



# MIDSA

**Migration Dialogue for Southern Africa**  
Addressing Mixed and Irregular Migration in the SADC Region:  
Protection of the Unaccompanied Migrant Child  
Victoria Falls, Zimbabwe

**7- 9 July 2015**



International Organization for Migration (IOM)  
Organisation internationale pour les migrations (OIM)  
Organización Internacional para las Migraciones (OIM)



**Government of Zimbabwe**

## Table of Contents

### Report and Recommendations of the MIDSA Conference on Addressing Mixed and Irregular Migration in the SADC Region: Protection of the Unaccompanied Migrant Child



<b>Executive Summary</b> .....	<b>4</b>
<b>Ministerial Statement</b> .....	<b>5</b>
<b>DAY 1</b> .....	<b>8</b>
Opening Session .....	9
Towards the Implementation of the Draft Regional Action Plan to Address Mixed and Irregular Migration.....	12
The Protection of Unaccompanied Migrant Children in the SADC Region.....	15
Regional Experiences on UMC Protection .....	17
<b>DAY 2</b> .....	<b>20</b>
Mapping the Way Forward.....	21
Group Work: Input into the Statement by Ministers on the Protection of UMC.....	22
Complimentary Efforts for the Implementation of Draft Regional Action Plan .....	24
Update on Ancillary Matters .....	25
Preparation of the Ministerial Statement.....	27
<b>DAY 3</b> .....	<b>29</b>
Opening Session.....	30
Ministerial Statement Review and Summary Presentation of Deliberations.....	33
Discussion and Endorsement of Ministerial Statement.....	33
Closing Session .....	34
<b>Annexes</b> .....	<b>36</b>
Annex 1: MIDSA Programme.....	37
Annex 2: MIDSA Participants List .....	41



## EXECUTIVE SUMMARY

The third Ministerial-level Migration Dialogue for Southern Africa (MIDSA) was held in Victoria Falls, Zimbabwe, from 7-9 July 2015. MIDSA was established in 2000, with the overall objective of facilitating dialogue and cooperation among SADC Member States and contributing to improved regional migration management. MIDSA is a platform for migration to be discussed in an informal, non-binding manner that encourages participants to identify, generate ideas, and work towards the achievement of shared goals. MIDSA further raises awareness on challenges and best practices and has put different aspects of migration management on the regional agenda, including the protection of vulnerable migrants, refugees and asylum seekers travelling in mixed and irregular migratory flows.

The MIDSA 2015 meeting addressed multiple topics related to migration management, with a particular focus on protection of unaccompanied migrant children (UMC). The objective of the meeting was to foster dialogue among Ministers responsible for Home Affairs in the SADC region on improving the region's coordinated response to mixed and irregular migration. Under this overall objective, the MIDSA placed particular attention on the need to improve protection of unaccompanied migrant children, which was identified as a priority area by senior officials meeting in December 2014.

Officials from all 15 SADC Member States participated in the meeting, representing: Angola, Botswana, Democratic Republic of the Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe. Senior officials attended the first two days of the meeting, which included presentations and fruitful discussions related to recommendations to put forward to the Ministers for formal endorsement. Ministers, Deputy Ministers and other senior officials participated on the third day of the meeting to discuss and endorse a Ministerial Statement that asserts the SADC governments' recommendation that the regional action plan on mixed and irregular migration be formally submitted to the SADC Secretariat for adoption and subsequent implementation by Member States, with an initial focus on UMC protection components.

## Ministerial Statement

The Ministers and Deputy Ministers of Home Affairs/Interior from SADC Member States, meeting at the 3<sup>rd</sup> MIDSA Ministerial Conference on *Addressing Mixed and Irregular Migration in the SADC Region: Protection of the Unaccompanied Migrant Child* held in Victoria Falls, Zimbabwe, on the 9<sup>th</sup> of July 2015 and preceded by a two-day preparatory meeting of Senior Officials:

**Recalling** that at the 2013 MIDSA Ministerial Conference held in Maputo, Mozambique, the Honourable Ministers and Deputy Ministers of Home Affairs/Interior and of Labour/Employment identified the need for, and recommended the development of, a comprehensive strategy to address the growing phenomenon of mixed and irregular migration in the SADC region;

**Noting** that, as a follow up on the above recommendation, a MIDSA Technical Workshop on Irregular and Mixed Migration was convened in Lilongwe, Malawi, in July 2014 at which senior officials took stock of efforts to implement the provisions of the Dar Es Salaam Action Plan on Irregular and Mixed Migration that was adopted in 2010;

**Acknowledging** the conclusions of the Senior Officials who noted that the contents of the Dar es Salaam Action Plan remained valid and recommended the formulation of a follow up action plan that will continue/sustain the efforts initiated under the Dar es Salaam Action Plan;

**Having been advised** that the current draft of the Regional Action Plan on Irregular and Mixed Migration was prepared by the MIDSA Secretariat following the recommendation made by senior officials at the Lilongwe Technical Workshop and was reviewed and revised by Senior Officials in December 2014;

**Noting** that the Draft Action Plan has six major pillars, as follows:

- (a) Legislative and Policy Review
- (b) Capacity Building
- (c) Operations
- (d) Communication and Outreach
- (e) Data Collection, and
- (f) Coordination and Cooperation.

Recognizing that each of the pillars of the Action Plan is further elaborated in terms of specific actions, indicators, time-frames and identified stake-holders, as well as an indicative implementation budget; and,

**Commending** the efforts of SADC Member States, the SADC Secretariat, the MIDSA Secretariat, and International Co-operating Partners in responding to the recommendation made during the 2013 MIDSA Ministerial Conference.

**Hereby:**

**Endorse** the Regional Action Plan as a relevant and feasible framework to develop a common regional approach to respond to, and address the complex challenges of irregular and mixed migration;

**Recommend that**

- The current SADC Chair transmits the Regional Action Plan to the appropriate SADC structures, and to align it with existing SADC initiatives, including initiatives by the Ministerial Committee of the Organ, with a view to having the Regional Action Plan formally adopted at a regional level.
- SADC Member States individually and collectively implement the Regional Action Plan;
- individual SADC Member States consider the development of National Action Plans consistent with the framework provided by the Regional Action Plan;
- SADC Member States individually and collectively prioritize the sections of the Action Plan pertaining to the protection of unaccompanied migrant children and to begin the implementation of the proposed actions, as well as pursuing preliminary work on statelessness, alternatives to detention and return pending the formal adoption of the Action Plan by SADC;
- SADC Member States individually and collectively develop and implement a regional policy framework and national policy frameworks, including the development of Identification and Referral guidelines and a Case Management System, and to engage in awareness-raising and training activities to respond to the challenges of providing protection to unaccompanied migrant children. These actions should be based on the 'best interests of the child', as provided for in the appropriate international and regional instruments.

**MIDSA SUSTAINABILITY**

Consistent with our on-going support for, and recognition of the value of the MIDSA Process, we believe that it is necessary and important to take appropriate steps to ensure its sustainability and to align the MIDSA Process more closely with the formal SADC structures and processes. In this regard, we reiterate the following recommendations put forward at the 2<sup>nd</sup> MIDSA Ministerial Conference that was held in 2013:

- (a) that the MIDSA Secretariat should continue its efforts to achieve a closer alignment of the MIDSA Process with the formal structures and initiatives of SADC and in particular, to avoid duplication;
- (b) that the current organisational arrangement in which the Chair of SADC is the host of MIDSA during its tenure and supports the MIDSA Secretariat with the organisation of MIDSA events, including providing financial support to the extent possible, should be maintained and strengthened;
- (c) that all SADC Member States provide financial support to the MIDSA Process to the extent possible. In this regard, we commend the Member States who have and continue to provide financial support to the MIDSA Process.

**ADDITIONAL MATTERS**

1. We commend the SADC Secretariat for the progress made in the implementation of the Regional Action Plan on Labour Migration;
2. We take note of the Migrants in Countries in Crisis (MICIC) Initiative and the forthcoming regional consultation pertaining to this initiative.

**FINALLY**

**We urge** all SADC Member States, the SADC Secretariat, the MIDSA Secretariat, and International Co-operating Partners to make every effort to pursue and implement the recommendations agreed to and put forward in this statement, including engaging in the necessary processes to ensure that sufficient resources are mobilized for the successful implementation of the Regional Action Plan.



# DAY I

## DAY I

### Opening Session

**Mr. Melusi Matshiya, Permanent Secretary of Home Affairs for the Government of Zimbabwe,** extended a warm welcome to distinguished guests and thanked SADC Member States, the SADC Secretariat, the International Organization for Migration (IOM), and United Nations (UN) agencies for leading the MIDSA conference to address protection needs of UMC in the region. He asked participants to reflect on the violation of human rights and the risks associated with smuggling and trafficking in persons (TIP), particularly the dangers that migrant children are exposed to during the migration process. It is encouraging that most SADC states have enacted legislation to criminalize TIP and human smuggling. Zimbabwe passed a counter-trafficking act in 2014, which will help the nation to more effectively address TIP and enhance protection of vulnerable UMC. Mr Matshiya called upon the group to develop a regional approach to address protection needs of UMC, noting that high-level commitment should translate to concrete outcomes. MIDSA should result in a set of recommendations and a protection framework for the consideration of SADC Ministers to strengthen the regional response to protection needs of vulnerable migrants.

**Mr. Stephen Sianga, Director of Social and Human Development and Special Programmes at the SADC Secretariat,** welcomed participants and expressed his appreciation to the Government of Zimbabwe for hosting the 2015 MIDSA with a focus on UMC protection. He also thanked IOM, United Nations Office on Drugs and Crime (UNODC), and the United Nations High Commissioner for Refugees (UNHCR), for their cooperation with SADC and Member States in taking the dialogue forward. Migration is not new to the region but it is changing and now includes a greater number of women and children. Migration trends are becoming more complex so the discussion on mixed and irregular migration is timely. There are clearly both positive and negative consequences of migration and governments should maximize benefits in such a way as to support national development efforts.

Migration management is no longer only about control and restrictions but also includes facilitation of movement to enhance social and economic development. Poorly managed migration has potential destabilizing effects and may lead to tensions between migrants and host communities, whereas well managed migration can foster development through remittances and expertise from diaspora as well as through contributions of migrants in the labour sector that lead to economic growth. The emphasis should be on creating an environment that is conducive for productive migration that is driven by choice, not desperation. Mr. Sianga reiterated SADC's commitment to fulfilling its role in this process and expressed his expectation that delegates would enhance the SADC region's approach to migration issues and regional integration.



**Ms. Veronica Irima Modey-Ebi, Acting Regional Representative for Southern Africa for UNHCR,** welcomed conference participants and expressed her gratitude for the opportunity to engage in an important platform for addressing mixed and irregular migration in Southern Africa. On behalf of the Southern Africa Regional Representative for UNHCR, she thanked SADC governments for convening to address a common need for a regional approach to tackle mixed and irregular migration challenges. Mixed migratory flows include people traveling together but with different needs and for different reasons, such as children, refugees, and asylum seekers.

There is currently an emergency for migrant children, who make up more than half the total number of refugees. The submission of 24,000 refugee applications from children highlights the need to protect the rights of children and to ensure they have access to the asylum processes. The 2014 MIDSA concluded that the Dar Es Salaam action plan remains relevant and that the Regional Action Plan (RAP) must be pursued as a mechanism toward addressing mixed and irregular migration in the region. Ms. Modey-Ebi thanked those who are committed to the MIDSA process and to helping vulnerable people in our communities, and also thanked IOM and SADC for organizing MIDSA, UNODC and Save the Children for their valuable contributions, and senior officials for their commitment to the process. Finally, Ms. Modey-Ebi thanked the Government of Zimbabwe for hosting the meeting and called up on all participants to help create a welcoming, production-focused environment for vulnerable migrants.

**Ms Zhuldyz Akisheva, UNODC Regional Representative for Southern Africa,** welcomed participants and noted that it is a privilege to be a part of a regional gathering to discuss mixed and irregular migration, an issue of critical importance. UNODC is the leading agency against international crime and now that protection of UMC has been placed at the centre of the regional agenda, UNODC will help create links within its work. UNODC released a report indicating that Sub-Saharan Africa is the region with the highest incidence of child trafficking, most of which is domestic in nature. Many SADC countries have ratified protocol against the smuggling of migrants by land, sea, and air, but implementation should be strengthened. To this end, MIDSA should result in recommendations and an action plan that will help place preventative measures against smuggling of migrants. In closing, Ms. Akisheva thanked IOM and SADC for coordination of the conference and the Government of Zimbabwe for its hospitality.

**Mr Bernardo Mariano, Regional Director of IOM in Southern Africa,** welcomed the participants as migrants, noting that it is his fifth and last MIDSA before he migrates to Europe. He thanked participants for their sustained interest in IOM's work and paid tribute to commitments made by Member States to address migration issues in the region. Referencing previous MIDSA, Mr. Mariano noted that the dialogue is increasingly recognized as a valuable forum for advancing migration issues, such as health, TIP, and labour, through a regional approach. There is wide recognition that many migrants are making their way south, from other regions on the continent, using traditional and newly established routes. There is increasing alarm that UMC are within these flows, which have led to grave concerns and calls for action. Previous Ministerial MIDSA

resulted in an action plan for labour migration that was endorsed by SADC Member States. IOM has worked in close collaboration with governments to implement the plan, thus translating MIDSA into actionable outcomes. The 2010 Dar Es Salaam action plan was reviewed at the 2014 MIDSA and approved by Member States for continuation with some modifications to reflect current realities.

Mr. Mariano thanked partners for their coordination, SADC for serving as a vessel between MIDSA and formal SADC formal structures, the Government of Zimbabwe for continued engagement and enthusiasm, Namibia, Mauritius, Mozambique, and Malawi for organizing recent MIDSA, South Africa for its generous financial contributions, and the U.S. State Department for continued support. Other partners, including the Swedish International Development Cooperation (SIDA) and Save the Children, have also made contributions but the sustainability of MIDSA remains a critical issue. Before leaving the region, Mr. Mariano's greatest wish is to see operational framework put in place through endorsement of the action plan, which will help translate MIDSA recommendations into implementable action.

**Honourable Z. Ziyambi, Deputy Minister of Home Affairs for the Government of Zimbabwe** thanked officials from the Government of Zimbabwe for their role in hosting MIDSA and welcomed distinguished delegates and participants. He expressed his honour in being able to address an important and diverse group of migration experts on the topic of UMC protection, recognizing that most constitutions of the represented countries promote the best interest of the child. He recognized that there are risks associated with detention and lack of protection of irregular migrants and issues require analysis during the conference. While SADC leaves UMC care to member states, governments should adopt a regional approach to more effectively address the protection needs of children, including adequate reception facilities and family tracing services.

The Honourable Deputy Minister reminded delegates that at the technical MIDSA in Malawi in July 2014, SADC countries reviewed the 2010 action plan and concluded that it remains a relevant plan and should be incorporated into future regional plans. Senior officials discussed the issue of UMC and asked the MIDSA Secretariat to coordinate the drafting of a regional framework; he encouraged all participants to share both good and bad experiences during this process in order to build a robust protection framework that will be endorsed at the ministerial level. He expressed his gratitude to SADC, IOM, UNHCR, and UNODC for their collaboration with the Government of Zimbabwe in organizing the event. This collaboration must continue to ensure continuity of shared objectives.

## Towards the Implementation of the Draft Regional Action Plan to Address Mixed and Irregular Migration

**Mr. Bernardo Mariano, Regional Director of IOM in Southern Africa**, introduced the expected outcomes of the MIDSA 2015. Senior officials present for the first two days of the meeting were expected to brief ministers on the third day with concrete steps to take the agenda of addressing irregular and mixed migration forward. The MIDSA platform will also allow participants to deliberate on action-oriented strategies that take into account the protection needs of UMC as well as issues raised during previous MIDSA. New topics, such as migrants in crisis, will also be addressed. As part of the sustainability effort of the MIDSA process, delegates are also to discuss a funding mechanism for MIDSA. The ministerial statement prepared by delegates is meant to capture implementation of the Regional Action Plan and to facilitate links to relevant SADC structures, including the ministerial committee of the organ and include steps to be taken to improve protection of UMC. Delegates will also share challenges faced during implementation and learn from regional experience from both state and non-state actors. Recommendations will be summarized and put forward for ministerial endorsement on day three.

**Yitna Getachew, Regional Thematic Specialist at IOM**, provided an update on the status of the draft Regional Action Plan to address mixed and irregular migration in Southern Africa with a focus on UMC protection. After highlighting the chronology of its development and steps taken to date, Mr. Getachew offered a few options for taking the action plan forward. In short, the initial draft, which was based on research from the “In Pursuit of the Southern Dream” study, was reviewed and revised by Member States in 2014. By March 2015, the draft RAP was finalized and conveyed to the SADC Chair to initiate formal endorsement process. The Member States agreed that pending formalization of the full action plan, governments should begin implementation with a focus on the UMC protection section. A couple of options for the way forward include adoption of the draft RAP with or without amendments, recommendation for formal endorsement within SADC, and alignment of the plan with initiatives of the Ministerial Committee of the Organ (MCO) to avoid redundancy, and continuation of or hold on implementation awaiting formal endorsement. Mr. Getachew reminded delegates of the plan’s six pillars—legislation and policy, capacity building, operations, communication and outreach, data collection, and cooperation and coordination—and of the estimate budget for implementation, estimated at approximately USD 15 million for the period 2015-18.

The delegate from Namibia proposed presentation of the draft RAP to SADC country ministers with the understanding that additional modifications may be made to the document prior to finalization. The recommendations made during MIDSA will serve as best practices that can be tailored in a national context. Member States reached consensus on advancing the RAP for endorsement at SADC for alignment with MCO decisions, recognizing that MIDSA serves as breeding ground for ideas and initiatives that can be translated into formal action. Participants were asked to consider the following issues as the plan moves forward: coordination, financing,

citizenship, diaspora engagement, as well as how to integrate MIDSA into existing SADC structures.

**Plenary.** The delegates proposed that the RAP be presented to Ministers for endorsement and formally submitted to SADC. Resource mobilization for the RAP will be a joint effort between development partners and SADC Member States, under the leadership of IOM. The issue of statelessness was raised and delegates acknowledged it as part of the legislative and policy review pillar of the RAP; the current draft of the plan includes measures and references to existing international instruments. UNHCR is currently leading a 10 year campaign to end statelessness. While alignment with the SADC Organ for Politics, Defence and Security is an important step, the delegates discussed the need to strengthen the regional approach to migration through both formal and informal channels.

**Dr. Jane Muita, Deputy Country Representative for UNICEF**, provided a global overview on child protection issues and initiatives. UNICEF reviewed the RAP for areas of potential engagement. UNICEF discussed migration in terms of “children on the move” as a shift in migratory trends now reflects an increasing number of children. The “children on the move” approach is considered more holistic, as it includes all people less than 18 years of age who are leaving their home of residence, either internationally or within their home country, and protecting them throughout the migration process. UMC may be migrating for education, employment, or family unification while others are fleeing from war; all are vulnerable to exploitation. Due to insufficient data, UNICEF is looking toward indicators to better identify needs and trends. These include South-South migration, which does not garner as much media attention as South-North migration, despite being just as common.



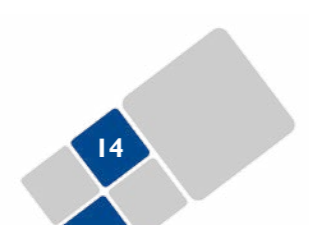
In 2011, UNICEF supported a number of countries in documenting children on the move. The resulting country-specific reports helped inform programming at the country level and coordination at the regional level. Regional policy frameworks are inadequate in guiding states on how to deal with children on the move, as evidenced by the detention of children for irregular status. There are instruments and examples that the region can reference, such as the Hague Conventions, which explicitly state how to handle certain challenges pertaining to children and detention. The region would benefit greatly from a public law framework that balances the need of vulnerable children within the larger migration context and allows children to participate in the process.

**Professor Benyam Dawit Mesmer, University of Western Cape**, presented the preliminary findings of a study on UMC being conducted in five countries—Botswana, Mozambique, South Africa, Zambia, and Zimbabwe. The study will offer a review of existing legislation and policy and identify gaps in protection of UMC. To date, promising practices have been observed in the target countries. The children’s rights imperative is supported by the fact that all MIDSA participants are states parties to the convention on the rights of the child. An emphasis on the term ‘child’ or ‘children is critical in the current discussion as the use of ‘minors’ can be complicated and does not always capture the nuanced needs among children.

It must be recognized that mode of transport also impacts vulnerability of UMC throughout the migration process as it often poses serious health risks to the child. While an emphasis of migration management will remain on law enforcement, UMC must first be seen as children; the penal focus should be on smugglers and traffickers. Existing data on child migration, most of which looks as children as part of a migrant family, is often very limited, outdated, and fragmented; however, the quantity and quality of relevant literature is increasing. Preliminary findings indicate that while children are particularly vulnerable, they also demonstrate strong resilience and adaptation skills. To date, the participation of children is limited in response and policy development.

**Plenary.** Delegates acknowledged that there is limited exchange of information and lessons learned in regards to UMC protection, and also a lack of disaggregated data. A stakeholder mapping exercise may provide clarity on what is being done and by whom within the child protection space. Another concern voiced by delegates is the credibility of asylum claims, as former combatants from countries in conflict seek refuge among those with legitimate claims.

The international community still lacks predictability measures and often only responds when the problem or need for protection is great. Incorporating predictability measures based on indicators may improve response efforts. In terms of the study, countries were selected based on available literature, available funding, and presence of staff. South Africa is the largest recipient country so findings from the country may ultimately offer a more complete picture through the inclusion of children from non-target countries.



## The Protection of Unaccompanied Migrant Children in the SADC Region

### Challenges Faced by Member States in the Protection of UMC

The delegation from **Malawi** outlined some challenges in addressing protection needs among UMC. In particular, the government finds it difficult to effectively identify UMC within its borders as many irregular migrants use unofficial routes and are only transiting through the country. In addition, financial constraints have resulted in limited facilities to accommodate UMC once they are identified. As other countries have noted, the absence of a comprehensive policy framework and weak data collection also limit response effectiveness.

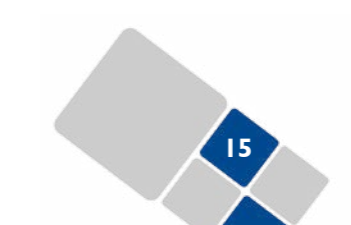
The delegation from **Tanzania** also reported having inadequate mechanisms for data collection and profiling of UMC, as well as weak coordination between government entities and service providers. A policy is currently being developed to enhance UMC protection.

The delegation from **Angola** noted that during the years of armed struggle, the country saw high levels of rural-urban migration. Mixed migration is currently regulated through various legal instruments, which require minors to travel with written parental approval and criminalizes TIP. This law is strictly enforced, applicable to the relevant adults/guardians, as the government has mechanisms to identify fake documents. As a result, many migrant children have been barred from leaving the country. A national institute for UMC takes care of victims of trafficking as well as other vulnerable children, supported by an inter-ministerial action plan to fight human trafficking.

**Mauritius** has only two ports of entry—one sea port and the airport—which makes it easy for the Government to regulate migration. There is no specific legislation to address smuggling of migrants, but the existing legal framework enables authorities to deal with cases under the civil code, the immigration act, and the deportation act. The delegate from **Seychelles** noted that there have not been any reported challenges in regards to UMC protection as most minors arrive with an island escort who takes responsibility for the child; UMC must have an affidavit from his/her parents. **Madagascar** is larger than the other Indian Ocean islands, with 5,000 kilometres of coastline that allows for easy and unregulated entrance into the country. There is not an official registry of UMC but the government is revising its migration policy to expand protection elements.

The delegation from **Lesotho** presented on behalf of Lesotho, South Africa, and Swaziland. UMC suffer from stress and anxiety and are not well integrated at schools as a result of a lack of resources for materials, which often leads to a loss of family values and engagement in negative behaviours and school dropout. A lack of understanding in host communities may lead to tension and prevent UMC from approaching authorities with requests for assistance.

The delegation from **Mozambique**, presenting on behalf of Mozambique, Namibia, and





Zimbabwe, identified five primary challenges related to UMC protection: first, creating conditions of retention in counties of origin; second, training of authorities in investigation and service provision; third, sufficient allocation of resources for reception and counselling of UMC; fourth, limited bilateral and multilateral coordination; and fifth, a lack of awareness among vulnerable populations about the dangers of irregular migration.

The delegation from **Zimbabwe** remarked that socio-economic challenges are a driver of irregular migration and make those children who do opt to migrate more vulnerable to trafficking. Family reunification, particularly for children whose parents are foreign nationals, remains as challenge. Programs to protect UMC are more reactive than preventative. In **Zambia**, language is a barrier to effective service provision, as is limited facilities to accommodate UMC. Additionally, UMC do not always cooperate with authorities, making it more difficult to identify trafficking activities.

**Melinda van Zyl and Gilles Virgili of Save the Children Southern Africa** provided an overview of challenges and an update on the current state of play on the protection of UMC in the region. Save the Children is currently implementing a project to protect 80,000 children at risk of unaccompanied migration in Mozambique, Zambia, and Zimbabwe, where it aims to strengthen protection systems by focusing on integration and returns for UMC as well as improved management and response. While protection mechanisms do not always respond to the most vulnerable, the action plan for MIDSA must recognize the need for strengthened child protection systems in addition to policy development. Progress has been observed in cross-border mechanisms, such as the working group between Mozambique and Zambia. While awareness of risks among children may be an effective means of promoting safe migration, push factors remain and require urgent action.



The “Jozi Lights Study” focused on six urban centres over an eight-week period, targeting 96 migrant children from different countries. Of the UMC surveyed, 29 percent were younger than 15 years of age and 41 percent were working full time. The study found that the youngest UMC worked the longest hours and that girls from rural areas were the least likely to attend school. In South Africa, the primary destination country in the region, the majority of UMC are not identified or referred to protection service providers. Given the irregular manner in which children enter the country, many are invisible to social services. For those who are in the system, temporary placement often becomes a long-term solution. A lack of clear procedures regarding documentation limits access to services, such as education, and family tracing and reunification is often done on an ad hoc basis.

Save the Children provided the following recommendations: improve child protection in urban areas and, to the extent possible, prevent cross-border migration of children; strengthen child protection systems, which may include assisting working children through engagement with employers; and address household vulnerability in countries of origin.

**Plenary.** The delegation from South Africa noted the absence of discussion on determination of the best interest of the child and noted that family reunification, usually the preferred option, is handled through the courts as per the relevant legislation. Angola noted that UMC often arrive in the country in degrading conditions and without documents to assist with return efforts. In addition, some UMC have committed crimes, which poses an additional challenge for the government. Save the Children noted that the social workers responsible for the care of UMC are often not well versed in refugee protection and miss opportunities for appropriate referrals. For non-refugee children, documentation is often a barrier to services and while reunification is often in the best interest of the child, it is not always possible. Delegates questioned how countries may jointly address and coordinate family reunification and how to handle cases where family reunification is in fact not in the best interest of the child.

### Regional Experiences on UMC Protection

**Mr. Laurence Hart, Head of Migrant Assistance Division at IOM Headquarters**, provided a global overview of IOM’s work on UMC matters, providing a model that can be applied and replicated in various country contexts. Protection and assistance of UMC is necessary, not only in terms of international obligations but also due to the high social costs associated with failed citizens who will later be unable to positively contribute to society. IOM provides assistance to stranded migrants and victims of trafficking and between 2012-2014, 23 percent of assisted migrants were UMC. The four potential solutions available to UMC are return to country of origin, local integration, resettlement in a third location, or adoption. Returns must be consistent with rights of child to ensure safety and access to education and health. Where returns are not possible, local integration must be based on a legal status as a resident. Resettlement is appropriate only if it is the only means to ensure protection of the child. Adoption is the last option and requires

parental consent that is not induced by payment.

The minimum actions required for the care and protection of UMC include: identification, registration (issuance of identification documents and a gender-sensitive interview that is conducted in a language known to child), family tracing (commenced as early as possible even if reunification is not immediately possible), appointment of a guardian, accommodation, access to quality education (maintained throughout migration cycle through local schools and vocation training), and health (same level of access to health care afforded to national children). Detention of child migrants cannot be justified solely on migration status.

An interagency group for children on the move (IGCM) was created in 2011 to facilitate coordination and collaboration between international actors, support research and data gathering, increase visibility on children on the move in key policy development spaces and events, promote development of child protection mechanisms in corridors where children move, and ensure children on the move participate in the process. Mr. Hart offered an example of a best practice for child protection from Moldova, where a national referral system brings together competencies of many stakeholders to ensure victims of trafficking have access to comprehensive assistance.

#### **Government Efforts towards the Protection of UMC, Governments of Zambia, Zimbabwe, South Africa**

In Zambia, the government is working very closely with UN partners to address the needs of UMC, particularly in regards to counter trafficking. A technical working group was established in 2013, comprising government, UN, and civil society stakeholders. Following a series of activities, the first national consultation on child trafficking was hosted by Zambia in 2014, during which tools for protection for victims of trafficking were launched by the president. Frontline officers have been trained on irregular migration and a strategy has been developed to ensure the general public receives information on key issues and national legislation addressing the needs of migrant children is under review for revision as to align it with international standards. Zambia hosted a regional consultation in May 2015, which was attended by Angola, DRC, Malawi, Mozambique, South Africa, Tanzania, and Zimbabwe. The immediate results of national and regional consultations include improved coordination with partners in the country, timely identification of UMC in need of assistance, enhanced resolutions towards durable solutions, and a better understanding of migration dynamics.

In Zimbabwe, the Department of Child Welfare and Protective Services is mandated to provide protection services to vulnerable children. In compliance with a number of international and national policies and acts, Zimbabwe offers UMC protection services, bilateral communication support, special consideration during deportation, and reception and interim care. SOPs serve as guidelines for protection of UMC and separated children to help ensure international standards are met during service provision. The Department of Children and Social Welfare is responsible

for UMC protection and closes a case only when a child has been reunified with family for six months.

South Africa has a procedure for dealing with minors, UMC, and refugee children that focuses on children from other areas of South Africa, foreign children in South Africa, and South African children traveling abroad. It was noted that no child travels without the assistance of an adult. Per the legal framework in South Africa, children are entitled to visas and can travel with parents as long as an unabridged birth certificate and copies of parents' identification documents are provided. Children are also entitled to asylum seeker status, the procedure for which requires a referral from the Department of Home Affairs to the Department of Social Development. Social services for UAM are facilitated through grants and access to safe homes.

**Plenary.** Delegates raised a number of questions regarding UMC protection, including what instruments are used to determine the best interest of the child, if responsibility for guardianship falls to institutions or individuals, and whether local community members may adopt UMC. The potential pull factor related to possible resettlement in a third country was highlighted in reference to Burundians who may wish to resettle in the U.S. following the recent political violence.

Best interest determination is challenging when influenced by prevailing cultural norms. A multi-disciplinary approach is the best option; it is important to ensure all available expertise is applied. Cases should rely on qualified personnel who are trained in judicial issues and child care and can determine whether the UMC is a victim of trafficking. However, in practice, the process of identification and care of UMC is a challenge. In South Africa, the appointed guardian of UMC can be a qualified NGO or an individual. IOM does not have a high case load for resettlement but there may be a myth that it is a realistic option. IOM is eager to work with governments to find solutions, such as AVRR, for stranded migrants who are not eligible to stay in a country of destination. Supporting the reintegration process is a policy option that helps protect returnees as coming back empty handed can lead to discrimination and stigma.

Zimbabwe recommended the one-stop border post as a possible solution to avoid duplication of processes and provided the Kaza visa—a pilot project between Zambia and Zimbabwe—as an example of how cross-border coordination can have bilateral benefits as it facilitates the movement between countries.





## DAY 2

### DAY 2

#### Mapping the Way Forward

**Ms. Ingrid Zuniga Menjivar, a representative from the Ministry of Foreign Affairs of El Salvador,** provided an overview of the Puebla Process and shared highlights from the Latin American experience of multilateral coordination. The Regional Conference on Migration (RCM), also known as the Puebla Process, was established in 1996 and currently has 11 member states and several observers, including countries of origin, transit, and destination as well as private sector stakeholders. RCM decisions are non-binding but provide a framework for continued regional cooperation.

The RCM structure includes vice ministers responsible for labour and foreign affairs at the high level and a regional working group on migration comprising principal secretaries supported by consular and counter-trafficking networks. The three central themes of the RCM are human rights, migration and development, and migration policy and management; the three are closely linked and are applied in the areas of natural disaster relief, gender equality, health, and UMC protection.

The number of UMC in the U.S. is so high that President Obama has declared it a humanitarian crisis; in 2014 alone, more than 52,000 UMC were intercepted in the US. There is not yet a formal UMC network within the RCM but a UMC ad hoc group has come up with regional guidelines for early profiling of child migrants with the support of IOM, ILO, HCR, and UNICEF. The next step will be to host the group's third meeting in August 2015 to discuss a comprehensive protection handbook for children and a training course on best interest determination for migrant children.

**Mr. Yitna Getachew** briefed participants on the status of implementation of MIDSA recommendations and MIDSA sustainability plans. The sustainability plan has two components: the dialogue itself and implementation of the recommendations. In the 15 years since its inception, MIDSA has produced a number of recommendations that have not always translated to action and the way in which MIDSA interacts with formal structures is the subject of much discussion. MIDSA helps set ground for cultivating ideas but remains an RCP so the recommendations are non-binding. The benefit of the structure is that states have a platform for open discussion; MIDSA was one of the few fora that would openly discuss TIP when it was considered too sensitive and now many states have counter-trafficking acts and national action plans.

Previous MIDSA meetings in Blantyre and Dar Es Salaam led to the current MIDSA action plan. Based on the regional labour migration, which was conceived, developed, and elaborated through MIDSA then taken up by SADC and is now being implemented, there is a clear value to this process but donors have commented on the lack of contributions from member states. MIDSA participants need to ensure that the engagement and ownership demonstrated during

meetings also leads to action. IOM acknowledged South Africa's continued contributions during a display of a graph that showed a discrepancy between levels of commitments/pledges and actual contributions. IOM will continue to lead resource mobilization efforts but cannot do it alone and encourages member states to identify a funding mechanism or to develop a fundraising strategy.

### **Group Work: Input into the Statement by Ministers on the Protection of UMC**

Breakout groups generated ideas for input into the Ministerial Statement. The following is a summary of group presentations made in plenary.

Lesotho, South Africa, and Swaziland highlighted the need to develop a regional policy framework to guide new policies related to UMC protection. Elements would include a) benchmarking b) review of existing frameworks c) overview of best practices, including on awareness-raising, and d) business sector engagement. The delegates encourage the use of existing agencies within protection systems to build capacity and improve information sharing within and between countries. MIDSA should be more aligned with existing policies and structures. To this end, the delegates believe that migration should be a standing item on the SADC agenda. To ensure sustainability, the country that hosts MIDSA will assume financial responsibility of the meeting. It is put forward that the MIDSA recommendations be endorsed by the ministers and implemented with support of neighbouring countries and international organizations.

Malawi, Tanzania, and Zambia emphasized the need for continued dialogue to review efforts and progress made to date in translating plans into action. This can be achieved by fostering regional cooperation to address specific national and cross-border challenges, including push factors that put people in general, and children in particular, in danger. The delegates encouraged all participants to lobby SADC to adopt the RAP as one of the instruments for addressing the mixed and irregular migration challenges in the region. Member states are encouraged to make provisions in relevant ministry budgets to support implementation of RAP at the national level. Within 18 months, member states should mobilize key stakeholders working in the areas of child protection to form task teams that will spearhead immediate implementation. SADC countries may consider adopting the Zambia model for the referral mechanism.

The Indian Ocean countries of Madagascar, Mauritius, and Seychelles noted the recommendations of individual states but remarked that efforts have not always translated into regional level implementation, perhaps due to a lack of coordination. In terms of next steps, the delegates recommended the finalization and endorsement of the RAP and its integration into formal structures at SADC. The RAP should be aligned with SADC plans and member states should honour commitments on an annual basis to fund the action plan. A mechanism should be put in place to identify and report cases of UMC to relevant authorities through capacity building and targeted awareness-raising campaigns, particularly in Madagascar.

Botswana, Namibia and Zimbabwe encouraged continued coordination to address migration challenges and also recommended adoption of the action plan. The SADC Secretariat is urged to mainstream the action plan points into priority areas and use it as a tool for resource mobilization. It is recommended that SADC establish a migration desk to enhance monitoring and evaluation efforts.

Angola and Mozambique echoed the other groups in its support for adoption and implementation of the action plan in order to facilitate the movement of people. Origin and destination countries can and should share experiences through both bilateral and multilateral dialogue. Protocols for harmonization of migration policies between states at the regional level should be negotiated. To improve protection of UMC and strengthen protection measures, cooperation between different agencies in the region is critical, particular in regards to trafficking of women and children. The role of IOM in coordinating efforts to mobilize and allocate funds should be recognized and supported.

In summary, all participants acknowledged existing efforts and recommended that the action plan be endorsed and aligned with existing SADC initiatives and structures. Delegates also encouraged member states to incorporate elements of the RAP into national action plans and agreed on the need to prioritize UMC protection, highlighting the need to develop policy frameworks at both regional and national levels. In terms of sustainability, delegates recommended that MIDSA be more formally aligned with SADC structures, adding the migration should be a standing item on the SADC agenda.





## Complimentary Efforts for the Implementation of Draft Regional Action Plan

**Amanuel Mehari, Mixed Migration Officer at UNHCR**, presented on work being done by UNHCR to expand protection space and ensure the rights of individuals are protected. UNHCR is helping to protect 600,000 people of concern in the region and is developing an internal draft action plan to guide country offices in an effort to support one holistic regional response. The basis of the response is refugee law and the organization's ten points of action. The UMC work emanates from guidance from Committee on the Rights of the Child and other relevant policies, which include best interest determination. Within legislative and policy measures, UNHCR works in six thematic areas that are directly aligned with six pillars of the RAP.

**Ms. Samantha Munodawafa, Regional Legal Advisor at UNODC**, provided an overview of activities being implemented in the region to strengthen counter trafficking efforts with a focus on investigation and prosecution of those who benefit from smuggling and trafficking activities. UNODC's 2014 trafficking report included inputs from nine SADC member states but gathering data related to TIP remains a challenge. One striking findings from the report is that 73 percent of VOTs were children, mostly girls. Trafficking in the region is primarily domestic in nature—rural to urban—and cross-border within the SADC region, though VoTs from Asia and the South Pacific have also been identified.

UNODC Southern Africa works under an MOU with the SADC Secretariat and works primarily in nine countries and serves as the guardian of international crime by assisting members to lay the foundation for action against traffickers. Assistance comes in the form of support to draft legislation, consult with stakeholder groups, develop SOPs for victim referral, create materials to guide revisions of relevant laws, establish task teams for operations, and support development of policy and action plans. It is difficult to accurately measure the extent of the problem, the analysis of which informs policy, but UNODC is working with governments to improve data capture. UNODC has piloted a project in Swaziland and Lesotho to collect data and leads TOT for law enforcement officials on different aspects of investigating and prosecuting TIP crimes. Smuggling of migrants and integrated border management are closely linked and must be jointly addressed. To this end, UNODC also reinforces migrant protection through support to local authorities in areas of high migrant population to build their capacity to respond positively and to increase community-based policing.

**Ms. Sikhulile Dhlamini, Irregular Migration Project Coordinator at IOM Southern Africa**, provided an overview of IOM's regional efforts to assist vulnerable migrants. IOM defines mixed flows as complex population movements including refugees, asylum seekers, economic migrants, unaccompanied and separated children and other migrants. In essence, mixed flows concern irregular movements, frequently involving transit migration, where persons move without the requisite documentation, crossing borders and arriving at their destination in an unauthorized

manner. While IOM implements a number of projects in the region, including on health, labour, and diaspora, this presentation focused on one particular project, the goal of which is to support governments in the SADC region in managing migration in a humane and orderly manner. The primary components of this project include capacity building, assisted voluntary return (AVR), MIDSA, UMC protection, and interagency cooperation.

Capacity building activities include the development of a regional training curriculum for frontline officers focused on identification and referral of irregular migrants, including victims of trafficking and UMC. AVR helps ensure the rights of the migrant are protected and offers governments a more humane and cost effective alternative to deportation. At the regional level, MIDSA helps foster and promote inter-governmental cooperation in the region and had led to concrete outcomes, including regional action plans. Through support to forums and research, IOM is helping to advance regional protection measures for UMC. Finally, through facilitated interagency cooperation, IOM is able to provide verification of nationality for vulnerable and stranded migrants and assist in returning them to countries of origin, as well as strengthen the capacity of officials involved in providing services to migrants to effectively identify and refer them to competent authorities for assistance. Partners in this project include participating governments, UNHCR, UNODC, Save the Children, and other migrant service organizations.

**Plenary.** Delegates sought clarity from UNODC in regards to mechanisms used to gather information, noting that while tools exist, data collection continues to be a challenge, and inquired about where the gaps are in terms of identifying trends. UNODC noted that data for the report is collected through permanent missions worldwide; therefore, the responses vary and are dependent on the level of interest of the person responding to the request for information. UNODC aims to provide authoritative figures for the region but they inevitably vary. One issue is that stakeholders with relevant information do not always communicate so data from different agencies is not always compiled for reporting purposes. Ratification of the international convention adopted by UN general assembly to address TIP and smuggling comes with obligation to report on figures. The tools that have been developed are based on best practices and analysis of existing treaties and provide suggestions on how member states can adopt core aspects into national legislation.

## Update on Ancillary Matters

**Mr Arnold Chitambo, Senior Programme Officer at SADC**, provided background and an update on the regional labour migration action plan, the goal of which is to harmonize regional labour migration policy to protect migrant workers and enhance regional cooperation. At the 2012 MIDSA in Mauritius, member states recommended a policy and legal framework for labour migration that was drafted and refined by the TWG in December 2012. In May 2013 ministers from Home Affairs and Labour approved the action plan, which was endorsed by SADC in July 2013. The plan is now under implementation. Of the 13 expected outputs, three have been

delivered, significant milestones have been realised for eight, and implementation is scheduled for the remaining three in 2015/16. All outputs have been included for delivery within the context of the revised SADC RISDP-2015/2020 adopted at the SADC summit this year.

Delegates acknowledged progress made to date on the labour migration action plan but inquired about ways in which to increase the speed of implementation. While SADC is supportive of the action plan, implementation is ultimately up to member states who manage activities at the country level and capacities to implement vary greatly within the region. It was recommended by the delegates to include acknowledgement of SADC's contributions to labour migration efforts in the ministerial statement and encourage SADC to show the same level of support for the current RAP.

**Ms. Maureen Achieng from IOM Headquarters** introduced the Migrants in Countries in Crisis Initiative (MICIC) and welcomed inputs in what is an iterative process. Over the last ten years, the world has seen the link between migrant protection and crisis on a larger scale. Two recent examples include the Libya crisis in 2011, during which 800,000 migrants, most of whom were from Sub-Saharan Africa, fled the country, and the earthquake and tsunami in Japan in 2012, at which time 700,000 foreigners were located in affected areas. The objective of MICIC is to save lives by ensuring ready and unimpeded access to all people in affected areas regardless of migration status and to protect human rights. To achieve this goal, MICIC is looking at non-binding guidelines and effective best practices for both governments and migrants to improve the response of stakeholders.



The MICIC was created to ensure affected migrants receive assistance and support in countries affected by conflict or natural disasters particularly in situations of mass movement. MICIC was initially set up to look at how states could be better capacitated to plan and deal with crisis in a way that ensured migrant rights and dignity. The focus is on migrants as they often face pre-existing vulnerabilities or are unable or unwilling to leave the country in the way citizens may be able to, unable to access humanitarian assistance, subjected to discrimination, or targeted for exploitation. The initiative is co-chaired by the governments of the Philippines and the US. A working group comprises Australia, Bangladesh, Costa Rica, Ethiopia, the E.U. and a number of non-governmental and UN partners. IOM serves as MICIC Secretariat.

MICIC identifies and examines the issue and collects an evidence base, outlining the roles and responsibilities of various actors, including origin, transit and host states. Questions MICIC aims to answer include: what is included in an employment contract to protect migrant workers and what is the role of the employer to support repatriation in times of crisis? MICIC is not intended to replace existing refugee protections structure that work well. Rather, it is meant to be applied in pre, during, and post crisis phases as the humanitarian imperative should continue to drive the response. MICIC is only now getting under way; therefore no guiding principles have been finalized. MICIC is not binding but is a set of suggestions on how countries in acute crisis might want to act to mitigate vulnerability and suffering. Looking forward, MICIC will engage with RECs across the globe, facilitate stakeholder consultations, host webinars, issue briefs, and develop evolving guiding principles and effective practices documents.

Countries that are interested in crisis preparation vis-à-vis migrant protection can examine existing procedures to take account of non-nationals and also for nationals residing in other countries. Migration is on the rise so migrants in particular may need special attention within existing frameworks.

## Preparation of the Ministerial Statement

### Plenary: Exploring the Next Priority Area in the Implementation of the Draft Regional Action Plan

In light of the timeframe for the next ministerial MIDSA, to take place in 2017, delegates discussed potential focus areas for prioritization during the next phase of implementation. The delegate from Zimbabwe offered statelessness as a potential area of focus, noting that member states must document their own nationals for traceable records of country of origin to help immigration services. IOM proposed a number of other options for consideration as statelessness is included in the draft RAP under policy and legislative review pillar and UNHCR is currently implementing a ten year plan to eradicate statelessness.

The three thematic areas that emerged from the discussion include statelessness, detention, and returns. The issue of migrants in detention and lack of due process and limited alternatives to detention, such as AVR, was a recurring theme throughout the discussion. A few delegates



suggested continuing to prioritize labour migration to ensure complete implementation as the current action plan expires in 2015. It was noted that the timeframes of the action plan on mixed and irregular migration are based on consensus from the December 2014 Technical Workshop. Activities might be delayed as action often lags behind dialogue so this opportunity to identify another focus area should not be missed. A delegate observed that delegates may support the immediate implementation of some recommendations, such as those related to research, but do not have the authority to address others.

**Plenary: Presentation and Revision of the Draft Ministerial Statement on UMC Protection**

Vincent Williams, a migration expert contracted by IOM to support the MIDSA process, prepared a draft statement for presentation to the ministers based on the discussions led by the delegations. Delegates reached consensus on the proposal to ask ministers from their respective countries to endorse the RAP and help ensure its implementation. The statement will not include specific recommendations on how to implement the plan because this level of detail will be included in the full report. During the plenary session, delegates went through the draft statement line by line and provided feedback on language, content, and structure for immediate revision. It was confirmed that senior officials would clear the draft statement prior to presentation to the ministers.



**DAY 3**

## DAY 3

### Opening Session

**Mr. Matshiya, Permanent Secretary at the Ministry of Home Affairs for the Government of Zimbabwe**, welcomed Ministers, Principal Secretaries, official guests, and partners and provided opening remarks for the ministerial session of the 2015 MIDSA. During the first two days of the meeting, SADC governments and international partners deliberated on the needs of UMC in mixed and irregular migration flows in the region, sharing challenges and lessons learned regarding ensuring the best interest of the child and have developed a set of recommendations for ministerial approval.

**Mr. Stephen Sianga, Director of Social and Human Development and Special Programmes at the SADC Secretariat**, conveyed his gratitude and appreciation to the Government of Zimbabwe for hosting the MIDSA conference with focus on protection of UMC. He thanked IOM, UNODC, and UNHCR for their cooperation. While migration is not new to the region, shifting demographic trends pose a challenge to governments and must be addressed. A revised strategic plan for 2015-2020 will reflect this and also the shift in the migration debate from control/restriction to facilitation/management. Consequences of poorly managed migration include but are not limited to security threats, weak interstate relations, and social tension. SADC Member States should harness diaspora and migrant contributions to support development efforts. Mr. Sianga commended the measures already taken by both sending and receiving countries in the region and reiterated the commitment of SADC to fulfil its mandated role in supporting MIDSA and Member States in addressing migration challenges with a view to enhancing economic prosperity and regional integration.

**Ms. Veronica Irima Modey-Ebi, UNHCR Acting Regional Representative for Southern Africa** welcomed guests and recognized the significance of addressing the critical issue of mixed and irregular migration, especially in a year marked by an increase in persons fleeing conflict and challenging conditions. A paradigm shift is taking place during which forced displacement is occurring at unprecedented levels. She thanked the countries represented for their commitment to the protection of refugees and asylum seekers. The focus of deliberations that draw attention to the needs of UMC within the larger framework is timely given that children make up more than half of refugee population. There is a need to balance protection with law enforcement, but it has been shown that harsh restrictions do not work and actually result in hurting the most vulnerable while benefitting smugglers and traffickers. A comprehensive regional approach is needed as most countries in the region are of origin, transit, and destination. UNHCR remains committed to supporting Member States in the development and implementation of a regional response.

**Ms Zhuldyz Akisheva, UNODC Regional Representative for Southern Africa** noted that it is a great honour to speak on behalf of UNODC during these deliberations and acknowledged the engagement of delegates in discussions on mixed and irregular migration flows, which open doors for crime, corruption, and exploitation that treats people as commodities. UNODC's bi-annual report found that 73.5 percent of VoTs in Sub-Saharan Africa are children and that most trafficking activities in the region are domestic in nature. To improve both national and regional level response, information sharing and cross-border cooperation among relevant departments must be strengthened. The MIDSA process benefits from the involvement of professional networks and it is her hope that it will continue to reinforce country-level efforts. Ms. Akisheva thanked Member States and partners for their cooperation in addressing the challenge and the Government of Zimbabwe for hosting MIDSA.

**Mr. Ovais Sarmad, Chief of Staff for IOM**, welcomed participants, conveying greetings from the IOM Director General, and shared his personal views on migration based on many years of experience with IOM. Today, migration is high on the global agenda but the international community should not try to break the phenomenon into statements or remarks and lose sight that the discussion is ultimately about human beings with expectations and needs. It is not an issue to be resolved but rather an important enabler of development.

The theme of mixed and irregular migration is not only timely but of critical significance. There are currently an unprecedented number of people on the move, with one in seven people in the world in a migratory status. Many are fleeing conflict and crisis, or seeking better living conditions leading conditions, leading to mixed flows that include an astounding number of children.

There is a pressing need to address mixed and irregular migration and IOM works very closely with Member States to address legal and operational challenges. Recognizing that migrants only take perilous journeys in light of limited opportunities for regular migration, criminal enterprises benefit from the lucrative demand for facilitated movement. It is encouraging to see that the Southern Africa region is leading a joint approach as only a high-level response to the scale of the problem will help protect vulnerable migrants. In addition to supporting regional efforts, IOM remains available to partner with Member States in addressing migration challenges at the country level. In Africa, 57 countries are members of IOM, which provides Member States with guidance to ensure migration is humane and safe. IOM does not create new standards and norms but rather builds on existing commitments and instruments.

The draft Regional Action Plan contains the main ingredients necessary for effective migration management. UMC protection features in the document and that a specific component of the action plan is already under implementation is a promising development. Migration is inevitable and in fact desirable if managed through humane and responsible policies. Migration is not a problem to be solved but a reality to be managed through a balance of human rights and



sovereign responsibilities.

**Honourable Kembo Mohadi, Minister of Home Affairs for the Government of Zimbabwe,** welcomed ministers and distinguished guests to the third Ministerial MIDSA meeting. He recognized the importance of the conference and need to sustain the dialogue as vulnerable migrants are in need of protection from all participants. The issue raises legitimate questions about state sovereignty and stay of migrants. Irregular migration gives rise to real or perceived threats that lead to tightening of borders and deportation of irregular migrants; measures that have had limited impact and may actually have resulted in weakened protection for the most vulnerable. Dangerous scenarios are often worse for children that are pushed into migration by a number of factors that lead them to situations of sexual abuse and incarceration. A number of initiatives have already been led in Southern Africa region that recognize children's rights.

It is encouraging to note that following previous conferences, SADC Member States have taken up the protection needs of UMC as a priority area. There is certainly a lack of knowledge and research in this area as well as insufficient response to complaints and weak coordination. Best practices and lessons learned shared in the first two days of MIDSA will help advance the regional action plan and activities that enhance protection of UMC. The Honourable Minister emphasized the need for regional cooperation in protecting UMC under the agreed-upon framework and feedback shared at the conference. The consultative process should continue as governments address migration issues as it is only through dialogue and common purpose will the region be effective. On this note, the Honourable Minister declared the Ministerial meeting officially open.



## Ministerial Statement Review and Summary Presentation of Deliberations

During this session, the IOM Regional Director for Southern Africa presented the statement line by line for Ministerial review and comments. All requested changes were made in real time and the revisions reflected in an updated draft for further consideration.

### Discussion and Endorsement of Ministerial Statement

**The Honourable Minister of Home Affairs from the Government of Namibia** noted that some refugees have committed serious crimes in host countries and inquired about the protection requirements in these cases. **The Honourable Vice Prime Minister of DRC** noted that such people should be sent to their countries of origin to be arrested as they cannot be allowed to commit crimes with impunity. While it is recognized that refugees are victims of persecution, criminal activity must be appropriately and adequately addressed. **The Honourable Minister of Home Affairs from the Government of Botswana** noted that the focus of the region's efforts should be on protecting genuine refugees, not criminals, as criminals should be handled according to the national law. **The Government of Zimbabwe** urged Member States to improve screening of refugees in collaboration with Interpol and through local law enforcement and protection agents to ascertain validity of asylum seeker status, acknowledging that some criminal migrants will inevitably slip through the screening process.

**The Honourable Minister of Home Affairs for the Government of Malawi** expressed his sincere gratitude to the Government of Zimbabwe for its hospitality and stated that Malawi joins the other Member States in support of the statement. He observed that points for immediate action related to UMC protection will be pursued prior to adoption of the regional action plan and sought a better sense of collaborative efforts. Malawi recently enacted anti-trafficking legislation and is developing citizenship policy and looks forward to future collaboration within the region. Reiterating a point made during the conference, he noted that it is indeed important to view migration as an enabler of development.

The Malawi delegate reiterated what IOM Chief of Staff, Ovais Sarmad, noted in his remarks, that migration is not just about numbers, but about human beings with expectation and needs. The delegate expressed his belief that the spirit of the meeting was to address immediate needs among the most vulnerable, especially UMC, who do not get the attention they deserve.

Recognizing the efforts of the senior officials, the Minister from Botswana raised questions about the RAP, including to what extent it relates to the relevant SADC protocols and how to best ensure that the two are mutually reinforcing as to enhance regional ownership. He also raised the issue of sustainability, noting that SADC collects annual membership dues that could potentially support implementation of the action plan but flagged implications for fee

adjustments. The delegates agreed that UMC protection should be included in the SADC budget but how to accomplish this remains unclear. IOM confirmed that it will continue to lead resource mobilization efforts in close coordination with partners. Once the regional action plan is approved by SADC, the SADC Secretariat will provide additional support as it did for the Labour Migration Action Plan. The timelines are achievable and realistic but the represented governments would have to move the timelines up one year if activities are postponed pending formal adoption. Within this timeframe, IOM will work on resource mobilization and begin implementation of certain aspects, including UMC protection.

SADC Officials acknowledged the points raised by the delegation from Botswana on the nature of funding, some of which had already been addressed by IOM. The Protocol on Facilitation of Movement of Persons is a signed legal instrument on which cooperation on matters of movement is based; therefore, any additional instruments or initiatives should be implemented within that framework. The regional action plan should be consistent with the instrument, not the other way around. It is for this reason that officials recommended that the action plan be aligned with SADC structures. The draft budget provides an estimate and will be further scrutinized by the SADC Secretariat.

**In conclusion**, Ministers, Deputy Ministers and Senior Officials representing their governments endorsed the Regional Action Plan on Mixed and Irregular Migration as a feasible framework to address the complex challenges of irregular and mixed migration with the understanding that recommendations on protection of unaccompanied migrant children will be prioritized. Furthermore, Ministers recommended that preliminary work on statelessness, alternatives to detention and return should be pursued. Ministers and Deputy Ministers proceeded to sign the Statement.

### Closing Session

**Mr. Ovais Sarmad, Chief of Staff, IOM**, provided concluding remarks, noting that it is heartening to see the level of engagement demonstrated during the MIDSA conference and the adoption of the Ministerial statement. He cautioned participants on the use of criminalization language in the migration management process as there is already a high level of xenophobia in the media. However, governments must also ensure criminals do not hide behind protection mechanisms.

With regards to the budget, IOM will do all it can to operationalize this Ministerial statement. The immediate nature of implementation does not necessarily imply an expectation that it will be immediately operationalized by delegates but that it gets cascaded into different levels of the represented governments and organizations. The adoption of the statement sends a loud and clear message on the region's commitment to addressing migration issues in a collaborative manner and the meeting has paved the way for concrete actions on migration governance more broadly. Mr. Sarmad reiterated the need for sustained efforts and encouraged participants to

maintain the momentum required to take this forward.

**Honourable Minister Mohadi** provided closing remarks on behalf of the Government of Zimbabwe, recognizing that MIDSA is an important platform for discussing critical issues related to mixed and irregular migration. During the meeting, participants learned of efforts from colleagues in Latin America and if impacts felt in other parts of Africa. Given that the most vulnerable members of society have become part of migration flows, often facilitated by those who benefit from their vulnerability, SADC governments should promote evidence-based policies. The Honourable Minister saluted cooperating partners and welcomed their continued support to Member States in efforts to obtain insights into these key issues and encouraged Member States to implement UMC protection programs in line with the regional action plan.







# ANNEXES

## Annex I: MIDSA Programme

<b>MIDSA</b>		
<b>Migration Dialogue for Southern Africa</b>		
<b>Addressing Mixed and Irregular Migration in the SADC Region:</b>		
<b>Protection of the Unaccompanied Migrant Child</b>		
<b>Victoria Falls, Zimbabwe; 7- 9 July 2015</b>		
<b>PROGRAMME</b>		
<b>July 6, 2015 - Arrival of Guests and Welcoming Reception at 19:00</b>		
<b>Day 1</b>		
08.00 – 08.45	Registration of Participants	
<b>Opening Session</b>		
<i>Chaired by the Government of Zimbabwe</i>		
09.00 – 09.10	Welcoming Remarks	Ministry of Home Affairs, Zimbabwe
09.10 – 09.20	Remarks from the SADC Secretariat	Mr Stephen Sianga, Director of Social and Human Development & Special Programmes
09.20 – 09.25	Remarks by the United Nations High Commissioner on Refugees (UNHCR)	Ms Veronica Irima Modey-Ebi, UNHCR Acting Regional Representative for Southern Africa
09.25 – 09.30	Remarks by the United Nations Office on Drugs and Crime UNODC	Ms Zhuldyz Akisheva, UNODC Regional Representative for Southern Africa
09.30 – 09:40	Remarks by the International Organization for Migration (IOM)	Mr Bernardo Mariano, IOM Regional Director for Southern Africa,
09.40 – 10.10	Keynote Address	Hon. Z. Ziyambi, Deputy Minister of Home Affairs, Zimbabwe
<b>10.10 – 10.30</b>	<b>Coffee Break</b>	
<b>Session 1: Towards the Implementation of the Draft Regional Action Plan to Address Mixed and Irregular Migration</b>		
<i>Chaired by the Government of Tanzania</i>		
10.30 – 10.45	Expected MIDSA 2015 Outcomes	Mr. Bernardo Mariano, Regional Director for Southern Africa, IOM
10.45 – 11.15	Update on the Status of the Draft Regional Action Plan: Focus on UMC Protection	MIDSA Secretariat
11.15 – 11.45	Plenary Discussion	Government of Tanzania
11.45 – 12.30	Preliminary Findings Based on Literature Review of the Study on Unaccompanied Migrant Children (including health consideration)	Professor Benyam Dawit Mezmur, University of Western Cape
12.30 – 12.45	Global Overview on Child Protection	Dr Jane Muita, UNICEF Deputy Country Representative
<b>12.45 – 13.45</b>	<b>Lunch</b>	

Session 2: The Protection of Unaccompanied Migrant Children in SADC <i>Chaired by the Government of Swaziland</i>		
13.45 -14.45	Challenges Faced by Member States in the Protection of UMC: 4 Caucasus Presentations followed by Discussion	Delegates from Governments of Malawi, Madagascar, Lesotho, Mozambique
14.45 – 15.00	Overview of Challenges and Current State of Play on the Protection of UMC	Melinda van Zyl, Project Manager Gilles Virgili Save the Children Southern Africa
15.00 -15.30	Plenary Discussion	Government of Swaziland
<b>15.30 – 16.00</b>	<b>Coffee break</b>	
Session 3: Regional Experiences on UMC Protection <i>Chaired by the Government of Seychelles</i>		
16.00 – 16:15	IOM Global Overview of IOM's Work on UMC	Mr. Laurence Hart, Head of Migrant Assistance Division, IOM Headquarters
16.15 – 16:45	Government Efforts towards the Protection of UMC	Governments of Zambia, Zimbabwe, South Africa
16:45 – 17:30	Plenary Discussion	Government of DRC
Day 2 Session 4: Mapping the Way Forward <i>Chaired by the Government of Botswana</i>		
08.30 – 08.45	Recap of Day One	Government of Angola
08.45 – 09.15	Experience from Latin America	Ms. Ingrid Zuniga Menjivar, The Puebla Process
09.15 – 10.15	Group Work: Input into the Statement by Ministers on the Protection of UMC	Delegates
<b>10.15 - 10.45</b>	<b>Coffee break</b>	
10.45 -11.45	Report back from breakaway group session	Government of Botswana
Session 5: Complimentary Efforts for the Implementation of Draft Regional Action Plan <i>Chaired by the Government of Namibia</i>		
11.45 – 11.55	Expanding Protection Space	Amanuel Mehari, UNHCR Regional Mixed Migration Officer
11.55 – 12.05	Strengthening Counter Trafficking Activities	Ms. Samantha Munodawafa, UNODC Regional Legal Advisor: Trafficking in Persons
12.05 – 12.15	Assistance to Vulnerable Migrants	Ms. Sikhulile Dhlamini, Project Coordinator, IOM Southern Africa
12.15 -12.30	Implementation of MIDSA Recommendations	Government of Namibia
12.30 – 13.00	Plenary Discussion	Government of Namibia
<b>13.00 – 14.00</b>	<b>Lunch</b>	

Session 6: Update on Ancillary Matters <i>Chaired by the Government of Mauritius</i>		
14:00- 14:15	MIDSA Sustainability Plan: First Year of Implementation	Mr. Yitna Getachew, Regional Thematic Specialist, IOM Southern Africa
14.15 - 14.30	Update from the 2013 MIDSA on Labour Migration	Mr Arnold Chitambo, SADC Senior Programme Officer
14.30 - 14.50	Migrants in Countries in Crisis Initiative	Ms. Maureen Achieng, Head, International Partnerships Division, IOM Headquarters
14.50 – 15:15	Plenary Discussion	Government of Mauritius
<b>15.15 - 15.45</b>	<b>Coffee Break</b>	
Session 7: Preparation of The Ministerial Statement <i>Chaired by the Government of Botswana</i>		
15.45 – 16:15	Plenary Session: Exploring the Next Priority Area in the Implementation of the Draft Regional Action Plan	Delegates
16:15 – 17.30	Plenary Session: Presentation and Revision of the Draft Ministerial Statement on UMC Protection	Delegates
<b>19.00</b>	<b>Official Reception hosted by the Government of Zimbabwe</b>	
Day 3 Ministerial Session: Opening Session <i>Chaired by the Government of Zimbabwe</i>		
08.15 – 08.30	Arrival of Guests	
08.30 – 08.40	Welcoming Remarks	Ministry of Home Affairs, Zimbabwe
08.40 – 08.50	Remarks from the SADC Secretariat	Mr Stephen Sianga, Director of Social and Human Development & Special Programmes
08.50 – 09.00	Remarks by the United Nations High Commissioner on Refugees (UNHCR)	Ms. Veronica Irima Modey-Ebi, UNHCR Acting Regional Representative for Southern Africa
09.00 – 09.10	Remarks by the United Nations Office on Drugs and Crime UNODC	Ms Zhuldyz Akisheva, UNODC Regional Representative for Southern Africa
09.10 – 09.25	Remarks by the International Organization for Migration (IOM)	Mr Ovais Sarmad, Chief of Staff, IOM
09.25 – 10.05	Keynote Address and Official Opening	Hon. Kembo Mohadi (MP), Minister of Home Affairs Zimbabwe
<b>10.05 -10.35</b>	<b>Coffee Break &amp; Group Photo</b>	
Session 8: Ministerial Statement <i>Chaired by the Government of Zimbabwe</i>		
10.35 – 11.05	Summary Presentation of Deliberations	MIDSA Secretariat
11.05 - 12.15	Discussion and Endorsement of Ministerial Statement	Delegates



Session 9: Closing Session Chaired by the Government of Zimbabwe		
12.15 – 12.25	Concluding Remarks	Mr. Ovais Sarmad, Chief of Staff, IOM
12.25 – 12.40	Closing Remarks	Hon. Kembo Mohadi (MP), Minister of Home Affairs Zimbabwe
12.40 – 13.15	Press Briefing	Ministry of Home Affairs, Zimbabwe
<b>13:30</b>	<b>Lunch</b>	

## Annex 2: MIDS Participants

Name	Ministry	Position
<b>Republic of Angola</b>		
Mr. Quintino Ferreira Francisco	Ministry of Interior	Escort to the Secretary of State
Dra. Maria Paula Garcia	Ministry of Interior	Translator/Interpreter
Dr. Coreano Da Costa Canda	Ministry of Interior	Superior Technician of the Exchange and Cooperation Office
Mr. José Paulino Cunha da Silva	Ministry of Interior	General Director of the Migration and Foreigners Service
Mr. Moises Domingos Guerra Junior	Ministry of Interior	Assistant to the Minister of Interior Office
Hon. Dr. José Bamóquina Zau	Ministry of Interior	Secretary of State for the Penitentiary Service
<b>Republic of Botswana</b>		
Ms. Pearl Matome	Ministry of Labour and Home Affairs	Permanent Secretary
Hon. Edwin Jenamiso Batshu, MP	Ministry of Labour and Home Affairs	Cabinet Minister
<b>Democratic Republic of Congo</b>		
Mr. Willy Mulowa	Ministry of interior and security	Advisor to the VPM
Mr. Pero Luwara	Ministry of interior and security	Media Attache
Mr. Didier Bimandja	Ministry of interior and security	G. Rapp. Of the VPM
Mme Berthe Ndinga	Ministry of interior and security	Sec. Perm. CNR
Mr. Jacques Ikwa Ekila	Ministry of interior and security	Director DGM
Mr. Laurent Ndaye	Ministry of interior and security	Parsec to the VPM
Hon. Evariste Boshab Mabudj-Ma-Bilenge	Ministry of interior and security	Vice Prime Minister and Minister
<b>Kingdom of Lesotho</b>		
Mr. Mohlolo Lerotholi	Ministry of Home Affairs, Public Safety and of Parliamentary Affairs	Commissioner for Refugees
Hon. Adv. Lekhetho Rakuoane	Ministry of Home Affairs, Public Safety and of Parliamentary Affairs	Minister
<b>Republic of Madagascar</b>		
Ms. Yolande Marie Gnor Ah Iavilisy	Ministry of Interior and Decentralization	Civil Administrator
Hon. Blaise Richard Randimbisoa	Ministry of Public Security	Minister
<b>Republic of Malawi</b>		
Mr. Charles Anthony Mphande	Ministry of Home Affairs and Internal Security	Under Secretary

Hon. Atupele Muluzi M.P.	Ministry of Home Affairs and Internal Security	Minister
<b>Republic of Mauritius</b>		
Mr. Bissoon Heerowa	Prime Minister's Office - Home Affairs and Defence	Assistant Permanent Secretary
Mrs. Devi Chand Anandi Rye Seewooruthun	Prime Minister's Office - Home Affairs and Defence	Permanent Secretary
<b>Republic of Mozambique</b>		
Mr. Lúcio Marciano Da Cruz	Ministry of Interior	Police Inspector - Assistant to the Vice Minister
Mr. Mário Jorge	Ministry of Interior	International Relations Director
Hon. José Do Santos Coimbra	Ministry of Interior	Vice Minister
<b>Republic of Namibia</b>		
Mr. S. Shivute	Embassy of Namibia	First Secretary
Mr. Nehemia Nghishekwa	Ministry of Home Affairs and Immigration	Director: Immigration and Border Control
Hon. Erastus Amutenya Uutoni	Ministry of Home Affairs and Immigration	Deputy Minister
<b>Republic of Seychelles</b>		
Ms. Brina Dufresne	Ministry of Home Affairs	Immigration Officer
Mr. Ronald Fock Tave	Ministry of Home Affairs	Director General of Immigration
<b>Republic of South Africa</b>		
Mr. Sihle Goodman Doctor Mthiyane	Department of Home Affairs	Director: Policy Development
Mr. Mandlenkosi Madumisa	Department of Home Affairs	Deputy Chief Director: Asylum Seeker
Mr. Lionel Brian Isaacs	Department of Home Affairs	Director: Research and Speech writing
Ms. Dkeledi Grace Sekgothe	South Africa Embassy - Zimbabwe	Second Secretary: Immigration (Civic Services)
<b>Kingdom of Swaziland</b>		
Ms. Sibongile Suzette Hlatshwayo	Ministry of Home Affairs	Deputy Commissioner for Refugees
Ms. Nozipho Alecia Nkwanyana	Ministry of Home Affairs	Senior Immigration Officer
Mr. Anthony Yuduw Masilela	Ministry of Home Affairs	Principal Secretary
<b>Republic of Tanzania</b>		
Mr. Suleiman Everest Mziray	Ministry of Home Affairs	O.I.C Operations, BMC - Division
Mr. Adullah Khamis Abdullah	Ministry of Home Affairs	Commissioner of Immigration (BMC)
<b>Republic of Zambia</b>		
Mr. Vincent Chibuye	Ministry of Home Affairs	Principal Refugee Officer
Mr. Japhet Lishomwa	Ministry of Home Affairs	Deputy Director General of Immigration
Dr. Chilese Leonard Mulenga	Ministry of Home Affairs	Permanent Secretary

Hon. Gerry Chanda	Ministry of Home Affairs	Deputy Minister
<b>Republic of Zimbabwe</b>		
		Director of Finance
Mr. Melusi Matshiya	Ministry of Home Affairs	Permanent Secretary
Hon. Kembo Mohadi	Ministry of Home Affairs	Minister
<b>Partners</b>		
Mr. Guedi Absieh Houssein	Common Market for Eastern & Southern Africa (COMESA)	Immigration, Free Movement and Labour Expert
Ms. Alice Motion	Embassy of the United Kingdom of Great Britain and Northern Ireland	Second Secretary (Migration)
Ms. Marian Furidze	Embassy of the United Kingdom of Great Britain and Northern Ireland	Assistant Migration Officer (Southern Africa)
Mr. Mikael Tendo Koefoed Bjornsen	European Union	Attache; Governance Section
Ms. Maria Horvers	European Union to Botswana and SADC	Attache Regional Cooperation
Mr. Collen Chiutsi	Foreign Affairs/ Zimbabwe Permanent Mission	Counsellor
Mr. Adolphus Chinomwe	International Labour Organization (ILO)	Senior Program Officer
Mrs. Ingrid Zuniga Menjivar	Ministry of Foreign Affairs	Coordinator of Vinculation of Salvadorians in Europe
Advocate Maemo Machette	SADC Secretariat	Senior Immigration Liaison Officer
Mr. Arnold Chitambo	SADC Secretariat	Senior Programme Officer - Employment & Labour
Mr. Stephen Sianga	SADC Secretariat	Director of Social and Human Development and Special Programmes
Mr. Ben Aliwa	Save the Children International	Regional Programme Manager
Ms. Melinda Van Zyl	Save the Children International	Project Manager: Migration
Mr. Gilles Virgili	Save the Children South Africa	Children on the Move Project Manager
Mrs. Valerie Mathathu	Save the Children Zimbabwe	Advisor - Child Protection
Mr. Ammanuel Tesfayesus Mehari	UNHCR	Regional Mixed Migration Officer
Ms. Millicent Mutuli	UNHCR	Country Representative
Ms. Jane Muita	United Nations Children's Fund (UNICEF)	Deputy Representative
Ms. Veronica Irima Modey-Ebi	United Nations High Commissioner for Refugees (UNHCR)	Deputy Regional Representative for Southern Africa
Ms. Zhuldyz Akisheva	United Nations Office on Drugs and Crime (UNODC)	Regional Representative







**For more information please contact:**

International Organization for Migration (IOM)

Regional Office for Southern Africa

Tel: +27 12 342 2789

Fax: +27 12 342 0932

Email: [ropretoria@iom.int](mailto:ropretoria@iom.int)

Web: <http://southafrica.iom.int>

<http://www.migrationdialogue.org>