

**GLOBAL COMPACT ON MIGRATION TALK (GCM Talk)
for Southern Africa**

**Working to end child immigration detention and implement alternatives to detention in the
Southern Africa Region
15 March 2024, at 10.00 AM – 11.30 AM (SAST)
Venue: Virtual Meeting (Zoom)**

[Register Here](#)

Introduction

Immigration detention remains a widespread issue around the world faced by migrant and refugee children with a severe impact on the persons concerned. Globally, each year, an estimated of 330,000 children are deprived of their liberty. At least 77 countries have laws and policies that allow children to be detained based on their or their parents' legal or migratory status. Immigration detention of children is never in the best interest of the child, constitutes a child rights violation and a form of violence against children.¹

The United Nations Network on Migration (UNNM) for Eastern and Southern Africa together with International Detention Coalition (IDC) are co-organizing a Global Compact for Migration (GCM) Regional Talk on Alternative to Detention (ATD). This exchange seeks to provide a venue for multi-stakeholder engagement to share information, data and promising practices concerning alternative to detention. The phrase 'alternatives to immigration detention ('alternatives')' is not an established legal term nor a prescriptive concept, but a fundamentally different way of approaching the governance of migration. Alternatives shift the emphasis away from security, restrictions and criminalization to a pragmatic and proactive approach focused on case resolution and casework in the community. An alternative approach respects asylum seekers, refugees and migrants as rights holders who are able to comply with immigration processes without the need for restrictions or deprivations of liberty and who are also aiming at case resolution. Alternatives to Detention can be a win-win for both governments and migrants. Pursuing these alternatives for migrants and refugees is a commitment made by States in the [New York Declaration](#); as well as, in the [Global Compact for Migration](#) (GCM - Objective 13) and the [Global Compact on Refugees](#) (GCR-para. 60).

The GCM Talk will be held under the Chatham House Rule and participation is limited to governmental actors from various levels from the Southern Africa Development Community (SADC) and to selected key stakeholders by invitation only.

About GCM Talk

Since the adoption of the GCM in 2018 considerable momentum has been built towards implementing elements of GCM Objective 13 on Alternatives to Immigration Detention, including on working to end the practice of child detention in the context of international migration in Africa. Aware of the challenges associated with the issue of immigration detention, effective collaboration with governments is paramount for tackling the root causes of this problem, including misconceptions about detention and the lack of reliable statistics, worsened by the often precarious and substandard conditions of detention. This GCM talk for

¹ The UN Task Force members are: SRSV VAC (Chair), SRSV CAAC, UNICEF, UNHCR, IOM, CRC Committee, WHO, UNODC, OHCHR.

Southern African member states will build on the momentum on ending child immigration detention created in recent years, both in the region and globally, through normative and policy developments, political commitments, and programmatic work at various levels.

Rationale

The Universal Declaration of Human Rights provides that everyone has the right to liberty and to protection from arbitrary detention. While international law allows that administrative immigration detention can legitimately be applied in certain individual cases, it is widely held that such a deprivation of liberty should be exceptional and strictly as a measure of last resort. Some governments view detention as a mean to dissuade irregular migration to or applying for asylum in their territories. While acknowledging that irregular entry or stay may present many challenges to States, detention is not the answer. The Committee on the Rights of the Child, which oversees the implementation of the Convention on the Rights of the Child, has provided authoritative guidance that immigration detention is a child rights violation and that the principle of detaining as a “last resort” does not apply to children in the context of migration. Moreover, child immigration detention is a form of violence against children, with pervasive and severe negative consequences on their mental and physical health and development. The principles of best interests of the child must govern any measures taken by States. Consequently, children, should not be detained due their immigration status; instead, appropriate community and family rights-based care arrangements for unaccompanied or separated children remain the best measure.

States are called upon to first explore the use of alternative, non-custodial measures in the community focused on case management. There are workable alternatives to detention that can achieve governmental objectives of security, public order and achieving compliance ultimately leading to case resolution. Importantly, as seeking asylum is not an unlawful act, detaining asylum-seekers for the sole reason of having entered without prior authorisation runs counter to international law. To this end, countries are taking various actions to end child immigration detention. These include, among others, adopting a whole-of-government and a whole-of-society approach, regional and national policies and legal frameworks prohibiting immigration detention of children, creating temporary regularisation programs that result in temporary permits, investing in inclusive child protection systems² scaling up family based alternative care and rolling out comprehensive case management systems that ensure children’s meaningful participation in the processes leading to the resolution of their cases³.

An increasing number of governments globally and in Southern Africa have begun to implement non-custodial alternatives to detention (ATD). There have also been specific pledges from countries and other actors on ending child immigration detention and promoting ATD at the Global Refugee Forum in December 2023 and the International Migration Review Forum (2022). Across the region, some governments have implemented community release or bail programmes across the board for all types of migrants; others have special programmes for families or children; while others are tailored to asylum-seekers. A variety of countries have legislated for at least some form of alternative to detention, such as reporting requirements, bail or designated residence. Others have piloted or systematized more comprehensive case management and community supervision models with individuals living freely in the community.

² See UNICEF’s [Child Protection Systems Strengthening \(CPSS\) Approach](#), 2021 and IOM, UNICEF Technical Note: Inclusion of Children Affected by Migration in National Child Protection Systems, forthcoming 2024.

³ The inclusion of an example does not signify that all elements of the practices of the country are considered positive and that its practical implementation is flawless

As part of the 2016 Migration Dialogue for Southern Africa (MIDSA), fifteen Southern African governments committed to “develop and implement” alternatives to detention, as well as to implement MIDSA Regional and National Action Plans to oversee progress. The States are Members of SADC, which was the first subregional mechanism in Africa to focus explicitly on alternatives as a way to reduce immigration detention. Momentum around ATD is also reflected in a trend towards a stronger presumption of liberty in the region. The African Union Free Movement Protocol was adopted in 2018 and there are a number of initiatives to facilitate lawful migration within economics and political blocs in Africa.⁴

This GCM talk will build on global peer learning exchanges with members states and other actors on ending child immigration detention taking place between 2021 and 2023. It will focus on local, national, and level initiatives that support community-based reception and care of children and families and avoid immigration detention in SADC member states. It will also explore promising practices from other sub-regions.

Objective(s)

This Virtual GCM Talk will bring together governments from SADC member states including technical bodies and will provide an open space to discuss experiences with regard to the implementation of Objective 13 of the Global Compact for Safe, Orderly and Regular Migration (GCM) with a focus on children, sharing challenges and concerns, identifying promising practices, and exploring opportunities for local level interventions.

Participation

Participation by government representatives from SADC member states working at national, regional, and sub- national technical and policy levels on migration and asylum governance including child protection, immigration, and other related matters, and those working with migrant children and families. Other key stakeholders include; UN agencies, Civil Society Organizations, Human Rights Institutes/Commissions, and academia will participate to facilitate the exchange and contribute their specific expertise. Participation will be by invitation only.

Language

The language for the GCM Talk will be English with Portuguese and French translation provided.

Agenda

Time	Description
10.00 – 10.10	<p>Introduction objectives of the meeting and agenda – MC, Nicola Brandt</p> <p>Opening Remarks</p> <ul style="list-style-type: none"> • UN Network on Migration Coordinator, Mati Hashemee, IOM Regional Director, IOM Regional Office for Southern Africa • Government of Zambia, Dr. Japhet Lishomwa, Director General of Immigration, Department of Immigration, Ministry of Home Affairs and Internal Security, Zambia
10.10 – 11.00	<p>Speakers (Talk show format)</p> <p>Moderator: Carolina Gottardo</p> <ul style="list-style-type: none"> • The Southern Routes, Sr. RTS Protection, Fitriana Nur, IOM Southern Africa Regional Office

⁴ See International Detention Coalition [Gaining Ground: promising practice to reduce and end immigration detention](#) 2022



	<ul style="list-style-type: none">• United Nations Task Force on Children Deprived of Liberty Joint Pledge to Support the Global Compact for Safe, Orderly and Regular Migration, Member of global task force, International Migration Law Unit, IOM• Good practices of Alternative To Detention, Government of Zambia, Mr. Boris Mulengu, Ministry of Home Affairs and Internal Security, Zambia• UNHCR strategy to support Governments to end the detention of refugees and asylum seekers, Ursula Dzietham, Snr Protection Officer (UNHCR)• Local and national level initiatives that support community-based alternatives to detention- International Detention Coalition (IDC), Lilian Obiye, Africa Program Manager, IDC
11.00 11.25	- Feedbacks from participants <ul style="list-style-type: none">- Brief Intervention- Question and Answer sessions
11.25- 11.30	Closing – Carolina Gottardo