

THEMATIC WORKING GROUP 2 - ALTERNATIVES TO DETENTION ARE PROMOTED AND UTILIZED¹

Leads: UNHCR, UNICEF and International Detention Coalition (IDC)

Contact Points of Leads:

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Working group members: IOM; OHCHR; Special Rapporteur on the Human Rights of Migrants; International Social Service (ISS); Asia Pacific Network on Migration (APRNN); Initiative on Child Rights in the Global Compacts; United Cities and Local Governments (UCLG); Better Care Network; Bloque Latinoamericano en la Migración; Physicians for Human Rights; Platform for International Cooperation on Undocumented Migrants (PICUM)

Observers: International Committee of the Red Cross (ICRC)

Expressions of interest to collaborate: Cornell Law School; HOPE Worldwide-Pakistan; Community and Family Aid Foundation-Ghana; University of Maryland; Host International; OSCE

PRIORITY AREAS OF WORK	DELIVERABLES	TIMELINE	SYNERGIES WITH OTHER PROCESSES	NETWORK STATEMENT TOPIC AND DATE	INPUTS TO CBM	UPDATE FROM WG MEETING	LINK TO GCM
<i>Mindful of the distinctive elements and actors engaged in priority area of work I and II, there are many common opportunities to ensure close synergies. Whenever appropriate, synergies will be sought to maximise stakeholder engagement through joint approaches – focusing in particular on deliverables marked with asterisks **.</i>							
	Working Group on Alternatives to Detention Common Position and Key Messages	1st - 2nd Quarter 2020					

¹ http://migrationnetwork.un.org/sites/default/files/documents/nw_workplan_23_july.pdf



	Dissemination of the Working Group Common Position and Key messages			Joint Statement			
	Guidelines to develop National Action Plans on Alternatives in the context of Priority Areas of Work I and II		Synergies with Working Group 2.2 as appropriate				
<u>I. Support States' efforts to work to end the practice of child detention in the immigration context by increasing the availability and accessibility of child appropriate care arrangements for unaccompanied or separated children and appropriate placement arrangements for children in families</u>							Objective 13) Chapeau, 13 a) and, particularly, 13 h)
UN Network Work Plan Activities 1) Consolidate and disseminate, a comprehensive repository of good practices of human rights-based alternatives to detention in the context of international migration. 2) Help establish a cross-regional peer-learning platform of relevant stakeholders composed of states that are developing alternatives to immigration detention and of relevant experts from the civil society. 3) Facilitate government peer-learning activities such as meetings and site visits on the development of alternatives to detention.	Contribute relevant resources, training materials and positive practices of human rights based alternative arrangements for children and families in the immigration context to be captured in the Capacity Building Mechanism and Knowledge Platform**	1st and 2nd Quarter, 2020			Compilation of positive practices, relevant resources and trainings		Objective 13 b)
	Support the ongoing development of peer learning exercises and platforms engaging States and relevant stakeholders at global, regional and national level, including the IDC-UNICEF Cross Regional Peer Learning Platform on Alternatives to Child Immigration Detention	January 2020 and beyond					Ongoing



	<p>Convene and facilitate a Global Peer Learning Meeting on Alternatives to Child Immigration Detention which will gather key States and relevant experts. The PoW will include side visits and peer learning exercises to identify and discuss challenges and setbacks, share progress and positive practices, and explore opportunities for cooperation.</p>	<p>June - July 2020</p>	<p>In partnership with IDC-UNICEF Cross Regional Peer Learning Platform on Alternatives to Child Immigration Detention</p>			<p>whole of society and whole of government</p>
<p>UN Network Work Plan Activities</p> <p>4) Support advocacy and other initiatives at the global, regional and country, local level to work to end the practice of child detention in the context of migration</p>	<p>1) Targeted and strategic dissemination of statements and WG outputs and strategic engagement with Member States</p> <p>2) Strengthen and leverage partnerships with and build capacity of inter alia</p> <ul style="list-style-type: none"> - Mayors Migration Council, UCLG and other relevant city and local authority networks - Civil Society partners and networks and youth advocates - Pediatric associations and MHPSS professionals 			<p>Joint Statement on Child Immigration Detention, September 2019</p>		
<p>II. Support States to <u>prevent and reduce instances of arbitrary detention</u> in the immigration context and <u>promote human rights-based alternatives to detention.</u></p>				<p>Network Statement on Attack on Libyan Detention Centre, July 2019</p>		<p>Objective 13</p>



<p>UN Network Work Plan Activities</p> <p>1) Consolidate and disseminate, a comprehensive repository of good practices of human rights-based alternatives to detention in the context of international migration.</p> <p>2) Help establish a cross-regional peer-learning platform of relevant stakeholders composed of states that are developing alternatives to immigration detention and of relevant experts from the civil society.</p> <p>3) Facilitate government peer-learning activities such as meetings and site visits on the development of alternatives to detention.</p>							
	<p>Contribute relevant resources, training materials and positive practices on human rights-based alternatives to detention to be captured in the Capacity Building Mechanism and Knowledge Platform**</p>	1st and 2nd Quarter 2020			Compilation of positive practices, relevant resources and trainings		Objective 13 b)
	<p>Identify strategic entry points and support Secretariat to leverage the Regional Review Forums to accelerate implementation of GCM Objective 13 (through enablers such as advocacy, capacity building and awareness raising of key RECS, strategic outreach to Member States, etc) **</p>	TBD					
<p>III. Establish a fully functional multi-disciplinary Thematic Working Group 2</p>	<p>Finalize Terms of Reference of Working Group 2</p>	September - December 2019				Completed	
	<p>Identify and invite stakeholders as Working Group members</p>	November - December 2019				Completed	
	<p>Convene a consultative webinar with key stakeholders</p>	December 2019				Completed	



	Convene briefing meeting with key Member States in Geneva	March – April 2020					
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ENGAGEMENT WITH MEMBER STATES	For this specific thematic issue, the Working Group will engage a set of key countries into peer learning and exchange exercises in the context of Priority Areas of Work I and II. The Working Group co-leads will organise a set of briefings with Member States in the context of Priority Area of Work III.
REQUIRED RESOURCES	Co-leads providing in-kind and financial support. Additional financial support may be requested through the MPTF and donors, as-needed.

UN Network Work Plan	GCM Objective 13
Thematic Work Stream 2 - Alternatives to detention are promoted and utilized	Use immigration detention only as a measure of last resort and work towards alternatives
The capacities of states to develop alternatives to migration detention are improved by the identification and promotion of viable solutions that reduce the risks and vulnerabilities faced by migrants.	We commit to ensure that any detention in the context of international migration follows due process, is non-arbitrary, based on law, necessity, proportionality and individual assessments, is carried out by authorized officials, and for the shortest possible period of time, irrespective of whether detention occurs at the moment of entry, in transit, or proceedings of return, and regardless of the type of place where the detention occurs. We further commit to prioritize noncustodial alternatives to detention that are in line with international law, and to take a human rights-based approach to any detention of migrants, using detention as a measure of last resort only.
<i>Activities</i>	<i>Actionable commitments</i>
1) Consolidate and disseminate, a comprehensive repository of good practices of human rights-based alternatives to detention in the context of international migration.	a) Use existing relevant human rights mechanisms to improve independent monitoring of migrant detention, ensuring that it is a measure of last resort, that human rights violations do not occur, and that States promote, implement and expand alternatives to detention, favouring non-custodial measures and community-based care arrangements, especially in the case of families and children



<p>2) Help establish a cross-regional peer-learning platform of relevant stakeholders composed of states that are developing alternatives to immigration detention and of relevant experts from the civil society.</p>		<p>b) Consolidate a comprehensive repository to disseminate best practices of human rights-based alternatives to detention in the context of international migration, including by facilitating regular exchanges and the development of initiatives based on successful practices among States, and between States and relevant stakeholders</p>
<p>3) Facilitate government peer-learning activities such as meetings and site visits on the development of alternatives to detention.</p>		<p>c) Review and revise relevant legislation, policies and practices related to immigration detention to ensure that migrants are not detained arbitrarily, that decisions to detain are based on law, are proportionate, have a legitimate purpose, and are taken on an individual basis, in full compliance with due process and procedural safeguards, and that immigration detention is not promoted as a deterrent or used as a form of cruel, inhumane or degrading treatment to migrants, in accordance with international human rights law</p>
<p>4) Support advocacy and other initiatives at the global, regional, country and local levels to work to end the practice of child detention in the context of migration.</p>		<p>d) Provide access to justice for all migrants in countries of transit and destination that are or may be subject to detention, including by facilitating access to free or affordable legal advice and assistance of a qualified and independent lawyer, as well as access to information and the right to regular review of a detention order</p>
		<p>e) Ensure that all migrants in detention are informed about the reasons for their detention, in a language they understand, and facilitate the exercise of their rights, including to communicate with the respective consular or diplomatic missions without delay, legal representatives and family members, in accordance with international law and due process guarantees</p>
		<p>f) Reduce the negative and potentially lasting effects of detention on migrants by guaranteeing due process and proportionality, that it is for the shortest period of time, safeguards physical and mental integrity, and that, as a minimum, access to food, basic healthcare, legal orientation and assistance, information and communication, as well as adequate accommodation is granted, in accordance with international human rights law</p>
		<p>g) Ensure that all governmental authorities and private actors duly charged with administering immigration detention do so in a way consistent with human rights and are trained on nondiscrimination, the prevention of arbitrary arrest and detention in the context of international migration, and are held accountable for violations or abuses of human rights</p>



		<p>h) Protect and respect the rights and best interests of the child at all times, regardless of their migration status, by ensuring availability and accessibility of a viable range of alternatives to detention in non-custodial contexts, favouring community-based care arrangements, that ensure access to education and healthcare, and respect their right to family life and family unity, and by working to end the practice of child detention in the context of international migration</p>
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