



# Summary Report

## Arab States Regional GCM Talk: Protecting Persons on the Move and Their Right to Liberty

Closed Session, Hybrid Online and facilitated from Beirut, Lebanon

Co-Chaired by OHCHR and UNICEF Regional Offices

Monday, 25 September 2023

### Context and Rationale

In late 2022, the Arab States Regional UN Network on Migration Executive Committee members responded to a survey to express their interest in being involved/chairing workstreams (based on the global UNNM workstreams). Regional OHCHR and UNICEF expressed their interest in the ATD Workstream and agreed to co-chair. The first opportunity to convene amongst the interested Executive Committee Members and Arab Member States was via the [GCM Talk forums](#), being held at global and regional level.

The *GCM Talk: Protecting Persons on the Move and Their Right to Liberty* was the first GCM Talk to be organized and held at the Regional Arab States level. As an inaugural forum, it was agreed amongst the Executive Committee members to be convened as a Closed Session under Chatham House Rules, with Arab Member States, interested Executive Committee Members (IOM, UNHCR, UNODC) and an invited speaker from the Migrant Youth and Children Platform (MYCP, as part of the UN Major Group on Children and Youth (UNMGCY)). This approach was based on ensuring as a first step, as much of a whole-of-government participation as possible in order to understand better the GCM, related Objectives, global standards and law (especially the UN Declaration of Human Rights and the UN Convention on the Rights of the Child) and for Arab Member States to begin to share their promising practices, challenges and opportunities in relation to protecting persons on the move and their right to liberty.

### Participation, Objectives and Agenda

The Concept Note and Save-the-Date was shared with all Arab Member States facilitated by the Global level GCM UN Network on Migration focal point in Geneva and the co-chairs, OHCHR and UNICEF Regional Offices also worked with country level colleagues to extend invitations to their government

counterparts. Special efforts were made to invite the regional Champion Countries and Egypt and Iraq were able to attend while Morocco was focused on the earthquake response.

The objectives of the Regional GCM Talk on Protecting persons on the move and their right to liberty are two-fold:

1. To facilitate sharing challenges, achievements, and promising practices with and between key rights, protection, migration, and government coordination stakeholders in the Arab States' region toward ensuring the protection of persons on the move and their right to liberty.
2. To establish an Arab States Regional Peer Community of Practice to continue exchanges beyond the GCM Talk.

| Draft Agenda (90 minutes) |                       |   |  |
|---------------------------|-----------------------|---|--|
| Time                      | Duration              | Session/Activity  | Speaker  |
| 14.00 – 14.15             | 15 mins (5 mins each) | Welcoming Remarks   | <ul style="list-style-type: none"> <li>▪ OHCHR</li> <li>▪ UNICEF</li> </ul>  |
| 14.15 – 14.25             | 10 mins               | GCM and Objective 13 Orientation  | <ul style="list-style-type: none"> <li>▪ Ayman Mohareb, UNICEF Egypt Country Office, Child Protection Officer and Children on the Move Focal Point</li> </ul>  |
| 14.25 – 14.45             | 20 mins               | Arab States' Champion Countries and Host Country  | <ul style="list-style-type: none"> <li>▪ Achievements, Challenges and Identified Needs/Ideas</li> </ul>  |
| 14.45 – 15.05             | 20 mins               | Open Floor to Arab Member States  | <ul style="list-style-type: none"> <li>▪ Member State delegation interventions</li> <li>▪ Migrant Child and Youth Platform Global Report and Recommendations</li> </ul>  |
| 15.05 – 15.20             | 15 mins               | Table the proposal of an Arab States' Regional Peer Community of Practice: Protecting Persons on the Move and their Right to Liberty and Alternative Care | <ul style="list-style-type: none"> <li>▪ Discuss and understand availability, needs, thematic priorities, resources, preferred modalities of communication/exchange</li> <li>▪ Q&amp;A</li> </ul>  |
| 15.20 – 15.30             | 10 mins               | Next Steps  | <ul style="list-style-type: none"> <li>▪ Identify government focal points</li> <li>▪ Share Online Survey</li> <li>▪ Online GCM Orientation Training (1 hour)</li> <li>▪ Develop Workplan for 2023-2024</li> <li>▪ Human Rights and Migration training for People of African Descent</li> <li>▪ UDHR 75<sup>th</sup> Anniversary</li> </ul> |

Figure 1: GCM Talk Agenda

### Presentations: Key Messages

Opening remarks were made by the OHCHR ROMENA Regional Representative. In light of the Universal Declaration of Human Rights 75<sup>th</sup> anniversary, he mentioned the importance of this GCM Talk and the gathering of Arab member states to discuss their experiences of protecting the rights of people on the move, in particular their right to liberty.

The UNICEF Child Protection Regional Advisor also provided opening remarks, including UNICEF's work with counterpart governments in the MENA region to strengthen national child protection systems and services for all children, inclusive of children on the move. He also spoke of the need to work toward a continuum of rights, protection and care for all children, along migration routes and across borders, that would essentially prevent abuses, including exploitation and immigration detention of children. He emphasized that ensuring the rights, protection and care of children on the move needs a whole-of-government approach, particularly that migration authorities need to coordinate with child protection authorities as a vital step toward ending child immigration detention.

In order to provide foundational awareness and understanding of the Global Compact on Migration (GCM) and relevant objectives, UNICEF's Egypt Country Office child protection officer gave a short presentation outlining the origins of the GCM and its role toward protecting the rights of migrants and refugees, including their right to liberty under [GCM Objectives 9, 13](#) and 14

IOM made a short intervention stressing that alternatives to detention for children is a question of continuum of care and there is a need to collaborate with regional governments to encourage detention as a last resort. IOM has developed at global level tools on Alternatives to Detention, including guidance for Roadmap at national level. It is important to note that ATD starts with good mechanisms for identification and care of vulnerable migrants, including children, victims of trafficking, to ensure that

such groups are channeled to appropriate specialized care rather than deprived of liberty, in line with international standards. IOM stands ready to support and work together with other UN agencies including UNICEF and OHCHR and governments towards finding concrete solutions that can increase alternatives to detention. UNHCR Regional Office made a short presentation on the complementarity of the Global Compact on Migration and the Global Compact on Refugees (GCR), particularly Article 31 of the 1951 Refugee Convention and the principle of non-penalization. UNHCR also presented the Detention Guidelines and drew attention to Guideline 9 which highlights special circumstances and needs of particular groups of persons, including children.

Two of the regional Champion Countries planned to make interventions. Egypt spoke to their achievement and challenges, while Iraq faced technical problems and couldn't connect to the Zoom call.

As host country, Lebanon participated in-person with a whole-of-government delegation representing the Prime Minister's Office, the Ministry of Justice, and the Ministry of Interior, and made an intervention.

Challenges and achievements were presented by Arab Member States and other participants. Some of the challenges identified in this GCM Talk are:

*Implementing the Global Compact for Migration*

- Setting national policies in accordance with the GCM Objectives, more specifically in this case Objectives 9, 13 and 14.
- Working on specifying the rights of non-nationals especially children in the national laws.
- Following up on the progress achieved by the states and ensuring accountability.

*Protecting vulnerable people on the move*

- Enhancing the continuum of care and protection of women and children who are forcibly displaced and who travel alone.
- Providing children and people on the move with available services and making those services accessible to them.
- Encouraging member states to apply concrete alternatives to detaining migrants, especially migrant children. Objective 13 of the GCM states that detention of migrants should be used as a last resort and alternatives should be used instead.

*Pressure on destination countries*

- Transnational political challenges on destination countries.

| UNHCR Detention Guidelines |  | The UN<br>Refugee Agency   |
|----------------------------|--|--|
| <b>GUIDELINE 1.</b>        | The right to seek asylum must be respected   |  |
| <b>GUIDELINE 2.</b>        | The rights to liberty and security of person and to freedom of movement apply to asylum-seekers  |  |
| <b>GUIDELINE 3.</b>        | Detention must be in accordance with and authorised by law   |  |
| <b>GUIDELINE 4.</b>        | Detention must not be arbitrary, and any decision to detain must be based on an assessment of the individual's particular circumstances, according to the following: |  |
|                            | <b>GUIDELINE 4.1</b><br>Detention is an exceptional measure and can only be justified for a legitimate purpose   | <b>GUIDELINE 4.2</b><br>Detention can only be resorted to when it is determined to be necessary, reasonable in all the circumstances and proportionate to a legitimate purpose |
|                            |  | <b>GUIDELINE 4.3</b><br>Alternatives to detention need to be considered  |
| <b>GUIDELINE 5.</b>        | Detention must not be discriminatory   |  |
| <b>GUIDELINE 6.</b>        | Indefinite detention is arbitrary and maximum limits on detention should be established in law   |  |
| <b>GUIDELINE 7.</b>        | Decisions to detain or to extend detention must be subject to minimum procedural safeguards  |  |
| <b>GUIDELINE 8.</b>        | Conditions of detention must be humane and dignified   |  |
| <b>GUIDELINE 9.</b>        | The special circumstances and needs of particular asylum-seekers must be taken into account  |  |
| <b>GUIDELINE 10.</b>       | Detention should be subject to independent monitoring and inspection   |  |

Figure 2: UNHCR Detention Guidelines for asylum seekers and refugees

- Economic and political pressures affect the vulnerability of migrants and make them more subjected to human rights violations and abuses.

#### *Integrating Migrants*

- Addressing and challenging right-wing and negative rhetoric that is spread against refugees.
- Promoting the inclusion of people on the move, especially children and youths in decision making.
- Committing to the economic, social, and cultural rights of migrants.
- Avoiding the politicization of children and people on the move.

#### *National, Regional and International Cooperation*

- Enhancing cooperation between the state and civil society on migration-related issues.
- Migration issues are not only related to the origin and destination countries and require regional or international cooperation to find durable solutions.
- Promoting regional cooperation on working to end immigration detention.

Nonetheless, important achievements in this regard were shared with the participants by the champion Arab country. These include:

- Including GCM objectives in national laws and working with migrants and refugees on a rights-based approach,
- Providing migrants with basic rights and services, such as healthcare and education,
- Launching common platforms for migrants and refugees,
- Creating committees within the government which work on the governmental and societal approaches to ease the process of integrating migrants and providing them with their basic needs, eventually decreasing the levels of migrants trafficking and involvement of migrants with drugs or other substances, and
- Implementing an out of camp policy to mitigate immigration detention.

To ensure a migrant voice and youth representation could be heard, a representative from the Migration Youth and Child Platform (MYCP) spoke to some of the key recommendations from their most recent global report, and also highlighted some promising practices in the region including that: Egypt issued laws that combat migrant smuggling; Lebanon and Tunisia have further trained their border officials to combat migrant smuggling; Bahrain took measures to guarantee the freedom of movement for migrants; Morocco developed a framework that manages the orientation and care of migrants at its borders. They also highlighted challenges such as: More than 40 percent of children living in the Middle East and North Africa (MENA) region are prone to decreasing protection of the right to liberty; Majority of laws in the region do not address the rights of non-national children; Legislative provisions do not entail alternative methods if the right to liberty of a child is at risk. Proposed ways forward could include - Establishment of youth councils at a sub-national, and international level; Drivers of displacement be addressed in a way that will aid efforts to reduce the number of children on the move whose right to liberty is at risk; as well as an Expression of interest to participate in a Regional Arab States Peer Community of Practice.

## Recommendations and Key Takeaways

The panelists and the participants highlighted some key areas in which intervention and increased efforts would be beneficial:

### *Cooperate on Inclusive Services for Children and People on the Move*

UNICEF highlighted that services for children and people on the move should be available and accessible. The high influx of migrants and refugees as a result of instability in some states in the Arab region subject destination states to pressure on their public services. Therefore, the accessibility of basic needs and services to vulnerable migrant groups should be considered as the first line of defense and would require cooperation at the national and regional levels, from the official authorities and the UN agencies. The Champion Arab state's experience showed that integrating GCM objectives in the national laws and committing to treat migrants with a rights-based approach has made the process of providing services for them easier. The champion country has established shelters for human trafficking victims, has launched a common platform for migrants and refugees, created a helpline in cooperation with government committees, and enhanced labor migration governance and labor mobility.

### *Include youths in decision-making*

The representative from MYCP specifically provided the recommendation to establish youth councils on sub-national and international levels, as youths are not included in decision-making. Furthermore, this is important because in 2023 until September, roughly 60 million children have been on the move globally because of external circumstances. This number has doubled since 2018, which recorded 30 million children being on the move.

### *Establishment of a Peer Community of Practice*

A recommendation suggested by almost all panelists, and which was one of the aims of the GCM talk is to establish an Arab States Peer Community of Practice to share experiences, good practices, challenges, and achievements.

## Way Forward: Survey and Workplan

The UNICEF Regional Children on the Move consultant and GCM Talk co-chair spoke to the survey (available in Arabic, French and English) that had been drafted by participating UN agencies from the regional UNNM Executive Committee to identify Member State focal points for ongoing communication and coordination, as well as to understand Arab Member States sub-thematic priorities, preferred modalities of meeting (e.g., face-to-face/hybrid/online, workshops, training, deep dives, study tours, peer exchange platform...), availability of time to commit, resources that could be contributed.

Responses from the survey (one from each country), will inform a draft workplan for 2024 (aiming for mid-November) and will be shared with respondent Arab Member States for their validation.

Further upcoming events and training opportunities were also shared, including the 75<sup>th</sup> anniversary of the UNHCR and a one-hour online GCM Training.

### Speakers and Panelists were:

- Ayman Mohareb, UNICEF Egypt Country Office, Child Protection Officer and Children on the Move Focal Point (online)
- Mazen Shaqoura, OHCHR ROMENA, Regional Representative
- Carlos Javier Aguilar, UNICEF MENA Regional Office, Regional Adviser Child Protection
- Kate Mary Walshe, UNHCR MENA Regional Bureau, Senior Refugee Status Determination Officer
- Eva Pons, IOM, Regional Program Coordinator
- Rosal Fischer, UNICEF MENA Regional Office, Consultant Children on the Move Coordinator
- Kinga Janik, OHCHR ROMENA, Head of Monitoring and Reporting Unit
- Milena Francke, Executive Board, Migration Youth & Children Platform, Major Group for Children and Youth (online)
- Host Government, Lebanon Delegation
- Champion Country, Egypt Presentation (online)

Understanding sub-thematic priorities, preferred modalities, availability and resources going forward

5. Preferred modalities of exchange, sharing and learning (please rank by preference from top to bottom) \*

|                                       |
|---------------------------------------|
| Workshops                             |
| Training                              |
| Deep Dives                            |
| Study Tours                           |
| Platform for best practices exchanges |

6. Thematic Areas of Interest by Priority (please rank the themes you wish to explore by priority, the top one being the most important) \*

|   |
|---|
| Human and Child Rights Sensitization and Awareness  |
| Rights Based Identification and Referral of Vulnerable Persons  |
| Community and Family-Based Alternatives to Immigration Detention  |
| Child Sensitive practices at borders and points of dis/embarkation  |
| Strengthening national systems and inclusion of migrants  |
| Anti-racism and discrimination initiatives  |
| Foundational Training on the GCM, UN Declaration of Human Rights and the UN Convention of the Rights of the Child |
| Protection issues regarding human trafficking   |
| Mechanisms for asylum registration and processes  |
| Other theme of interest (please specify)  |

7. Preferred mode of meeting (Please select 1 only) \*

- Face-to-face
- Online Only
- Hybrid (both face-to-face and online)

Figure 3: Arab Member States Survey