter alia, in the voluntary progress reports submitted by African countries in preparation of the regional review process – these reports do not adequately cover progress on Objective 8. At the same time, it is important to acknowledge that some promising examples of actions to address the plight of missing migrants and their families have emerged both in Africa and in other parts of the world.

### **Mr. Eddy Nguiffeu, Researcher**

Migration is a challenging phenomenon for Governments and partners on the African continent. It has historical reasons and is not only within Africa but reaches Europe, Asia and Middle East. Migration is linked to terrorism, conflict and war, increasingly by climate change and other humanitarian crises. While most migrants remain vulnerable, women and children are further exposed to trafficking within

and across borders. They face violence, and because of mistrust in Governments, most are unable to report these incidents. Irregular migration needs to be addressed from a human-rights based approach through judicial frameworks. The continent and the world at large have a legal basis to draw on and consolidate work under the GCM.

**Mr. Bubacarr Singateh, Board Member UN Major Group on Children and Youth**

The narrative around what is forcing people to move needs to shift as migration is not driven by conflict alone. Land degradation has been pushing people from their communities. While the Economic Community of West African States (ECOWAS) is lauded for free movement of people and goods, border management is still seen as a strict control for security. Migrants without documents tend to use unsafe routes to avoid officials seen to violate human rights. States must be reminded of their responsibility to protect individuals seeking safety or asylum and also ensure basic services are made available.

**Dr. Ahmed Zanya Bugre, IOM seconded expert on Migrant, Protection & Assistance to the AU Commission for Social Affairs**

Return, re-admission and integration is a sensitive subject to AU and Member States. Over 90 per cent of African movements internationally are on a regular basis but discourse is always on irregular migrants. Return, re-admission and re-integration has been used as a migration tool and that has created a problem because return and re-admission must not be used in same context as those seeking asylum. For the clear cases of where people over-stay beyond their visas after entering legally, there are clear mechanisms to address that. Legal remedies need to be explored particularly for those that enter countries irregularly but wish to return home- make courts easily accessible and also recognize diverse risks that migrants present (e.g., climate vulnerability). There are also legal limbos around documentation even for those who have been assimilated on humanitarian status- which allow migrants to work but these documents may expire and expose migrants to threats. Legal pathways must be provided to facilitate due legal processes for asylum applications and effective remedies must be sought instead of using detention as a coercive tactic to force people back home. Because the issue of 'returns' is difficult for most countries and the principle of non-refoulement, there is the externalization of the asylum process which is blocking many Africans from travelling into Europe. Recent practices show memorandum of understandings (MOUs) being signed between European Countries and African countries to take Africans from a European border to an African country to process paperwork (this has come up after the 'disembarkation platforms' idea was mooted). The State responsibility to protect in regards to the principle of non-refoulement and international law must be respected.

**8. Group Work/Plenary Reactions to Group Outcomes**

The group sessions discussed challenges and opportunities in implementing the objectives in Thematic area 2. Participants were very active under the leadership of:

- Ms Nsanshya Faith Chilupula (UNICEF) and Mr Florian von Konig (ICRC)- Group 1 (objective 4 & 8)

- Ms Annalisa Pauciullo (UNODC)- Group 2 (Objective 9, 10, 11)
- Ms Heba Abdel Latif (IOM) and Mr Belete Birara (UNICEF) - Group 3 (Objective 13, 21)

In the plenary discussions following Group Work, Mr Diakite Mamadi, UNAIDS Special Advisor overseeing security and humanitarian affairs in fragile contexts briefed about UNAIDS' recent extensive discussion with Member States where it was recognised that human mobility and migration is having a profound impact on SDGs. Health was particularly noted as a major protection issue for migrants. Health threats dimension must be emphasised for vulnerable groups-women & children, LGBTQA, people who are victims of trafficking, people who have survived sexual violence, etc. He further stressed the role of communities in migration response. Additionally, he noted that strengthened data will help enhance protection systems.

Other participants spoke to issues of tracing, legal identity dilemmas, lack of accountability by Member States, violence/exploitation of migrants at work, community engagement, mistrust in government officials, isolation from families while in detention, transnational cooperation, lack of implementation of policy frameworks, human rights violations, difficulties in community integration, corruption, and a disjointed sectorial response to migration. In more detail, **challenges and recommendations outlined below are consolidated** from all speakers in opening remarks, youth voices, keynote speeches for group sessions, reports from the Group discussions and the plenary session/reactions to Group discussions: -

## 9. Challenges

- **Migrants face varied human rights violations** that include violence meted upon them by security forces, detention, extortion and corruption (and often from public officials), trafficking, death, separation from families.
- **Legal documentation** of migrants remains a key challenge that exposes migrants to multiple risks and human rights violations- denial of access to public services (health, education, protection, economic and development opportunities). Even in instances where migrants are properly documented, long delays/waiting period to access to legal documents is so prolonged that migrants live in limbo. Prices for documentation can also be exorbitant.
- **Fragmented and incoherent migration policy** implementation at country, regional (Regional Economic Communities (RECs)) and continental level. There is a disconnect in how countries deal with migration and hardly liaise with officials in countries of origin. In some cases, law and order has broken down where people are fleeing from which leaves migrants with no possibilities for verification. In regions like ECOWAS and East African Community (EAC) which presents a good case for free movement of people and goods, there are still many challenges reported at country level where border management officials still deny entry to migrants (particularly those without documentation).
- **Lack of accountability** to International Frameworks at State level- participants referred to publicly known cases of migrants facing xenophobic attacks that end in death, life threatening injuries, unlawful detentions but no action on State accountability is taken.
- **Corruption is** rife in border management institutions.
- **COVID-19** has pushed migration issues to the back burner while States focus on addressing the pandemic's social and economic fallouts.
- **Lack of disaggregated data-** the collection of data remains a challenge to strengthen protection systems. Migrants already belong to a vulnerable group, and yet within that group are children, LGBTQA, sex workers, people living with HIV. The lack of data means that proper targeting for support, particularly for urgent health needs, falls through the cracks.

- Limited/**lack of recognition of wider drivers of migration beyond conflict, as well as widening scope of understanding of missing persons beyond the sea.**
- Migrants **do not trust Governments** to favorably address their migration concerns- thus they tend to disappear in communities without registering and expose themselves to high-risk behaviors.
- **Migrants with no legal documentation who opt to return are criminalized**, sent to detention centres and violated at many levels. States must find way of liaising on these cases and facilitate safe and orderly returns, establish contacts in homes of origins and appreciating the good will for those wishing to go home.
- Tracing is complex as communities do not trust government official. Use of social media in tracing can prove disadvantageous for some migrants.
- Most challenges highlighted above are also addressed in the GCM and other international **policy frameworks that Member States have signed up to but are far from implementation.**

## 10. Recommendations

- Urgency to move to **implementation of GCM and other international frameworks** (Agenda 2063, CRC, International Humanitarian Law, Palermo Protocol) that aim at addressing migration challenges. As an example, and in particular to Objective 8 of the GCM, signatory states have made concrete commitments and identified actions to save lives, to identify migrants who have died or gone missing, and to facilitate communication with their families, including by establishing coordinated international efforts on missing migrants.
- **Mobilize political will for the implementation of the GCM in Africa** and utilize this momentum to tackle the issues related to migration in Africa. The Compact offers tools to address the various issues related to migration.
- **Continue to advocate for the adoption of the AU Action Plan on the implementation of the GCM.** This Action Plan provides a clear roadmap on the follow up and review mechanism of the Compact in Africa, and it also defined agreed priorities for resource mobilization to effectively build the capacity of AU Member States and RECs to implement the Compact.
- **Align Member States' and African Union policies** with the commitments to children in the Convention on the Rights of the Child (CRC) and African Charter, commitments that are now also reflected in the GCM.
- Address migration as a **transboundary issue needing cross-country cooperation.** As an example, bilateral cooperation should be considered an important stepping-stone towards achieving regional cooperation on the clarification of the fate and whereabouts of missing migrants. Through consular channels or direct cooperation between relevant institutions (e.g., forensic institutes), States can cooperate and exchange information across borders.
- In addition, **multi-stakeholder dialogues**, particularly those linking policy and community-based actors, are important in any attempt to address migration challenges in Africa.
- **Border management must go beyond security and include rights-based criminal justice humanitarian considerations** by linking to other departments within governments (e.g., Departments of International Cooperation/Humanitarian Affairs, judiciary). Consider service points in migration routes/border points for migrants to access services (health, psychosocial support, food, access to information on legalising asylum processes- good examples were provided by Red Cross).
- Capitalize on the considerable **potential for African human rights bodies, notably the African Commission on Human and Peoples' Rights (ACHPR)**, to take a leading role in sensitizing and

mobilizing African states on migration. Similarly, Regional Economic Communities could be key actors in facilitating greater and more effective cooperation among their members.

- Strengthen **accountability measures at the State-level** and prioritize criminal justice where there is blatant disregard to international agreements. Move to implementation of strategies on migration, trafficking (e.g., the EAC framework on trafficking drafted in 2016 is far from implementation). Fight systemic corruption and a disregard to human rights-based approaches to migration issues reported to be rife (examples were given by participants cited several cases where there have clear violations of international law).
- Processing of **documentation for migrants faces long delays** and exposes migrants to vulnerabilities -excluding them from accessing basic services in social, education and health. Governments must recognize this as a human rights issue that exposes migrants to risks-including extortion, corruption, denial of access to basic services which can be life threatening in some instances.
- Donor organisations must partner with governments to address challenges faced by migrants.
- **The engagement of local communities, including sensitization on human rights**, is important in addressing migration issues to ensure protection of migrants, service access and support to tracing where needed. This requires better funding to organisations working at strengthening community awareness.
- Supporting migrant children and youth to reintegrate with communities of origin through case management, psychosocial support and long-term monitoring systems.
- **Partner with migrant children and youth at local/community level** – and do not just look at them through the lens of vulnerability. Children and young people already on the move must have access to services required to achieve their developmental milestones regardless of the circumstances they find themselves.
- States should take all possible measures to prevent and **resolve cases of missing migrants** and provide answers to their families, in line with their commitments and international obligations.
- **Improve national data collection systems** to capture vulnerable groups and ensure national response systems mainstream health provision to specific groups (e.g., those living with HIV).
- **Widen understanding and acknowledgement of drivers of migration beyond conflict.** Climate change, land degradation, poverty and limited access to economic opportunities are amongst the increasing drivers of migration.
- Strengthen **alternatives to detention** such as reception and care centres. Investing in reception and care systems that protect all migrant children and families without having to resort to detention. Investments must look at financial and human resources, facilities that are up to standards, service provision and case management. Working with communities of return to support sustainable reintegration (based on some examples shared, regular and faster information provision to migrants to facilitate their decision making, provide psychosocial support during detention, strengthen data collection and transnational court liaison).

## Conclusion

In concluding the consultation, Ms. Phumza Maqindi of IOM echoed the concerns and opportunities by noting among other issues: -

- The consultation highlighted those concerted efforts are needed to protect migrants; to save lives and assist missing migrants and their families; to combat transnational organized crime, including trafficking in persons and smuggling of migrants; to end detention for migration

reasons; to promote safe and dignified return and sustainable reintegration. Access to legal identity and proof of documentation is widely discussed as a passport to protection.

- The link between law enforcement, protection of migrants and human rights was widely highlighted.
- Stakeholders of the GCM include a wide range of actors, among them migrants themselves such as Paul Kabeya, and youth voices as Sidoune Felix Leudjie, and diaspora organizations, academia, private sectors, parliamentarians and other actors - along with member states – play key roles in the implementation of the GCM by advocating, ensuring migrants' access to documentation and legal identity; supporting coordination of international efforts on missing migrants; and strengthening prevention and response to human trafficking and migrant smuggling.
- Ms. Phumza expressed optimism that the recommendations of this consultation would enrich discussions at the Africa Region Review meeting in August.

#### Annex - Agenda

Time (EAT)	Session	Facilitator
11:00 am	Start of the Webinar	Mrs Monami Maulik, Secretariat of the UN Network on Migration
11.00am-11.10am	Welcome Remarks	Dr. Edward Addai, UNICEF Representative to the AU & UN ECA
11.10am-11.20am	Overview of the GCM process, update on the recent developments & introduction of the objectives of the multi-stakeholder consultations	Mrs Monami Maulik, Secretariat of the UN Network on Migration
11.20am-11.35am	Migrant youth speech/setting the tone of the day  UN Major Group on Children and Youth (UN MGCY)	Mr Paul Mukuna Kabeya  Mr Sidoine Felix M. Leudjie, UN MGCY
11:35am-11:40am	Introduction of the groups (each to discuss achievements, challenges, best practices & lessons learnt and proposed actions)	Ms Charlotte Anna CAMPO, Office of the United Nations High Commissioner for Human Rights (OHCHR)
11.40am-13.10	Keynote speakers: (10min each)  1. Mrs Joelle Rizk, Regional Migration Advisor for Africa, International Committee of the Red Cross (ICRC) 2. Mr Bubacarr Singateh, Board member of UN MGCY 3. Dr. Ahmed Zanya Bugre, Director, Foundation for Shelter and Support to Migrants (FSM)  Group discussions (1h)	Moderated by  Group 1: Ms Nsanshya Faith Chilupula, UNICEF and Mr Florian von Konig  Group 2: Mrs Annalisa Pauciullo, Crime Prevention and Criminal Justice Officer, UNODC West and Central Africa  Group 3: Ms Heba Abdel Latif (IOM) and Mr Belete Birara (UNICEF)



Time (EAT)	Session	Facilitator
	<p><b>Group 1</b>  <b>(Objective 4)</b> Ensure that all migrants have proof of legal identity and adequate documentation &amp;  <b>(Objective 8)</b> Save lives and establish coordinated international efforts on missing migrants</p> <p><b>Group 2</b>  <b>(Objective 9)</b> Strengthen the transnational response to smuggling of migrants) &amp;  <b>(Objective 10)</b> Prevent, combat and eradicate trafficking in persons in the context of international migration) &amp;  <b>(Objective 11)</b> Manage borders in an integrated, secure and coordinated manner</p> <p><b>Group 3</b>  <b>(Objective 13)</b> Use immigration detention only as a measure of last resort and work towards alternatives  <b>(Objective 21)</b> Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration</p>	
13:10-13.40	Feedback from the break-out sessions in plenary	Respective group rapporteurs (10 min each)
13.40-14.30	Plenary discussions	Plenary moderated by: Ms Thandie Mwape Villadsen, International Federation of Red Cross and Red Crescent Societies
14.30-14.45	Summary and closure of the webinar	Ms Phumza Manqindi, IOM

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