Children on the move south in Africa: Motivations, Protection Risks and Recommendations

Destination UNKNOWN
Championing the rights of children on the move

Authored by

MERAKI LABS

a campaigning network led by

Terre des Hommes
International Federation

Table of Contents

©Tdh/Ollivier Girard

About Destination Unknown

Destination Unknown is a global network of civil society organisations and individuals, including youth ambassadors, united to champion the rights of children and youth on the move. Led by Terre des Hommes, it is an alliance of diverse organisations and people interested in joining forces to share expertise and experience to campaign for better policies and realities – with and for children and young people on the move. We work together to campaign at global, regional and national levels, share knowledge about what works, communicate realities, influence a shift to a more positive narrative about children and youth on the move, and empower children and young people to campaign for change.

info@destination-unknown.org

www.destination-unknown.org

©Tdh/Ollivier Girard

Acknowledgements

©Tdh/Ollivier Girard

Glossary of Terms

Adolescent
Is a socio-cultural defined stage between being a child and becoming an adult and therefore has no standard legal age range. For the purposes of this paper, 'adolescent' is used interchangeably with the word 'teenager' (13 – 18 years), representing the time between puberty and internationally recognized legal adulthood (18 years).

Asylum seeker
A person who is seeking protection from harm or persecution in a country other than their own and is currently awaiting the determination of their formal protection status according to the relevant international (*Convention Relating to the Status of Refugees*, 1951) or national instruments. In the case of a negative decision, the individual may be expelled by the current hosting country should they be in the country in an irregular manner or are not granted permission to remain on other legal grounds.

Child
Anyone under the age of 18 years (UN, 1989).

Children on the move
Children moving for a variety of reasons, voluntary or not, within a single country or between countries, alone, with parents, or with caregivers. Children on the move may then be further categorized into the relevant legally distinct categories: asylum seeker, refugee, internally displaced person, trafficked person, or migrant (regular or irregular).

Country of Origin
Country of nationality or former habitual residence of a person who has migrated.

Destination Country
Country of intended final destination on an individual's migration journey, irrespective of whether that journey occurred regularly or irregularly.

Forced displacement
Forced removal of a person from his or her area of origin or home country, often resulting from armed conflict and/or natural disasters.

Gender-based Violence
An umbrella term that refers to any harmful act that is perpetrated against the will of an individual and that is based or motivated by socially ascribed (gender) differences between males and females rooted in power inequalities. While gender-based violence may be used as a tactic to abuse and control men, it is overwhelmingly perpetrated against women and may be used interchangeably with the term 'violence against women'.

Irregular Migration
International or transnational migration which takes place outside the relevant national and international legal and procedural state exit and entry requirements. It may refer to migration without adequate documentation and/or across unofficial or unmonitored border points. It may also refer to migratory movements where the legal validity of entry or residence has expired. Thus, an individual can move between regular and irregular statuses. Irregular migration is a method of movement and is not linked to migratory motivation or whether or not an individual has a legitimate claim to asylum.

Migrant
A person who is living outside their home country for voluntary or involuntary reasons in either a regular or irregular manner.

Mixed migration
Flows of cross-border or transnational migration which include irregular migrants, refugees, asylum seekers, trafficked persons, and stateless persons with mixed degrees of vulnerability and motive. While internally displaced persons are not typically included in this term as they have definitionally not crossed state boundaries, their movement patterns are often linked to other migratory flows. These populations are also highly likely to become migrants themselves.

Refugee
A person whose claim to asylum has been evaluated and recognized, granting him/her legal international protection. The 1951 Refugee Convention is a key legal document and defines a refugee as:
"Someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion."

Separated Children
Children who have been separated from both parents or their primary legal caregiver but is in the care of an extended family member or other caregiver.

Sex Work
Female, male, and transgender adults who receive money or goods in exchange for sexual services, either regularly or occasionally. It varies in the degree of organization, from self-employment to structured intermediary or management relationships. People who exchange money or goods for sex may not self-identify as sex workers (UNAIDS, 2009).

Commercial Sexual Exploitation of Children
Exploitation by an adult with respect to a child – male, female, or transgender – under 18 years old accompanied by payment in money or in-kind to the child or one or more third parties (ILO, 2015). Commercial sexual exploitation of children is not limited by relevant national age of consent laws and applies to any minor engaged in sex work; in the case of sex work, 'consent' of the child does not waive the act being considered commercial sexual exploitation.

Sex Trafficking of Children
The recruitment, transportation, transfer, harbouring, or receipt of persons under 18 years of age for the purpose of sexual exploitation. (*Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*, 2000).

Smuggling of children
The procurement, to obtain, directly or indirectly, a financial or other material benefit, for the illegal entry of a person under 18 years of age into a State Part of which the person is not a national or permanent resident (*Protocol against the Smuggling of Migrants by Land, Sea and Air*, 2000).

Statelessness
A person who is not considered a national by any state under the operation of its law. Statelessness does not infer asylum status and a person does not have to be outside their home country to be considered stateless (*Convention Relating to the Status of Stateless Persons*, 1954).

Trafficking of Children
The recruitment, transportation, transfer, harbouring, or receipt of persons under 18 years of age for the purpose of exploitation. (*Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*, 2000).

Transit Country
Country through which a person passes on a migration journey, to the destination country and from the origin country. A person may remain in the transit country for an extended period to gather the necessary resources to complete their journey or if they are unable to complete their journey to their final intended destination at present for other reasons – however they do not intend to remain in the transit country.

Unaccompanied children
Children who are not accompanied by a parent, guardian, or other adult – through law or custom – who is responsible for them.

Youth
Youth has no standard legal definition and thus varies based on relevant national context. For the purposes of this report, 'youth' refers to persons between the age of 15 and 24 years, in-line with the age range adopted by the World Health Organization.

©Tdh/Ollivier Girard

Acronyms

ACERWC - The African Committee of Experts on the Rights and Welfare of the Child
ACRWC - The African Charter on the Rights and Welfare of the Child
AMISOM - African Union Mission in Somalia
AU - African Union
AU-COMMIT - African Union Commission Initiative Against Trafficking
BIC - Best Interest of the Child
CRRF - Common Refugee Response Framework
CSO - Civil Society Organization
CSEC - Commercial Sexual Exploitation of Children
COMSEA - Common Market for South and Eastern Africa
DRC - Democratic Republic of Congo
DHA - South African Department of Home Affairs
DSD - South African Department of Social Development
EAC - East African Community
FGMC - Female Genital Cutting or Mutilation
GCM - Global Compact on Safe, Orderly and Regular Migration
GCR - Global Compact on Refugees
IGAD - Intergovernmental Authority on Development
IOM - International Organization for Migration
MMC - Mixed Migration Centre
NGO - Non-governmental Organization
OCHA - United Nations Office for the Coordination of Humanitarian Affairs
SADC - Southern Africa Development Community
SNNP - The Southern National, Nationalities and Peoples Region of Ethiopia
TDH - Terre des Hommes
UAM - Unaccompanied Minor
UN - United Nations
UNHCR - United Nations High Commission for Refugees
UNICEF - United National Children's Fund
UNODC - UN Office on Drugs and Crime
UNOHCHR - UN Office of the High Commissioner of Human Rights

©Tdh/Abayomi Akande

Executive Summary

Migrants are generally portrayed in the media in Europe as vulnerable victims struggling to reach Europe, often washing up on the shore of the Mediterranean after a perilous boat journey. As such images have gained traction, European policymakers have tightened and externalised their borders. Partially in response to these changes, people have shifted to other migration routes – including the route from various locations in Africa toward South Africa.

There are significant movements of people from the east and the Horn of Africa towards southern Africa. Yet there is limited research of these routes and limited monitoring of people who move, particularly children. In the literature that does exist, there is limited focus on children's own experience and voices about their experiences, the risks they face and protection. The dangers of these routes and the protection risks faced by children on the move are not well understood and, in many cases, state actors are enabling, if not causing the risks.

©Tdh

Main Findings and Recommendations

1. ACKNOWLEDGE CHILDREN'S AGENCY IN MAKING MIGRATION DECISIONS AND ENSURE CHILDREN'S VIEWS ARE TAKEN ON BOARD WHEN DESIGNING AND IMPLEMENTING MEASURES

Children who migrate toward South Africa are, for the most part, demonstrating agency, mitigating protection risks, and seeking opportunities. Like adults, children on the move toward the south are driven by a variety of motivations. Some children move to mitigate the protection risks they face at home. For children coming from Somalia and DRC, many of these risks are caused by conflict, violence, and uncertainty of peace at home. Some children aim to escape restrictive environments at home: some commonly cited reasons for child migration include the desire to avoid child marriage and the desire to achieve greater freedom. Other children are actively seeking better opportunities for both themselves and their families. For children moving from Ethiopia to South Africa, remittances are a major factor in decision making – children can improve their own situation as well as the economic situation of their household through working abroad. They can also achieve social status.

Children are choosing to move to improve their own lives and the lives of their families. Policymakers and programme implementers should clearly acknowledge children's agency in making migration decisions and develop measures that account for children's voices and preferences. More specifically:

1a. States and civil society organisations should invest in peer-to-peer community groups, service delivery and community-based awareness-raising campaigns
1b. States should recruit and provide well-qualified, professional translators to children on the move and their guardians
1c. States and civil society organisations should involve children in consultation processes, to ensure that their perspectives and priorities are reflected in programmes and policies.

2. UNDERTAKE MORE AND MORE REGULAR DATA ANALYSIS ON THE ROUTE, INCLUDING THE EXPERIENCES OF CHILDREN AND YOUTH

Migration from the Horn and east Africa toward South Africa is a complex and critically under-recognised phenomenon. In 2019, according to IOM DTM data, more migrants travelled from the Horn of Africa toward South Africa than travelled from the Horn of Africa toward Europe (IOM, 2019). South Africa also received migrants from the Great Lakes region, as well as those from within southern Africa. To make the journey, migrants travel in trucks and boats as well as via foot; conditions are often harsh. Those who travel to South Africa are driven by factors including, but not limited to, the need to flee conflict, the desire to find improved economic opportunity, interest in accessing services and the imperative of family reunification. In short, migration toward South Africa is characterised by its extremely diverse nature, consisting of multiple countries of origin, a variety of motivations, and a range of routes.

Despite the complexity of migration to South Africa, the issue has received little attention from the media, policy makers and programme implementers. No migration monitoring mechanisms are in place, so it is difficult to track the intensity of the migration flow, including of children. Analysis occurs on an ad-hoc basis, leading to a patchy and incomplete picture of the protection environment, particularly for children.

Given that overall policy, economic and conflict factors are pushing more children toward South Africa, there is an urgent need for more, and more regular, data and analysis. More specifically:

2a. *Governments, UN agencies, civil society organisations and other stakeholders should collaborate to set consistent gender and age disaggregation approaches in data collection and ensure the views of children and youth are represented*

2b. *Civil society organisations and non-governmental organisations should conduct research to understand the experience of boys on the move.*

2c. *States and civil society organisations should involve children in consultation processes, to ensure that their perspectives and priorities are reflected in programmes and policies.*

3. SET UP APPROPRIATE STRUCTURES TO PROTECT CHILDREN ON THE MOVE: THESE SHOULD INCLUDE BOTH MEASURES TO PREVENT AND RESPOND TO VIOLATIONS

Although many children choose voluntarily to migrate, they face a range of risks along the route. Many face physical and sexual abuse and exploitation, at the hands not only of smugglers but also of border guards and police. Hazardous and exploitative forms of child labour take place both in transit and upon arrival at destination countries. Children are detained. Structures that are set up to protect children in as an alternative to detention and in camps, notably foster care arrangements, are operated without appropriate safeguarding measures; children can therefore be exploited by the systems set up to support them. Children have limited access to health, education, psychosocial support, and documentation along the route.

Appropriate structures should be set up to protect children on the move: these should include both measures to prevent and respond to violations. More concretely:

3a. *States should support transnational coordination and care networks.*

3b. *States should provide adequate, flexible, and empowering alternative care arrangements.*

3c. *States should ensure high quality kin-based foster care arrangements, introducing screening and training and monitor these arrangements.*

3d. *Detention of children should be avoided at all costs.*

4. DEVELOP IMPROVED, MORE HOLISTIC AND MORE INTEGRATED LEGAL FRAMEWORKS TO SUPPORT CHILDREN ON THE MOVE AND ENSURE THESE FRAMEWORKS ARE APPROPRIATELY IMPLEMENTED

The international legal structure has limited mechanisms to cope with children who choose to migrate. The international legal structure around irregular movement places a strong emphasis on adults, rather than children. Children are included in the Protocol to Suppress Trafficking – but in a way that is restrictive. Trafficking takes place whenever the person moving does not or cannot give his or her consent, and children under 18 are not, under international law, capable of giving full informed consent. As a result, all children can be considered victims of trafficking at the international level. This effectively denies children agency, placing them in the position of victims. It also puts states in an untenable position, as most states in southern Africa have neither the resources nor the structures to respond to all minors on the move with full victim protection measures.

States are contributing to poor protection outcomes for children, both as enablers of insufficient practices and directly as perpetrators of violations. States in southern Africa have complex legal structures in place to manage migration and asylum; parallel structures also exist for adults and children. These structures are challenging for adults to manage but are close to impossible for children to navigate. Children who are born to undocumented adults often become stateless due to the complexity of the system. When children are undocumented, they have no recourse to any state to advocate for or protect their rights. Children without documentation can be excluded from critical services, notably health and education. To make matters more complex, the overall environment in southern Africa is characterised by xenophobia, and as a result,

individuals acting on behalf of the state such as police and border guards may misuse their power to perpetrate violations on minors.

Care arrangements – particularly foster care, alternative care, and kinship arrangements – were set up by states to protect children, but currently pose tangible threats to children's well-being. Foster families are not systematically screened, and so they often accept children to increase food rations, or to take on unpaid work. Care homes are underfunded, and social workers have neither the skills nor the resources to support children in navigating the bureaucratic hurdles associated with achieving documentation.

It is critical that states work with civil society to develop improved, more holistic, and more integrated legal frameworks to support children on the move, and to ensure these frameworks are appropriately implemented. More concretely:

4a. *States, UN agencies, civil society and other stakeholders should ensure a human rights approach to anti-trafficking efforts.*
4b. *States should end child statelessness.*
4c. *States should ensure access to basic civil documents for children on the move and their families.*
4d. *States should ensure sustainable solutions in the best interests of the child.*

©Tdh/Samar Abu Elouf/Fairpicture

Introduction

Africa is commonly portrayed as a continent 'on the move'. Most migration in Africa is internal to the continent. Economic migrants mingle with asylum seekers and refugees on mixed migration routes that cross many countries and comprise different modes of travel. South Africa has grown in importance as a destination country, often viewed as having favourable asylum regulations and better political and economic conditions. Historically, there has always been a strong flow from neighbouring southern African countries into South Africa, but in recent years, people migrating from across the continent – including Ethiopians, Somalis, and those from the Great Lakes – have flowed into South Africa.

Those who move along migration routes to the south face significant risks. These risks, while not widely publicised, are as severe as for people travelling toward Europe. Instances have been documented of migrants suffocating in trucks and drowning in capsized boats off the coast of Mozambique. Detention in inhumane conditions, abuse, statelessness, and lack of services have also been recorded. **Children are particularly affected by these risks**: not only do they have limited physical, emotional, and financial resources to cope with the journey, but they are also often caught between administrative systems designed for adults and are without access to adequate protection services.

Despite the severity of the risks facing children moving south, migratory movements into South Africa are poorly understood. There has been limited media attention on migration flows southward, and international institutions have only engaged in limited analysis of routes toward the south. The analysis that does exist is generally one-off and time-bound, as longitudinal migration monitoring initiatives have not been established on the southern route.[1] Within the limited literature that exists, **there is very little focus on children and less still on what children and young people say about their experiences.**

This paper begins by examining both the aspirations of children on the move and the risks they face during their journey and upon arrival. It also provides a holistic overview of the interconnected routes toward South Africa, given that the dynamics along the route are complicated. It relies on primary qualitative data collected across three countries, as well as a thorough literature review.

Children who move toward South Africa generally migrate as a form of empowerment: they are generally aiming to improve their own circumstances and that of their family. In some cases, children move as a coping mechanism: to avoid protection risks at home and/or to flee from conflict or violence. In other cases, the reason can be positive – children move to get access to services, employment, and other opportunities.

Children's attempts to empower themselves through movement, however, are often thwarted by state systems and structures that put them at risk. The international legal system governing migration considers all children under 18 to be victims of trafficking – even though, in practice, children clearly have agency in their own decisions. At the national level, children face complex, unwelcoming bureaucratic systems that make documentation and regularisation challenging. When they are not regularised, children are denied access to education, health, and opportunities. They are also at greater risk of exploitation and abuse.

It is critical to advocate with state and regional actors to promote more coherence in state policies toward irregular child migration, and improved, better connected, and more flexible protective services for children who are on the move.

---

[1] For example: IOM's Displacement Tracking Matrix and Flow Monitoring, the Mixed Migration Centre's 4Mi.

Key Concepts and Frameworks

This paper aims to provide a comprehensive overview of transnational migration of children toward South Africa. It is built on several key conceptual assumptions, as well as legal frameworks and policy initiatives, which are summarised below. These assumptions, frameworks and initiatives provide the framework for analysis throughout the paper.

Definitions and Concepts

Mixed migration is understood in this paper to "refer to cross-border movements of people including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. Motivated to move by a multiplicity of factors, people in mixed flows have different legal statuses as well as a variety of vulnerabilities. Although entitled to protection under international human rights law, they are exposed to multiple rights violations along their journey. Those in mixed migration flows travel along similar routes, using similar means of travel – often travelling irregularly and wholly or partially assisted by migrant smugglers."[2]

When discussing mixed migration, particularly in the context of the Southern route, it is useful to distinguish between 'cross-border' migration (crossing a single border to the destination country) and 'international/transnational' migration (transiting one or more states before reaching the destination country), primarily due to the intentionality of the migration in terms of length of stay (Waller, 2006).[3] This paper concentrates on international and transnational migration, rather than cross-border migration. The choice of focus was made because there is a notable gap in literature on transnational migration and a substantial amount on cross border migration in southern Africa.

Themes of child mobility, including competing management frameworks, cross-cultural expectations, and narratives of victimization all affect child protection on the Southern Route. For this reason, children's agency is another key concept around which this paper is built. This paper recognizes that **there is rarely alignment between legal childhood (all persons under age 18) and the socially constructed ideas of childhood, youth or adolescence, and adulthood** (Hashim & Thorsen, 2011, Ali, 2016; Abebe and Ofosu-Kusi, 2016). Ali (2016) highlights that in the case of Somalia, a person is likely to be considered a youth or an adult based solely on marital status rather than age. The Government of Ethiopia considers persons over the age of 14 to be 'young people' of appropriate working age (*Labour Proclamation*, 1993). In Zambia, childhood ends when an individual is thought to be 'mature enough' and gains increasing independent responsibilities – with additional considerations for physical size and gender (Smorholm, 2016). Some children take up 'adult' responsibility by choice or by force, for example the death of a parent, displacement, or the need for additional income. (Abebe and Ofosu-Kusi, 2016).

States are crucial actors in ensuring that children have access to basic rights when on the move – but the frameworks they use to manage migration are problematic. In some cases, assumptions about agency and vulnerability interfere with acknowledging the needs of young people for freedom and decision-making power. Specifically, imposing infantilizing restraints – particularly on older children - may be disproportionately restrictive and may be counter-productive to a child's well-being (Crock & Benson, 2018). While the so-called 'bright line' approach of strictly enforcing protocols on those under 18 years of age[4] is practical for administrative management of migration, overly rigid rules can create perverse incentives and distinct risks for both children and smugglers.

---

[2] *As defined by the Mixed Migration Center.*
[3] *On the other hand, some of these flows do end up coalescing with other transnational movements. This is notable when considering the populations of several refugee camps in the region as well as the overlap in migration pathways with others arriving in the region from further afield.*
[4] *See: International Bar Association, 2019.*

This paper also takes forward the idea that child migration can produce sweeping changes in the communities of origin (Regassa & Yusefe, 2009). Remittances provided by child migrants support school fees for other children, improve living standards, provide increased resilience to shocks and result in a diversification of livelihoods for other household members. In this sense, children, and young people more broadly, can be change agents in their families and communities due to their migration decisions and journeys. When a household or individual perspective is taken, **migration may produce and amplify protection risks borne by children - but it also is contributing to a reduction in risk to children in the area of origin for non-migrants** (Samela & Cochrane, 2019).

At an overarching level, this paper takes the view that **child mobility is not a risk – rather it is the context in which the migration occurs that drives risk**. East and southern Africa have seen an increasing push to criminalize irregular movement (i.e., smuggling and trafficking) which has resulted in the tendency to criminalize adults and label children as either victims who lack agency or criminal deviants. Sometimes well-meaning interventions meant to protect children on the move make it riskier. Generalized insecurity in some areas and widespread poverty across the region also create mobility environments that are risky. State restrictions sometimes disproportionately effect children and can have outsized effect on their long-term wellbeing, particularly surrounding documentation, and durable solution approaches. This research attempts to represent the complexity of movement and children's lives and foregrounding their concerns, actions, and strategies – without assuming passive victimhood (Hashim & Thorsen, 2011).

Legal Frameworks

The specific and inherent rights of children on the move have gained increasing attention in migration legal frameworks and initiatives.[5,6] Each manages to engage in the tension between child agency and self-determination as outlined in the Convention on the Rights of the Child (1980) and the victim narrative that so often surrounds child mobility.

The Global Compact on Refugees (GCR) (2018) and the **Global Compact for Safe, Orderly and Regular Migration (GCM) (2018)**[7] are both relevant to child movement, though are more political instruments to negotiate migration management and concrete actions states can take to protect the rights of people on the move than legal agreements (Crock & Benson, 2018). Though these frameworks are useful in shifting the conversation to durable solutions and increasing international cooperation, both tools are weak in considering the specific needs of children and young people – especially those travelling unaccompanied. Furthermore, both focus on victimization of children because of trafficking and other forms of exploitation. This does not reflect most child movement; however, there are opportunities through these mechanisms to support states in adopting a 'child first, migrant second' approach. This is a welcome change to a system that is overwhelmingly fixated on border enforcement at the expense of widely accepted child rights. Destination Unknown focuses on ensuring that these frameworks translate into practical realization of rights for children on the move. Specifically, the Global Compacts have opportunities to expand on the principles of non-discrimination (all children, no matter their circumstances, must enjoy their rights), ensuring the Best Interest Approach outlined in the *Convention on the Rights of the Child* (1989) are upheld (non-refoulement, anti-family separation), and the right to name, nationality, and identity (ensuring rights to birth registration and documentation).

Two frameworks which are of specific interest to child mobility are the 'Palermo Protocols' on trafficking and smuggling.[8] The ***Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and***

[5] *Under no global framework does being a child constitute a stand-alone right to stay in a country in an irregular manner. In this sense, additional rights and considerations may be granted to a child to support their removal and return, or to support an asylum application, as relevant.*
[6] *See Annex 2 for a full list of signatories and ratifications of key migration frameworks.*
[7] *The Common African Position (CAP) was developed in January 2018 to articulate a common continental approach to the GCM and clarifies positions relating to each theme – however, the capacity to implement a common approach remains the key challenge.*
[8] *These take different approaches to dealing with the issue of irregular movement, though it is critical to mention that both protocols fall under the UN Convention Against Transnational Organized Crime (2000) are generally considered under the management of the UN Office on Drugs and Crime (UNODC) rather than a rights-centric agency (i.e., UNHCR, IOM, or UNOHCHR).*

Children **(2000)** has arguably had one of the most profound effects on the interpretation and regulation of child movement. In the general terms, trafficking requires 'exploitation' absent of informed consent; according to the Protocol, "exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices similar to slavery, servitude, or the removal of organs" (Article 3(a)). However, **in the case of children, the definition of trafficking has a much lower bar due to the presumed lack of capacity for a person under the age of 18 years to consent to any activity**. Thus, the recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation is regarded as trafficking, *regardless of whether or not force, abduction, fraud or other means are used* (Unicef, n.d.). Beyond this, the Trafficking Protocol outlines that children are entitled to alternative care and undocumented individuals who could be under the age of 18 *should be treated as such* until age can be verified.

The *Protocol Against the Smuggling of Migrants by Land, Sea, or Air* **(2000)** focuses on the voluntary irregular movement of individuals and the relationship between such movement and organized crime while ensuring the basic human rights of smuggled persons are protected. In contrast to the Trafficking Protocol, which mentions children in the title, this protocol has little explicit mention of children in the text.[9] In practice, this framework is rarely applied to children directly due to the removal of the 'means' clause for children under the Trafficking Protocol. While this protocol is superseded by the trafficking protocol in practice for unaccompanied children in particular, accompanied children may be indirectly implicated under this framework because migration proceedings almost always exclusively focus on the guardians' legal status, which is then imposed on the child.

African Union Migration Initiatives

The African Union (AU) has implemented several complementary frameworks aimed at supporting child rights, including children on the move. The *Migration Policy Framework for Africa* **(2006)** and the *Common African Position on Migration and Development* **(2006)** cover core migration issues on the continent (e.g. labour migration, forced displacement, human rights, and border management), but are not legally binding. They instead offer a framework for considering what key priorities should be for national migration management policies. The AU launched a 2018-2030 Action Plan for Framework Implementation, which has a section dedicated to children and youth. The strategies promoted are vague but largely in-line with existing initiatives.

While not specifically addressing migration, the *African Charter on the Rights and Welfare of the Child (ACRWC)* **(1990)**, is perhaps the most influential continental charter pertaining to the rights of children on the move. The ACRWC is broadly reflective of the previous UN Convention on the Rights of the Child (1990) but includes some additional aspects which AU members felt were not completely addressed in the UN Convention. This includes issues surrounding child marriage, universal rights to education, child recruitment into armed forces, and preserving the specific rights of displaced and refugee children – all of which can be linked into regional migration flows and associated protection concerns.

The body overseeing the implementation of the Charter, **The African Committee of Experts on the Rights and Welfare of the Child (ACERWC)**, was established in 2001. While their mandate is broad, they have directly engaged on the issue of children on the move. The report *Mapping Children on the Move Within Africa* (2019) plainly recognized that child rights and protections extend to children on the move. The report also acknowledged that children on the move are often more vulnerable to being denied basic rights due to lack of documentation, lack of child-specific migration management processes at the national and regional levels, and secondary issues of statelessness due to inconsistent practices of birthright citizenship. Specifically, the

---

[9] *The sole direct mention of children in the Trafficking Protocol is Article 16(4), which asserts states should consider the "special needs" of children. The "special needs" are not elaborated further in the Protocol, though subsequent training materials and implementation guidelines emphasize quick removal from source of exploitation (including no further contact with suspects), receipt of medical examination, provision of basic clothing and hygiene items, be provided with some activity (specific example of pencils and paper for drawing) and provided with access to professionals trained in child protection.*

ACERWC has concerned itself with ensuring universal rights to education and healthcare for children, preventing arbitrary arrest and detention in cases of irregular movement, as well as preventing refoulement and deportation that is markedly counter to the Best Interest of the Child (BIC) approach outlined in both the *Convention on the Rights of the Child* and the ACRWC.[10]

Linking to the Palermo Protocols, the AU established the **AU Commission Initiative Against Trafficking (AU-COMMIT)**, in partnership with several UN agencies (IOM, UNODC, UNICEF, UNHCR, ILO, UNECA) as well as the European Union and US Delegations to the AU. The overall purpose of AU-COMMIT is aimed at prevention of trafficking, as well as the protection victims and prosecution of traffickers, including the development of common standards to measure and manage these issues. The Southern African Development Community (SADC) was one of three regional economic bodies to engage in the campaign. The actual uptake of recommendations by AU-COMMIT and agencies concerned with the implementation of the Palermo Protocols (principally, the US Department of State) has been mixed. Lack of implementation has generated mixed results as to the wellbeing and safety of children on the move.

©Tdh/Désirée Kanyala

[10] *All countries along the Southern Route, except for the route origin countries of Somalia, South Sudan, and the Democratic Republic of the Congo (DRC), have ratified the ACERWC.*

Methodology

This research began with an **in-depth literature review**. The purpose of this was to provide an overall mapping of the evidence available on the Southern Route and develop a basis for designing the remainder of the research process. Following the completion of the literature review, country and thematic areas of focus were selected, and key issues and trends, and gaps in analysis were identified.

Based on this process, it was determined that **key informant interviews** with UN agencies, non-government organizations (NGOs), local civil society organizations (CSOs), and Government stakeholders would be critical to uncovering unpublished data and further refining the research process. As a result, 62 key informant interviews took place with these stakeholders in Ethiopia, Kenya, Tanzania, Zambia, Zimbabwe, Mozambique, and South Africa. Given the sensitive nature of irregular migration and child protection, the names of individuals and agencies have not been included in this study to protect the confidentiality of informants.

Following these interviews, primary data was collected in Zambia, Zimbabwe, and Ethiopia. The primary data collection was conducted using a variety of qualitative methods, based on the target participants and objective of the data collection. In-depth interviews were conducted with community authorities (formal and informal), returnees who migrated south as children and families of children on the move south. Focus groups with children as well as oral histories were used to facilitate discussion and gather in-depth stories.

Interview and Focus Group Discussion guides were developed with the intention of providing adequate flexibility to the individual conducting the primary data collection. To ensure they met ethical research principles, a research ethics committee was established that reviewed all tools and the research approach against an ethical framework. The ethical framework was designed based on ethics guidelines (including those specifically for minors and qualitative research) outlined by the Canadian Social Sciences and Humanities Research Council (SSHRC), Economic and Social Research Council of the United Kingdom (ESRC), and the US Department of Health and Human Services Basic Policy for the Protection of Human Research Subjects. The ethical framework has been included as Annex 1.

Not all approaches were used in all countries, both due to the targeting of the data collection tool as well as some practicalities and restrictions presented by evolving COVID-19 restrictions. A total of 11 interviews with caregivers, social workers, and religious and community leaders. A total of 21 interviews were conducted with children in Mantapala camp in Zimbabwe. Three focus groups were conducted in Ethiopia as a place of origin (10 boys, 5 girls). The target number of participants in each focus group was discussed in the research plan and participants were identified through community leaders, social workers, parents, and NGOs. In Ethiopia, 12 interviews were conducted with returnees who migrated to South Africa as children. A further 8 oral histories with children were conducted for the development of case study narratives in Zambia, Zimbabwe, and Ethiopia.

Limitations

This research relies overwhelmingly on qualitative research. There is currently no systematic migration flow monitoring along the Southern Migration Route. While some recent initiatives are currently in pilot phase, the data from these initiatives was not yet available in the research timeline. Quantitative data available through the Mixed Migration Centre (MMC) East Africa was invaluable to this analysis. It is, however, reflective of the migration situation pre-COVID-19. Regional movement patterns have undoubtedly changed due to the outbreak in South Africa and subsequent lockdown measures. The geographical limitations of the research are also notable. The Southern Route is vast and presents multiple access constraints due to political limitations, risk of exposure and detention for target populations, security constraints, and the practical limitations presented by COVID-19 (*e.g.,* lockdowns, movement restrictions). Specifically, while Tanzania is a critical transit country as well as a major regional host to refugees from the Great Lakes Region, it was

deemed not viable to conduct primary data collection. Data collection coincided with a contentious national election, and the political discussions around irregular migration and refugee protection are complex. While key informant interviews were conducted, there is a need to collect data at key transit points in Tanzania, including, but not limited to Tanga, Dar Es Salaam, Arusha, Dodoma, Kigoma, and Mbeya. No research was conducted in the Democratic Republic of Congo, Somalia, and Burundi due to security and access constraints. Similarly, northern Mozambique presents an interesting sea route transit point in the Southern Route but is increasingly insecure. While migration and protection issues remain of great concern to a variety of stakeholders in these areas, some informants are exceedingly difficult to assess fully due to political and practical barriers (e.g., elections in Tanzania).

©Tdh/Ollivier Girard

Why Children are on the Move

Movement along the Southern Route and in southern Africa more broadly is largely a consequence of long-standing labour migration patterns, socio-economic inequality, and the result of entrenched regional conflict and instability. Within these broad 'drivers', children express varying degrees of motivation, aspiration, and levels of consent to the movement. The following section breaks down key aspirations of children on the move in the region. They have been sorted into two broad categories: risk mitigation and empowerment.

Avoiding risks at home

Aspirations that are linked to risk mitigation are intricately linked to conflict, violence, or household risk reduction strategies. Risk mitigation strategies are most seen amongst children moving from areas with high degrees of conflict and protection risks – namely DRC, Burundi, and Somalia.

Safety from Protection Risks

Children report fleeing domestic violence or other situations at their place of residence which threaten their physical and emotional well-being. In a recent Save the Children report on girls on the move, 80% of interviewees reported experiencing violence at home (Save the Children, 2020). This could include neglect, physical and/or sexual abuse, and risks for girls such as child marriage (Save the Children/RMMS, 2016; Save the Children, 2019).

According to a recent study by UNICEF and MMC, 39% of boys and 37% of girls moved on from a refugee camp or transit site due to violence and safety issues – suggesting that even in cases where external protection is given, abuse may provide additional push factors for children on the move.

In other cases, disputes in the household may not be as central to the child's well-being but be experienced as challenging their independence and freedom. In the case that a child is fleeing protection abuses or other restrictions at home, it is extremely unlikely that the child would qualify for international protection unless other aggravating circumstances were present. This means most children with these types of motivations will remain in a precarious situation as they move.

> "We had to risk ourselves because of the route we took, walking at night to avoid being seen by the soldiers and we did not want people to notice that we are going somewhere. We left our home country because of war and my father was working for the government and he was afraid that soldiers were looking for him and he decided for us to migrate to a peaceful country. We did not tell our extended family members and friends about the plans."
>
> **Female Respondent #3, 16 years old, Zimbabwe.**

Safety from Conflict

Recurring and ongoing conflict in major countries of origin, including the DRC, Somalia, and Burundi forces many children from their homes. These children often do not have a particular destination in mind. Some children interviewed for this study indicated that conflict in their home villages led them to flee with a group of others from the same village. They had limited agency in the journey, as they simply followed the group. Movement resulting from conflict was reported by children to not be well-considered in advance, but instead to represent a last resort. Children in this situation often left behind personal items, adequate supplies of food, and money. In some instances, young migrants from DRC and Burundi expressed a lack of willingness to remain in Zambia after fleeing conflict as they believed that the camps close to the border were unsafe and could be accessed by members of the armed groups who pushed them to flee in the first place. Key informants in Zimbabwe expressed that there seemed to be limited understanding from recent arrivals of the protections that would be afforded to children in Zambia if they had remained (i.e., they were not aware of

their full asylum rights). In this case, fear of further persecution or violence could encourage a secondary movement even when safety is reached.

> "I am a girl and l live with both parents, 5 brothers and 3 sisters. I come from Burundi…. We lived a traumatic life because of conflicts. All our relatives were killed, and my parents were left with no brothers and sisters because they were all killed. I witnessed people burning houses then one day our neighbour came and threatened to kill our parents. We ran into the bush and saw our house burnt down. My other brother was killed when my parents went to search for food… From Burundi to Tanzania we walked by foot because we had no money for bus fare. Then in Tanzania we worked in a field and this person took us and we stayed with him for a few days. This same person helped us to travel to Zimbabwe because he had some trucks which ferry different things to Zimbabwe…. It was a traumatic event l witnessed dead bodies and l could spent some days without eating. We had to throw away some of our items because we could not carry them because of the long journey."

Female Respondent #18, 18 years old, Zimbabwe

Moving with Family

For many children, movement may not be an active choice, but rather one they participate in as a consequence of the needs and desires of their parent(s). In these cases, children are moving with varying levels of consent. In some cases, children are not motivated to move and do not wish to migrate – but do so because they are obligated by their families.

> "They discussed [the migration decision] on their own because we were not consulted on anything my father is the one who made all the decisions"

Female Respondent #5, 17 years old, Zimbabwe

> "My father made the decision.
> Nothing was considered because it was an unfair decision."

Female Respondent #6, 17 years old, Zimbabwe

Children are often brought along with adults pursuing work on tobacco and tea farms, as well as adults moving for less specific employment opportunities. Child refugees and asylum seekers are brought with parents or extended family fleeing violence. In some cases, unaccompanied children move because they are urged to do so by neighbours and friends in moments of crisis. Rejected asylum claims of family members were also reported as cause for movement of some children; once parental or guardian asylum claims are denied, children, being bound the status of their guardians, also leave camps in search of other options. In some cases, it was reported that families may take the decision to leave a camp if they believe they are not being considered for resettlement and were likely to move to countries they believed granted asylum and resettlement 'more easily'.[11]

Family reunification is a related but distinct form of family-related movement. Some informants reported children have been moved by smugglers who are hired and paid for by parents who are already in the destination country, usually South Africa (See also: Lawyers with Borders, n.d.). In this case, the child may not necessarily be motivated to move but doing so out of family obligation. In other cases, informants noted that sometimes children arrive in camps in hopes of reuniting with family members who they heard were in the camp.

---

[11] It is important to note that in every country where interviews took place, every country and camp was mentioned to support asylum and resettlement 'more easily' – so this perception is a case of 'the grass is greener' or perhaps information that is spread to encourage the use of certain smuggling services. Indeed, Malawi, Zambia, Botswana, Zimbabwe, and Namibia were all considered countries where processes were facilitated 'more easily'.

Empowerment

Children are often seeking improvements in their lives and a better future. These aspirations may be the only aspiration of movement or combined with risk-mitigation reasons. For example, children fleeing conflict may then feel motivated to seek new opportunities in terms of employment, education, and achieving stability.

A 'Better Life'

Children, like adults, express that they are often seeking 'a better life' through their migration journey. Children are often weighing the balance of risk; while there are protection risks that will result from migration, staying behind can also present risks. Declining land parcel size, incidence of economic, political or environmental shocks, low levels of educational access and/or attainment, strict social expectations surrounding family, marriage, and gender roles are all factors that are deemed restrictive at home, and from which children want to escape through migration. Migration represents freedom, possibility, respect, income diversification, and the opportunity to reduce risks for family members left behind through remittances – providing them a better life as well. Young prospective migrants often see the tangible benefits that migration has brought other families and that a 'better life' is within reach through migration. Adunga (2019) found that, in the two zones of high out-migration, 70% of buses operated for 'public transit' fares were owned by families with migrants in South Africa.

In camp settings, children are often motivated to stay after reaching the camp due the expectation that they can be resettled overseas (alone or with family) and pursue higher education, become 'successful', and 'solve all their problems'. Multiple respondents reported having heard or been influenced by stories of refugees being resettled and building a new life. Throughout the research, the belief that staying in a camp would make it easier to be resettled overseas was a motivation for movement in an attempt to achieve a better life. Some children on the move from the Great Lakes Region believe that reaching a camp in Malawi or Zambia will result in resettlement options abroad, including in Europe (Sweden, Norway, the Netherlands, France, and Switzerland) and North America (Canada and the United States). While this aspiration is about finding stability and safety, it is also a wish for increased opportunity, education, and wealth.

"My short-term goal is to study and succeed in my education. My long-term goal is that I want to go to university and find a job so that I can have a better life and become a responsible woman. I have a pressure of getting married from my parents but myself I am not ready."

Female Respondent #2, age not specified, Zimbabwe

"I believe that tomorrow I will have a better life".

Male Respondent #9, 17 years old, Zimbabwe

"I have been here for almost seven years, and I don't think I would want to stay any longer because the temperatures here are too high and also that there are few opportunities for refugees after finishing high school."

Female Respondent #4, 17 years old, Zimbabwe

Boys in Gimbichu Town, Hadiya, Ethiopia

"When a family member leave for South Africa, his family organizes a farewell party for the entire neighbourhood residents, including the migrant's friends, relatives, religious leaders, and community elders. The event is started with a prayer and then food and drinks will be served. Then, ceremony participants will give some money for the prospective migrant and wish him the best of luck during the journey and in the destination country. The money raised during the occasion will be used for the brokers' fees or to cover the migration expenses. Afterwards, community elders and religious leaders give blessings on the prospective migrant by spitting into his head and face. They also pray to God to make his journey safe; arrive in South Africa with no harm. After offering some money, some community members ask potential migrants to take their siblings after he safely arrived in South Africa and started business. This is a kind of promise made in front of people… Children always aspire to become like a person who migrated to South Africa and support families by sending remittances. In so doing, they wanted to make their family proud. When parents demand their children to do their homework or any activity in the farm, they say: 'we will send you to South Africa, if you perform this task or any other particular assignments'".

Securing an income

Migration takes place in the broader socio-economic context of poverty and economic deprivation. Poverty is a key factor in movement as children – regardless of their migration status – will be expected to provide for their families to some capacity. In southern Ethiopia, youth believe that primary education is important, but advanced education rarely leads to better jobs – unlike migration (Samela & Cochrane, 2019).The prevalence of migration is thought to have increased the rates of school drop-out, as migration is seen as more appealing and offering a higher 'return on investment' for future income than remaining and investing in school (Adunga, 2019; Samela and Cochrane, 2019).[12] In Zimbabwe, Malawi, and Mozambique, long-standing cross-border migration or 'border hopping' for work is commonplace and is common along the route (Save the Children, 2020). While children may be motivated to make this movement completely independently, it is often not without some degree of encouragement from families who may want the extra income and are prepared to allow their children to face those risks (Fritsch, et al., 2020).

This feeling of responsibility both to be successful and to support a family in need often underlies movement, not only for adults, but also for children. For example, Adunga (2019) notes that remittances in Ethiopia are typically sent by a male migrant to his wife and children; in the case of child migration, boys send money to their parents. Migrants, including children, send an average of 103 USD per month (Kanko, et al., 2013). This is significant when compared to other options; mean income for rural-urban migrants from the SPPN Region was 307 Birr/month (~35 USD) (Regassa & Yusefe, 2009).Total income for households with a migrant family member, according to these figures, is likely to be around three times greater than total income when compared to domestic migration.[13] These types of income increases for households can drastically affect their well-being – thus making the concept of child migration more acceptable. Not only economic, but also social factors drive children to migrate. 'Successful' migrants are granted higher social status not only within their families, but in their communities, who are able to witness the changes in household status. Both economic and social motivations are sometimes exploited by a 'facilitator' who encourages movement to certain locations promising children and their family employment. In some cases, the promised jobs exist but the

---

[12] This could well be because migration is a more recent phenomenon in this region and offers distinct benefits. While some adolescents may drop-out of school to migrate, the remittances they send drastically improves the lives of other family members. In southern Ethiopia, private school enrolment has increased as more families are able to pay school fees.

[13] In regions of high-out migration in Ethiopia, migrants in South Africa have incentivized further migration. The increase of household disposable income and the increased demand for goods – but it has not been met by an increase in supply, driving prices up for everyone and necessitating some degree of salaried work. Some have argued that this has had larger impacts – including damaging the bargaining culture, which has also resulted in higher prices. Families receiving remittances from their young family members in the south are referred to as 'ene yihunie metu' or 'people who agree to purchase goods for any price'. It also sets a standard for 'success' in the community.

terms may not be exactly as advertised. In other cases, children have been lured into unpaid or otherwise exploitative work, including hard labour and sex work. While such exploitation does on occasion take place, it does not appear to be the norm (University of Pretoria, 2020; Save the Children, 2020). It is also important to note that the trafficking risk may be higher for children who stay in-country than for those who leave. 'Opportunities' inside the country of origin to be attained through rural-urban migration are also not always what they seem and may involve trafficking dynamics.[14]

"I have been staying in this community for the past three years now. I don't want to stay in this community for a long time because I am looking forward to be resettled in another country for a better life."

Female Respondent #1, Zimbabwe

Genet, 16 years old
Hossana, Hadiya Zone, Ethiopia

Genet is 16 years old and currently enrolled in secondary school in Hossana. She was born outside of Hossana Town in a family with 10 siblings. She is familiar with migration; not only does she see that migration is encouraged in her town by the elders, but her older sister also moved to Lebanon two years ago and is still working there. She has been planning to migrate to South Africa for some time as the community has been making her feel ashamed for not yet going by any means possible to join her boyfriend there.

She met her boyfriend in primary school, and he moved to South Africa some years ago to support his family. Every month, he sends her 4,000 ETB (100 USD) to give to her parents. She takes some to buy clothes and shoes and other things she needs. She believes she would have been in South Africa sooner if it were not for the death of her boyfriend's mother last year. When she died, he spent a lot of money on her funeral and therefore has not been able to save enough money for her trip yet.

When she thinks about her future, Genet believes that she will be in a better position in the mind of her community. Rather than judge her for not moving, she will go and accumulate some wealth and support her family. Migration is one of the only life paths she can see leading to a better life, a better home, and better-quality shoes and clothes. She knows a lot of bad things happen to migrants because she hears about them from the community. She believes that people who migrate must be determined to make a sacrifice and cope with all the challenges they will face during and after migration.

Genet thinks the community mostly focus on the positive stories which distorts the picture – showing how much money they receive from people in South Africa and what they have purchased with the money they have gotten. But still, "all the roads are to South Africa" - other things are not encouraged by the community. She thinks migration has really changed the views of the youth and the culture in her town. In this respect, she is not concerned about finishing school, because many people believe that those who finish school do not have a better life anyway. She says, "It is preferable and far better to have money and wealth by migrating south than holding a bachelor or master's degree in Ethiopia."

---

[14] *The US Department of State (2020) reports that movement of Ethiopians to South Africa, potentially to destinations in South and North America, is of increasing concern, though they note that domestic trafficking of children for sex and domestic work (forced begging and agricultural work is also common) is an order of magnitude higher than international trafficking, particularly along this route. As with the vast majority of trafficking cases, individuals typically move voluntarily and may find themselves later in a coercive situation (not necessarily with the same individual).*

Risks to Children on the Move

Children moving along routes to the south are a diverse group, but nonetheless face similar threats to their wellbeing. The following section outlines some of the typical risks facing youth on the move toward the south. These risks have been divided out for clarity, although they are typically linked. Children and youth experience these risks in a variety of combinations; risks are enhanced or mitigated based on a number of factors inherent to the child and his or her migratory context. This section demonstrates that, while many risks are inherent to the journey itself, a significant proportion result directly from the way in which states interact with and manage irregular migration and children on the move in particular. Many risks are also rooted in or exacerbated by a culture of xenophobia in southern Africa This section first considers the contextual issues framing protection risks – xenophobia and the way in which the international community defines trafficking. It then analyses four categories of risk: access to services, abuse and exploitation, detention, and documentation. Each of these types of risks has firm roots in state factors: state actors both perpetrate risks themselves and contribute to a context which exacerbates risk.

Contextual Factors Affecting Risk

Risks facing children on the move toward the south of Africa are greatly affected by two overall contextual factors. At a cultural level, xenophobia toward migrants and people from other cultures contributes to a variety of risks, from police targeting to denial of services. At an institutional level, lack of clarity about the definition of trafficking creates a complex, often unmanageable situation for authorities. According to international protocols, any minor moving irregularly can be considered as a victim of trafficking – but responding to all children as victims is both unrealistic, given that children voluntarily choose to migrate, and unsustainable, given the resources required to manage trafficking on the part of the state.

Xenophobia

Xenophobia is a clear trend along the entirety of the Southern Route. Both asylum seekers and migrants face harassment by both local communities and authorities, denial of basic services, and the risk of arbitrary arrest and detention by law enforcement agencies due to profiling (Leggett, 2003; HRW, 2005, Waller, 2006; Pendleton, 2008; Women's Refugee Commission, 2011; Nanivadekar, 2014; Crush, et al., 2017). Xenophobia is a central trend in encampment policies, stricter (and counterproductive) border enforcement and detention policies, and narratives of terrorism and generalized criminality. Understanding the precise role of xenophobia on the migration experience, and with children specifically, is critical as it touches on nearly every other protection concern that has been raised in this report.

In **Kenya**, xenophobic sentiment is largely targeted at the Somali community and increased drastically following over 250 attacks by Al-Shabaab since 2011 – including the Westgate Shopping Mall attack in Nairobi, which left 67 people dead (Gastrow, 2011; Freeman, 2019). In this context, migrants, asylum seekers and refugees are seen through the lens of terror threats and domestic stability, resulting in a series of laws and enforcement measures which threatens the rights of people on the move through denial of services, raid campaigns, detention, and in some cases refoulement (Ibid.). The effects on both the permanent and temporary Somali community have broadly been understood to be counterproductive (Amnesty International, 2014). Eastleigh, an impoverished neighbourhood in Nairobi which hosts a large Somali population, has become the target of harassment and detention, as has Dadaab camp.

Directives for the rapid closure of Dadaab camp allegedly resulted in harsher behaviour toward Somalis, which eased somewhat when Kenya's High Court rejected the rapid closure of the camp based on humanitarian grounds and the respect for international asylum law. However, there is evidence that conditions in the camp have worsened to the extent where people feel they have no choice but to return or move forward on a journey. Dadaab represents not only a destination point for asylum seekers, but also a major migration transit point. Threats of its closure affect individuals who feel unable to return to Somalia;

denied the safe haven of Dadaab, they are pushed forward on their journey. They may more proactively look for opportunities to travel – often through the use of smugglers and related service providers.

Kenya has also returned to a preference for encampment and has been noted to perform forcible relocation from Nairobi to Dadaab camp (or less frequently, Kakuma Camp in north-western Kenya).[15] Associated with this forcible relocation, instances have been identified in which children have been detained or effectively abandoned as their parent(s) are detained or relocated (Amnesty, 2014). Children in these circumstances are collected and detained or relocated with children, and often exposed to crowded and unsanitary conditions. The sense of entitlement amongst police and security forces has resulted in sexual assault, physical assault, and extortion being perpetrated against children affected by relocation or detention. Amnesty has documented child-headed households in Nairobi that are the consequence of relocation or detention. Refoulement has been documented in several cases, including that of children (Amnesty, 2014; Amnesty, 2017).

In South Africa, xenophobia is prominent in media coverage of southern migration. Anti-xenophobia campaigns[16] began in the country in 1999, following violent incidents targeting migrants. These were an early signal of the challenges the country would face in trying to respect human rights and non-encampment approaches. Xenophobia has both institutional as well as individual forms. The vast majority of attention has been placed on individual violent acts targeting foreigners, including assault, targeting, and looting of foreigner shops and homes, and harassment (HRW, 2020). Institutional discrimination is notable amongst reports of police targeting and harassment, as well as denial of services from institutional which are mandated to provide essential services (e.g., medical care and education for children) (New Humanitarian, 2015; HRW, 2020). At the heart of these clashes is scapegoating for larger problems, such as lack of affordable housing, unemployment, drug abuse, and crime (Nanivadekar, 2014). Perceptions that migrants are associated with crime are not supported by evidence; in fact, evidence presented by the Border Police Division has noted that the "involvement of irregular foreigners in organised crime, statistically, is not proven" (Waller, 2006: 7). Similarly, independent research conducted in South Africa has struggled to identify the migration- criminality link; Leggett (2003) found that irregular migrants were far more likely to be victims of crime (*e.g.*, theft, burglary, assault, murder) than to commit crime. The research also found that migrants are less likely (and less able) to report any victimization to the police for fear of repercussions.

Trafficking (and Smuggling)
Trafficking is highlighted as a key risk in much of the literature regarding migration along the Southern Route[17] (Martens, et al., 2003; MIDSA, 2004; IOM, 2008; IOM, 2010; Kenya National Crime Research Centre, 2015; Mahmoudi & Tshegofatso, 2018; Nelson, 2020) and was equally reflected in key informant interviews conducted for this study. This is also reflected in quantitative research conducted by UNICEF and MMC (2019) which found that kidnapping was reported by children, and that girls were slightly more likely to report kidnapping by criminals than boys (52% to 43% of those reporting kidnapping).

©Tdh/Kany Sissoko

---

[15] *This is in tension with Kenya's commitment to the Common Refugee Response Framework (CRRF). The CRRF is the first of two Annexes to the New York Declaration for Refugees and Migrants adopted in September 2016 at a High-level meeting of the UN General Assembly. It is a comprehensive set of commitments to be implemented in situations involving large-scale movements of refugees. It lists several actions and best practices in four areas: reception and admission measures; support for immediate and ongoing needs; support for host countries; and enhanced opportunities for durable solutions.*

[16] *United Nations High Commissioner for Refugees and the National Consortium for Refugee Affairs, and the South Africa Human Rights Commission began the 'Roll Back Xenophobia' campaign to change perceptions and attitudes towards migrants and refugees. Another campaign entitled 'National Action Plan to Combat Racism, Racial Discrimination, Xenophobia, and Related Intolerance (NAP) began in 2019.*

[17] *It is important to highlight that most trafficking cases seem to be domestic in nature (domestic work, bonded labour, and sexual exploitation). This is supported by the annual global Trafficking in Persons report published by the US Department of State.*

While trafficking is perceived as an issue, along this route the concept also suffers from lack of definitional clarity (Adunga, et al., 2019; University of Pretoria, 2020). This lack of clarity stems from the fact that a strict reading of legal frameworks suggest **children are unable to consent to movement and are therefore always the victims of non-consensual movement, even in cases where the key determinant of trafficking (i.e., exploitation) does not exist**.[18] In short, any movement of children through irregular means can be considered trafficking, according to the current protocols, even if children move voluntarily and are not exploited along the route.

The strict default to 'trafficking' highlights the tension between the child rights-centric migration literature which calls for recognizing intentionality, self-determination, and agency of children on the move and trafficking literature which suggests complete passivity where the person in question is a child (the so-called 'perfect victim' narrative) (Mahati, 2015; University of Pretoria, 2020). Specifically, children's rights literature and children's rights organizations frequently acknowledge children's capacity to design their own futures through movement, make decisions regarding engaging in labour or other economic strategies, and take on other 'adult' responsibilities (e.g., caring for younger children). However, if a child engages a smuggler for movement or engages in criminal behaviour – they are passive victims who have been trafficked.

Table 1: Smuggling and Trafficking Dynamics[19]

	Smuggling	Trafficking
How money is made	Payment, monetary or in-kind (including transactional sexual arrangements), before or after movement, for illegal entry into a country	Exploitation in the destination location
How agreement is made	Negotiated arrangement with knowledge of travel plan and cost, usually based on 'market rate' for similar services	Deception or coercion
Relationship	Relationship ends after migrant reaches agreed destination	Relationship typically continues in destination
Victim	The transit and destination country(s) (i.e. violation of immigration laws)	The trafficked person (i.e. violation of personal freedom, dignity)

In practice, people on the move – including children – often move between consensual (smuggling) and non-consensual or deceptive (trafficking) movements. They may be exploited for gain at certain points along the route but may also themselves take measures to mitigate risks or escape from harmful situations.

Furthermore, 'trafficking' insinuates a certain degree of organized crime; it implies a hierarchical organisational system intended to profit from exploitation. In practice, movement along the southern route is generally facilitated, rather than coerced – that is, it takes place through smuggling networks. These smuggling providers are largely informally engaged: truck drivers, taxi drivers, and well-meaning community members may provide these services for children on the move, usually for a nominal fare (UNODC, 2018).[20]

---

[18] *However, these terms are often difficult to parse as there is a lot of room for interpretation; how much deception is required for it to be trafficking versus poor business practices? If the route changes but the migrant still arrives at their destination, were they deceived? Does a migrant that experiences mild physical abuse or a violation of their freedom along the journey mean they are trafficked? Often, smuggled migrants can be held distinct, but smuggling – due to its clandestine nature and the inherent power imbalance along the route – often exposes migrants to additional risks, which include trafficking.*

[19] *Adapted and expanded from IOM/IGAD, 2015.*

[20] *There are also cases of children participating in transactional sex to facilitate such services in cases they do not have access to money. These situations are difficult, as they are exploitative and undesirable, but also sometimes taken as a choice. University of Pretoria (2020) and Mahati (2015) have done thorough work investigating these tensions.*

The disproportionate focus on trafficking has very real consequences for protection outcomes of children in light of the regional push to criminalize both consensual and non-consensual irregular movement. [21] Challenges surrounding accessing documentation and care arrangements in South Africa can be tied to trafficking fears. Several researchers have noted that 'rescue' operations targeting unaccompanied minors sometimes force the reunification of children with families who they were seeking to escape or by placing them in care homes that are unable to meet their basic needs or expose them to further abuse (Mahati, 2015; University of Pretoria, 2020). Thus, smuggling and trafficking can be seen as a double-edged sword: while there are risks associated with smuggling and trafficking, inappropriate or over-zealous response without the adequate resources to back up a child-centred response can also be harmful.

"The smuggler's role is irreplaceable. They play a significant role in facilitating the journey by providing false information, preparing forgery documents, arranging camps in transit countries, among others. It takes a week to six months to arrive in South Africa."

Government Official, SNNP Region, Ethiopia

Encampment in southern Africa

The vast majority of asylum seekers from Somalia, DRC, and Burundi are hosted in neighbouring countries. As a result, Kenya, Uganda, and Tanzania are some of the largest refugee hosting countries on the continent. However, increasing measures to reduce services, including camp closure and return efforts, have made these countries less appealing and indeed less safe for those requiring international protection. Furthermore, both countries have increasingly strict encampment policies, which limit movement and restrict the right to work. Lack of durable solutions and economic necessity may put additional pressure on some to move onwards.

While southern Africa may offer additional protection options, strict encampment policies and lack of any long-term solutions can likewise encourage onward movement. Many asylum claimants will remain in camps in Malawi, Zimbabwe, and Zambia for years, but many more will remain for shorter periods before attempting to reach South Africa. In effect, camps in Malawi (Dzeleka), Zimbabwe (Tongongara), and Zambia (Mantampala) provide vital options for protection **but are also known to serve as stop-over points on journeys to South Africa** (IOM, 2014; Frows, 2017), where out-of-camp asylum policies with access to services and the right to work offer a more appealing option. While concrete data on the scale of onward movement is not available, the phenomenon is visible and supported by the existence of smugglers in and around the camps willing to support further movement, as highlighted by publicized police raids with the purpose of arresting those engaged in human smuggling (both accused smugglers and migrants alike) in Dzeleka Camp (2018) as well as the US Department of State's Annual Trafficking in Persons report (2016). Several informants for this study indicated that there are reduced incentives for families to identify children who have left as it would reduce food rations.

---

[21] Along the southern route, despite the intensified research, programmatic, and advocacy pressure to manage trafficking cases, there have been few prosecutions in 2019, most of these not concerning child trafficking – but adults in indentured labour situations. Even earlier studies focused specifically on this issue have failed to find significant, if any, evidence (see, for example: IOM, 2009).

Access to Services

Lack of access to basic services is a risk for children while on the move as well as in their country of destination. Education and healthcare are key challenges. Unaccompanied children may also need specific services – particularly foster care – which can lead to overlapping abuses and risks.

Lack of Education and Healthcare

Lack of access to education and health is a motive for children to migrate; children can often better secure basic primary education and medical care due to their migration journey (Fritsch, et al., 2020). UNICEF and MMC (2019) found that around 30% of children moving south were motivated by improved access to education.

While the desire to access services may motivate migration, journeys may not deliver on expectations. Denial of basic services for children – even where state laws provide for universal provision of such services to children – is widely reported on the Southern Route. A study of child migrants in South Africa found that 65% of unaccompanied minors were not in school, despite a law providing for universal provision of education (Save the Children, 2007). Girls on the move were found to be much less likely to have never attended school at all (61%) (UNICEF/MMC, 2019).

In **camp settings**, access to education and healthcare is reasonably straightforward. Services are provided to all registered asylum seekers and refugees, though these are limited to primary education and in some cases secondary education. In Zambia, asylum seekers and refugee youth can attend university, but must pay full fees – which is usually not possible for families who are generally unable to work in the country legally.

Although education and health services are available, language barriers can present a challenge given the variety of nationalities represented in migrant populations. For example, children coming from the Great Lakes Region often speak local languages and French and are not well placed to immediately join classes in southern Africa, where schooling is conducted in English. Similarly, very few service providers in southern Africa can provide adequate support for Somali and Amharic speakers and may rely on other migrants to provide translation.[22] Portuguese speaking children from Mozambique are unlikely to find support in their language. Even in camp-based settings, where children have access to specialized support, this transition can be difficult and discouraging. Interviewees noted the importance of ensuring that children in camps had adequate school facilities and that these facilities had capacity to provide services for all children; lack of youth-focused productive activities and further educational opportunities was seen to increase the risk of child labour, drug abuse, and other risky behaviour. Children themselves reported wanting more opportunities to study and more sources of entertainment.

> "I don't want to stay any longer and I want a country where I can pursue with my education".
>
> **Male Respondent #10, 17 years old, Zimbabwe**
> _____
>
> "I come from a less privileged family so if I have no support to pursue with my education, I will not have a bright future".
>
> **Male Respondent #11, 17 years old, Zimbabwe**
> _____
>
> "I am worried that I may not achieve my goals since there are no opportunities for us to go to university."
>
> **Male Respondent #9, 14 years old, Zimbabwe**
> _____

---

[22] *This practice is typically not recommended. In some cases, 'migrants' speaking on behalf of others were actually smugglers themselves and not providing accurate translations for the other migrants in question (See: Asylum Access, 2013). This was also reported to occur in Dzeleka camp in Malawi.*

In **Kenya**, children on the move can be in both camp and out-of-camp settings. This makes ensuring children on the move have access to education more complex. In urban areas, children living irregularly are difficult to identify and there are often additional factors that are pushing children to take up odd jobs to support their households instead. In out of camp settings, several informants pointed to access issues associated with lack of understanding of the rights of migrants. In **South Africa**, in particular, migrant rights are not recognised amongst those managing educational enrollment and health care services, leading to denial of services for children on the move. (Ackermann, 2018).

In addition to denial of services, children may end up excluded from services due to their circumstances. Independent children must fend for themselves and many children end up working in addition to, or instead of, going to school (Fritsch, et al., 2020). Even accompanied children report difficulty accessing education and health care or facing discrimination in those settings (Meda, et al., 2012; IOM, 2017). Should children be able to enroll in school, family circumstances may not permit them to attend. The lack of support provided by the state to asylum seeking and refugee families mean children are often induced to work to support the household. Other barriers include fears of parents being deported, lack of money to pay for school or ancillary costs (e.g., uniforms, school supplies), and/or lack of identity cards from any source. In **South Africa** in particular, children are often acutely aware of the risks of remaining in the country irregularly – both to them and their families. Thus, many will purposely maintain a 'low profile' and avoid coming forward to agencies who are able to support them in accessing services in order to mitigate what they perceive to be a greater risk. Failure to present identification or valid out-of-camp passes or asylum application permits risks exposing children, their family, and peers to risk of penalty, including potential deportation proceedings. The culture of 'illegality' limits the freedom of children to act in their best interest in some cases.

Psychological and Emotional Distress

Children on the move south have often come from contexts with high degrees of violence and conflict. This is particularly the case for children migrating from the Great Lakes Region. Children coming from contexts of generalized poverty that are moving primarily for economic opportunities and access to services may have also experienced fear and abuse along the route. According to UNICEF and MMC (2019), 14% of children on the move south reported encountering violent people and a further 7% reported travelling with violent people. Over one third of children (36%) felt fearful while on their journey.

"We had a difficult time on our way because I witnessed so many people being killed even young girls like me. I don't feel like talking to older people about the experience because I know that they are still being traumatized by what they witnessed also."

Female Respondent #8, Zimbabwe

On arrival, social exclusion, challenges to well-being, and harsh conditions may also contribute to negative feelings. Over the course of this study, many informants indicated that children experience symptoms of psychological and emotional distress. Some children indicated they felt comfortable speaking about their concerns to friends, family, or other people in their community, while others felt it would not be appropriate. Psychological support is not a typical health service that is offered and other support workers (e.g., social workers, teachers) may not be equipped to provide it.

Unsafe Fostering Arrangements

Unaccompanied children often face specific risks while migrating, and child protection and migration frameworks have afforded specific considerations therefore being given to unaccompanied children – including affording them care arrangements that can support them in meeting their day-to-day needs for safety and care. These measures, while intended to protect children, also entail a level of risk.

In **Zimbabwe, Zambia,** and **Malawi**, kin-based fostering arrangements (i.e., placing unaccompanied children with families from the same area of origin and ethnic group) are common arrangements for unaccompanied children who have arrived in refugee camps. Kin-based arrangements are premised on the belief that a child's best interest is best served by being placed in a household from a similar cultural and linguistic context, rather than in a general foster care or group care setting. It is often intended to mimic local practices of securing care for orphaned children and align with rights to 'family-relations' concerns outlined in the *Convention on the Rights of the Child*[23] and the *African Charter on the Rights and Welfare of the Child* (CRWC (Assim, 2013).

In practice, these arrangements rely on a complex set of processes. Authorities managing foster arrangements must identify families from the relevant area of origin, gain their permission to take the children, and then place the child in the household. The camp-based fostering system is starkly different from organic community kinship care arrangements as, in camp systems, more often than not people who are unknown to the child are charged with their care rather than an extended family member (e.g., aunt or uncle, grandparent, cousin). In Malawi, Zambia, and Zimbabwe, where this practice is prevalent, a foster family does not undergo additional screening and children are not provided alternative options, unless a complaint of abuse is reported after placement. This is different from national alternative childcare approaches, where families must be thoroughly screened prior to taking a child into care (e.g., income verification, extensive referencing, police vetting). While there are clear benefits for children to connect to families with a cultural and linguistic background, these arrangements can lead to abuse, especially when screening arrangements are missing. This research found that there is a perception that foster children, particularly adolescents, are neglected or, worse, seen as a means to increase household food rations, or as sources of free labour. Informants also indicated that there is a perception that fostering exposes children to physical and sexual abuse and exploitation. Treatment of foster children is noted to be markedly different from biological children.[24] Unsafe or undignified care solutions may also push children to flee the camp and move onward with their journey.

©Tdh/Francois Struzik

In **South Africa**, the fostering system is complex and is recognized to have a high degree of inconsistency. The system has incompatibilities with the best-interest approach, and generally fails to reach many children. 'Protection homes' for unaccompanied and separated children in South Africa – while better than detention – have been recognized as under-funded. They lack the necessary level of professional resources and are even associated with perpetuation of xenophobic abuse (Mahati, 2015). Multiple informants highlighted the difficulty in maintaining contact with children who enter these arrangements as they often disappear – often cutting them off from legal and social supports designed to protect them from abuse. Informal arrangements which are not supported or known to the state may be common. While some children may have 'caregivers' in South Africa, formal fostering arrangements cannot be provided to asylum seekers or undocumented individuals as they are not seen to offer a stable home – though is perhaps not in line with the best-interest

---

[23] Article 5: "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention".

[24] It was also mentioned that foster families are disadvantaged by taking in children as they perceive it reduces their chances of international resettlement. Once again, perceptions around factors that go into resettlement decisions effect behaviour in camp contexts.

policy (Akermann, 2015). This means that children are losing opportunities to be connected to child protection services.

Abuse and Exploitation

Abuse and exploitation are common features in irregular migration journeys. Children on the move are faced with these risks through the migration cycle, whether accompanied or unaccompanied. Even after arriving in their intended destinations, risk of abuse and exploitation continues. Abuse is perpetrated not only by external actors, but may also be experienced within the family, amongst peers, within institutional settings (e.g. camps and schools), and at the hands of community members. While smugglers and traffickers certainly play a role, the state is also a perpetrator. The following section outlines risks relating to physical and sexual abuse, forced labour, detention, xenophobia, and smuggling and trafficking.

Physical and Sexual Abuse

Physical violence can be a reason for a child to move, but it can also be a consequence of migration. Abuse can be tied to poor migration conditions: smugglers continue to use poor quality trucks and boats to transport migrants, who are typically crowded and not afforded freedom of movement.[25] For those travelling by boat for all or part of the journey, boats have been known to capsize on a somewhat regular basis, leading to death by drowning for migrants.[26] Migrants are often not aware of their exact location on any route as they are concealed; as a result, migrants have little control over their circumstances or agency in case of an emergency. Border areas are often highlighted as posing the greatest risk given the presence of police and border guards as well as smugglers and others looking to 'support' a journey for a fare.[27]

> Facilitator: "Is there any advice you would give to other young people who would make the same journey?"
> Boy: "Never to attempt to start a journey like this because it was a horrible experience for me."
>
> **Male Respondent #16, 14 years old, Zimbabwe**

It is difficult to fully understand the extent of sexual abuse experienced on the migration journey due to the taboo. Transactional sex was commonly cited by informants to move forward in a migration journey and to secure crossing at checkpoints or other barriers to reaching the intended destination, particularly for girls. Survival sex in urban areas was reported for both boys and girls. This has also been documented extensively both because of precarious living while on the move (Raddatz & Kerby, 2020) and as a coping mechanism to ensure basic day-to-day needs (IOM, 2018; University of Pretoria, 2020). Girls were also reported to be specifically at risk of sexual abuse and exploitation in informal labour settings, where employers may take advantage of their circumstances. It is important to note that this abuse is not simply an 'outside' phenomenon – sexual exploitation is reported in camps, including girls resorting to transaction sex for food or other items due to insufficient rations or unmet needs.

Forced Labour

Forced labour was mentioned as a common risk in foster care settings within camps (Zambia, Zimbabwe, Malawi), where foster families send children to work menial jobs around the camp. As discussed in the section profiling foster care arrangements, work expected from foster children is observed to be higher than other children in the household. Some informants in Malawi indicated that middlemen operating around Dzeleka camp seek young people – including minors – to take up roles on local farms in Kusungu. In these

---

[25] "Tanzania: Migrants die in truck" (BBC, 27 June 2012). 42 of 120 migrants from Somali and Ethiopia were found dead in a truck in Tanzania, headed for Malawi. "Dozens of migrants died in shipping container in Mozambique" (IOM, 24 March 2020) reported that 64 persons were found in a truck in Tete, Mozambique en route to South Africa.

[26] "Horn migrants use new, more dangerous, routes through Malawi" (The New Humanitarian, 21 January 2013). A boat carrying 60 people capsized; the bodies of 49 migrants from Somalia and Ethiopia were not found. "Ethiopian migrants die off Tanzania coast trying to sail to South Africa – Police" (Reuters, 23 October 2018).

[27] Long and Crisp (2011) documented this phenomenon and noted that these individuals have distinct titles - 'magumaguma' (scavengers). These individuals may act as casual smugglers but are also known to rob and harass migrants.

cases, the recruiters are not the employers. Instead, they offer labour to farms in exchange for commission. These arrangements can be exploitative as there is limited recourse for an irregular migrant who leaves the camp voluntarily and is not a documented worker.

Ethiopian adolescents often migrate through connection with diaspora in **South Africa** and are sent for the specific purpose of working within a pre-established shop or service business run by another member of the Ethiopian migrant community. Boys – particularly adolescents – are often sent with the support of their families and make the journey using smuggling networks that have developed over time for the purpose of moving boys and men south. They can be subject to physical and sexual abuse along the route. In addition, they are often subject to unique protection risks on arrival. While they may benefit from arriving in a pre-established diaspora community who was expecting their arrival and perhaps even supported the movement financially, they are at risk of exploitation in the form of indentured and unmonitored work. Indeed, some research has found that, while these networks used to facilitate relatively straight-forward passage amongst kin networks, increasingly boys and adolescents are moving using extended or tenuous networks who may not be looking out for their best interests after arriving. Due to the cost of the journey, their irregular status in South Africa, and the distance from home, boys and adolescents may find themselves stranded and reliant on those who took them in.

'Nkambo', Democratic Republic of the Congo, Age 16

'Nkambo' is from the Democratic Republic of the Congo (DRC). Her parents died when she was young, so she was raised with her maternal aunt, uncle, and cousins. Her home village of Kalemi is known for rice farming and trading. She went to school sometimes back at home, but it depended on the weather; if the weather is in her favour, she could go and if not, she could stay home. Her family lived well, and while they did not have everything, all the basic needs were provided.

After some time, her uncle died. She was filled with grief as she saw her uncle as her own father. He used to call her by the nick name 'nkambo', which means old woman, because she was named after her maternal grandmother. While life was tough, she always managed to pull through with the help of her aunt and uncle.

A few months later, they started hearing about people being killed by bow and arrow whilst at their farming fields. It became clear that they were being attacked by bush men from the forest called 'abatembo' and the community took it as a sign that they needed to start fleeing to safety before their houses would be burnt at night. They packed what they could manage from the houses such as pots, cups, mattresses, and some bedding. It took them seven hours to walk on foot from Kalemi to Lupiya, near the border with Zambia. After that, they spent one night at the border before being taken to Chiengi Transit centre and then to Mantapala Settlement. Nkambo and her family did not face many challenges during their flight except the anger and the pain of leaving their valuable household goods.

Upon reaching Mantapala settlement, her aunt remarried. Life seemed bright until her new uncle started abusing her sexually. She was scared to share this with her aunt who seemed to be enjoying her new marriage. One day after dinner, Nkambo decided to get a knife to defend herself and her cousins in case he came to the area where they were sleeping. When he came in, she took the knife from beside her bed and threatened to kill him. After she shared this story with a friend, the friend told her mother. The mother then brought this complaint to the protection help desk in the camp. The police then apprehended the uncle.

Nkambo has been coping well and has had alternative family care arranged, as well as counselling. She is attending school and doing well. She has some good friends to support her. She would like to continue her education and become a nurse in Zambia.

Detention

Irregular migration is associated with a high risk of detention in case the migrant or group of migrants is identified by border guards or police. Given the restrictive migration environment in east and southern Africa, detention of migrants occurs with regularity (Asylum Access, 2013; MMC/UNICEF, 2019). The Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families outlined in 2017 Joint General Comments that the immigration detention of children conflicts with their right to development and the principle of the best interests of the child. Detention can be risky for children for a variety of reasons and should and could easily be avoided should appropriate care options be made available. Alternatives to detention that respect the rights of the child and are in their best interests should be put in place. Joint holding cells often mean young people are exposed to risk of abuse from others. Lack of basic needs are commonly reported by children in detention, including lack of clothing and blankets, proper toilet and washing facilities, and clean drinking water (UNICEF/MMC, 2019). To conform to international standards, even in detention children must be secured the right to education, leisure, and play. However, these rights simply cannot be assured in most cases. In addition, children are harmed by detention as parents may be detained while separated from their children (e.g., while at their place of work), resulting in a family separation.

There are two main contexts in which detention occurs. First, children often end up in detention as a result of their parent's pending migration case. In this situation, detention does not target children, but takes place because of harsh immigration enforcement and a lack of alternative care options developed by the state. Second, adolescent boys appear to be at specific risk of detention due to assumptions about the purpose of their migration journey (economic) and their lack of documentation to prove their age (Manby, 2018).[28]

While field research indicated that practices surrounding detention have improved significantly in the last decade, UNICEF and MMC (2019) found that 17% (nearly one fifth) of children on the move had reported being detained at least once along their journey. The detention period for girls was notably higher than for boys (27 days versus 17 days, on average) (*Ibid*.).

Kenya is an example of a country which has high rates of detention due to strict immigration policies and inadequate facilities. It also has been reported that children have been separated from their parents and abandoned because of arrests and detention (Amnesty, 2014; Amnesty, 2017). Arrests of irregular migrants and unregistered asylum seekers are commonplace, and prisons in the Moyale border crossing region are said to frequently contain large numbers of migrants (IOM, 2016; TMP, 2019).

In Tanzania, there is little information available regarding the detention of migrants in general, and none on children. No organizations able to speak

---

**Migration Story:
Kembata, Ethiopia to South Africa**

His nephew migrated as a child last year. A lack of job opportunities and peer pressure were the main reasons for his migration to South Africa. They did not have enough money for air transportation and the smugglers that facilitate that route, so he was pushed to migrate irregularly over land. It was his aunt who lived in South Africa who met the smugglers and facilitated his migration journey. She sent him 120,000 ETB (3,000 USD) for his migration journey. In the end, he paid a total of 160,000 birr (4,000 USD) for the smuggler whom he met at Durmai, the capital of Kembatta Zone. The smuggler in Durami told him to go to Moyale, the border town with Kenya, and stay there for five days. After he crossed into Kenya, he was caught by the police in Sololo and was detained there for 10 days. He was also caught by the Police in Nairobi and detained there for three months. The child was released after the smuggler paid some money to the Police in Nairobi. Finally, he was able to start his migration, though he has not reached South Africa yet. His family had to send him an additional 12,000 ETB (300 USD) while he was on route because he was hungry and thirsty. This was a big expense for the family to cover. He knows his nephew has faced physical attacks, detention, and is unable to access health care because he is in countries illegally. He said his nephew wants the others to stay home and finish their education.

Uncle, 35 years old, Durami Town, Kembata Zone Ethiopia

---

[28] *Manby (2018) acknowledges the need for more research on this topic across Eastern Africa.*

to the detention of children in Tanzania could be identified. Based on the last available data, it is suggested that the Government of Tanzania regularly arrests, charges, detains and/or deports considerable numbers of irregular migrants moving south (UNHCR/IOM, 2013). This includes the arrest and indefinite detention of minors (Frows & Horwood, 2017).[29]

In countries in which encampment occurs, the process of border reception, processing and then transport to a camp can take time and thus typically will result in migrants entering a 'detention' or holding facility for a period. For example, in **Zambia**, most entry points lack proper reception facilities. In these cases, border officials place asylum-seekers and refugees in prison facilities alongside convicted criminals while awaiting status determination and subsequent relocation to camps. These facilities often lack appropriate legal services and are often overcrowded and unsanitary (UNHCR, 2018). Children and adults are held alongside one another and are not gender segregated. No formal immigration detention facilities in Zambia mean that migrants are often held in in regular prisons. This is also the case in **Malawi.**

Documentation

Lack of documentation poses risks to children. This is not so much a concern on the route, but more in destination countries. Lack of access to appropriate documentation is at the root of multiple risks, including lack of services and, in some cases, statelessness.

Lack of Basic Civil Identification

Ownership of birth registration, asylum permits, or temporary residency cards would mitigate risks faced by children in accessing education and health care. It would also support them to work towards securing a future for themselves where they can live openly and freely, gain access to formal employment, avoid detention, and police harassment, and secure a better future for their children.

In **South Africa**, children's documentation is dependent on the status of their guardians. In the case guardians have been granted asylum, their paperwork is often expired. For refugees living further away from Immigration Department Offices, the cost of transport to travel to renew documentation, in addition to unpredictable wait times and harassment, often dissuades them from renewing paperwork, affecting all members of the family and children (Schockaert, *et al.*, 2020). For

> Facilitator: "Do you intend to travel to another destination after this?"
> Boy: "Yes, in this country I don't get citizenship. I don't have a desired destination but where I can have proper documents."
>
> **Male respondent #13, 17 years old, Zimbabwe**

unaccompanied children, the complexities of obtaining asylum are particularly challenging. They must approach the asylum system through completely different pathways to accompanied children and must navigate the system while managing their place within the guardianship system (as above). Upon arrival in South Africa, unaccompanied minors are referred to a social worker, who theoretically supports bringing their claim to the Children's Court, which is separate from the refugee status determination system hosted by the Department of Home Affairs. It is critical to mention here that this process has significant practical gaps (Mahmoudi & Mothapo, 2018). Social workers are not trained on asylum law and often fail to support children in meeting the requirements of this process, which can lead to undocumented status and/or deportation (Ibid.). Children cannot directly make legal claims and thus must be supported by a social worker and the Children's Court – which has a broad mandate and is not focused on the protection of foreign national children. In cases where children have a hearing before the Children's Court, they are often given 'asylum seeker' status and must wait until they reach the age of 18 for a status determination interview. In

---

[29] This has been attributed to Tanzania's lack of financial and human resource capacity to carry out returns rather than an interest in detention specifically. If migrants are able to come up with money to pay a fine, they are often released (Asylum Access, 2013).

the meantime, they are expected to renew their documents just as adult asylum seekers awaiting determination. Children who are unable to acquire proper documentation are not granted the right to remain in South Africa,[30] so are subject to deportation if reported to authorities.

In Zimbabwe, children often do not have documentation – but the system does not penalize this directly. Upon registration for asylum, migrants are provided a temporary permit while awaiting the outcome of the status determination process (which can take years). Age assessments may be conducted to provide an estimated age for unaccompanied children who do not know their date of birth. In cases where children are born in the camp, they are not issued a birth certificate. Instead, they are issued with a birth notification that entitles them to a permit that must be renewed every two years. Additional documentation is required to leave the camp for any reason, including medical appointments or other business in Harare. In this case, temporary travel documents are issued – but cannot be issued to children. Because children are not eligible to leave the camp unaccompanied, and are excluded from existing processes, they resort to irregular methods. When they leave camps without notification and are identified by authorities, they are reported back to the camp by police. The process is similar in Malawi and Zambia. Interviewees in both locations suggest most children did not possess documentation on arrival.

Statelessness

Both east Africa and southern Africa suffer from relatively high degrees of statelessness due to weaknesses in birth registration systems and barriers in the administration of national identity, or due to discrimination based on ethnicity, gender, and/or religion (Manby, 2011; Manby, 2018). These risks affect minorities and those in rural areas, but also pose a serious challenge to refugees, children of refugees, and other irregular migrants. While most migrants and asylum seekers will not themselves be stateless, a failure to act to integrate them, and especially children accompanying them or born in the destination country, creates the risk of multi-generational statelessness. Children born to those who have irregular documentation are no longer in any sense connected to any other country and yet are not fully integrated in the country where they live. In Zimbabwe and Zambia, families who have resided in the camp for an extended period are not allowed to seek citizenship for their children – or nationality assuming eventual return is not guaranteed. In other regional contexts where returns took place, these people sometimes had challenges or were unable to have their nationality recognized (see: Evaluation of UNHCR's returnee reintegration programme in Angola, August 2008; UN High Commissioner for Refugees, Africa Newsletter, third quarter 2006.)

Statelessness has become a particular challenge for the region since the "ceased circumstances" of Rwandan asylum claims were recommended by UNHCR in 2013.[31] Across southern Africa, Rwandans in camps were no longer considered to have protected status. Children (and grandchildren) born to ceased refugees still do not

---

[30] *Children from Lesotho and Zimbabwe who are attending school or who have an employment offer may be granted temporary stay, but this is not a guarantee of long-term residency.*
[31] *For an in-depth analysis, see: Rabideau, 2013.*

have options for durable solutions in **Zimbabwe** or **Malawi**[32] beyond assisted repatriation to a country they may have never been to or remaining in limbo. Furthermore, as birth certificates are not issued – only notices of birth – children and children of children born in a camp may not have a valid claim to citizenship. This is also the case for (albeit fewer) Angolans seeking protection since cessation of circumstances was recommended in 2012. Informants for this study indicated an increasing trend of claiming to be Congolese (specifically Nyamurengi or Banyamulenge, targeted ethnic groups) to avoid potential rejected claims.[33]

In general, countries which grant citizenship to children born on their soil (*jus soli*) have the strongest protections for children of irregular migrants and refugees living in contexts with limited to no chance of naturalization. However, on the Southern Route, only Tanzania has adopted such laws. **South Africa** and **Mozambique** technically allow children born in the country to claim citizenship rights after the age of 18, though they are also required to be in possession of a valid birth registration (Manby, 2011) – which appears to be nearly impossible to attain. The Government of South Africa via the Department of Home Affairs, following probes from the national Human Rights Commission (SAHRC), acknowledged the statelessness gap for children of migrants, but placed the blame on the choices of the parents for being in the country and for not coming forward:

"The basic principle of South African citizenship is that a child follows the citizenship or nationality of his or her parents. What can be done is to record the birth of the child. Such notification of birth can thereafter be taken to the parents' countries of origin for registration and issuance of passport, after which the child will be issued with a derivative permanent residence permit status, upon application. The issue posing a serious challenge involves children whose parents are in the country illegally. Some of the parents do not come forward to regularise their stay, thus disadvantaging their own children. Logically, the longer parents fail to come out of the woods to have themselves documented, thus making themselves lawful in SA, the harder it is to save the children." [34]

Thus, while it is legally possible to protect most children from statelessness, the practical burdens are close to insurmountable for people on the move. Not only must the parents of the child present themselves to the state, but they must also be able to produce valid identity documents themselves (i.e., passport or residency permit). Even children born to mixed couples of foreign and South African nationalities would likely not be registered should the mother be undocumented. This is because fathers cannot independently register their children without the mother's formally recorded consent. Mandby (2018) notes that refugees – including unregistered asylum seekers – are unlikely to approach a consulate for country-of-origin registration, for similar reasons of not wanting to draw attention to themselves. As adolescents, children are unlikely to come forward for identity documents out of fear of exposing their parents (Lawyers for Human Rights, 2017; Warria, 2020). Seeking consular support to acquire documents from a home country would automatically invalidate an asylum claim under newly instituted asylum laws in South Africa – further expanding the risk for statelessness amongst children.

In his evaluation, Vigneswaran (2008) found that theft, harassment, corruption and bribery, difficult lodging initial applications, gender discrimination, lack of ability to prepare for determination interviews (no advance scheduling), and failure to provide temporary documentation are widespread.[35] Protracted asylum claim processes, sometimes more than nine years, are shown to have negative consequences for the mental health of claimants (Schockaert, *et al*., 2020). Given the difficulty of accessing asylum status and rights, many people apply for asylum and 'default' (continue to stay after a determination has been made) or never make an application in the first place, becoming *de facto* irregular migrants even though they may have valid ground for international protection (Mukumbang, *et al*., 2020).

---

[32] *Zambia has aided integration with residence permit and these migrants can apply for citizenship after 10 years.*
[33] *As mentioned in other sections, there is also the perception that Congolese and these ethnicities in particular are more likely to be considered for international resettlement.*
[34] *Media Statement on how Citizenship is acquired, and children registered in South Africa", Department of Home Affairs, 11 April 2017: https://perma.cc/L6G8-AAE3. Italics added for emphasis.*
[35] *These complaints have largely reflected a previous report by Human Rights Watch that noted failure to respect right to work and education, seriously delayed status determination processes, lack of legal representation, discrimination, corruption, extortion, and abuse (HRW, 2005).*

Children on the move towards southern Africa: Key Dynamics

COVID-19

Covid-19 caused global economic disruption. It disrupted supply chains and travel and placed restrictions on local businesses. Countries throughout Eastern and southern Africa were affected differently by the virus and implemented different levels of virus control and prevention measures, many of which affected the movement and well-being of irregular migrants. South Africa enforced the strictest restrictions on the continent. This included common restrictions such as mandatory face masks and limits on social, commercial, and religious gatherings, but at times extended to patrolled curfews, lockdown of neighbourhoods, banned inter-provincial travel, closure of public buildings and public transportation, the ban on the sale of alcohol and tobacco, as well as closure of informal markets, restaurants (delivery only), and recreation facilities. As with other regions, restrictions had a serious impact on the well-being of the population, particularly on local businesspeople who relied on income earned from trade or hospitality. Neither asylum seekers nor irregular migrants were eligible for personal or business relief programmes. This is significant as migrants of working age (15-64 years) were considered to constitute over 5% of the total workforce in South Africa (Mukumbang, et al., 2020).

Most countries in the region enforced strict border controls and some domestic-level restricted movement policies (e.g., closed schools, closed public transit). Reports indicate that reduced access to border crossings and more difficult conditions for movement has increased reliance on smugglers (MMC, 2020), increased smuggling fees (MMC, 2020), reduced movement, increase in trafficking and incidents of exploitation (EACRN, 2020), increased detention and arrest (Mukumbang, et al., 2020; Zanker & Moyo, 2020), as well as challenged economic and health security caused by lockdowns (Ibid.; Save the Children, 2020). Interviews conducted for this research indicated an anecdotal increase in child marriages as well as transaction sex as negative coping strategies. As a result, many have reported an increase in teen pregnancies and some reports of unsafe abortions.

Children continue to be at risk due to hardships created by the response. Specifically, decreased access to food aid, medical care, and other basic services (e.g., hygiene) that would be afforded to the rest of the population due to their undocumented status. Fear of arrest and detention in coming forward to seek services or in continuing to try and generate an income reduced options for children. In the case of deportation, Save the Children specifically highlighted the risk of children being held in centres without appropriate isolation procedures and being sent to countries that, likewise, did not adequately screen arrivals. Save the Children therefore called for a suspension of deportation of minors. Children – both migrant children and children from poor families – suffered from the suspension of in-person schooling across the region. Remote learning is not accessible for the vast majority of children in these two categories due to the cost of mobile data and lack of appropriate devices to log-in to virtual classrooms. In some countries (e.g., Malawi), educational radio programmes were introduced, but also depended on information and appropriate equipment.

_____

"Before Covid-19, I could spend my day in school, but in the Covid situation, I spend the whole day doing house chores and doing nothing after I have finished the chores."

Female, 16 years old, Zimbabwe

The Southern Route is extraordinarily complex. It includes lengthy transnational movements from the Horn of Africa and the Great Lakes Region to southern Africa in addition to regional transnational movements within southern Africa. In addition to more complex movements, there are high levels of cross-border circular migration across most of the route between neighbouring countries.

Only limited information is available about the Southern Route. Partially due to the complexity of the route, there is a shortage of data and specifically timely data on the route (Marchand, et al., 2016; IOM, 2019; Adunga, 2019; Estafanos & Zack, 2020). Timeliness is critical due to the ever-shifting nature of the route (IOM, 2016). Even assessing the volume of movement on this route is difficult, if not impossible, based on the limited existing information (IOM, 2009; UNHCR/IOM, 2010; IOM, 2013; Marchand, et al., 2016; IOM, 2019).[36] Given the shortage of data and the complexity of dynamics, it is critical for actors to better understand the bigger picture of migration flows and trends toward the south in order to better address protection measures. The following section outlines specific dynamics and trajectories that comprise the Southern Route. While each journey is individual, broad generalizations can be made about some of the major dynamics on the route. This section begins by summarising the network of asylum-seeking movement, followed by a review of transnational economic migration. It concludes with an assessment of regional movement dynamics within southern Africa that frequently overlap with the routes used by those travelling longer distances.

© tdh /Karl Mancini

---

[36] IOM (2009) has estimated that 17,000-20,000 persons are smuggled into South African every year, with the assumption that 60% of Ethiopians and 80% of Somalis pass through Dzeleka Refugee Camp in Malawi each year (IOM, 2009). The number of irregular migrants living irregularly in South Africa also ranges drastically – from 2 million (Abebe, 2017) to nearly 10 million. Crush, et al., (2005) believes this figure to be "outrageous" – and posits that a figure under 4 million is likely to be more accurate, though perhaps still an over-estimate. The variance stems both from poor monitoring systems on a neglected route as well as the complexity of mixed migration in southern Africa. Interviewing smugglers also fails to produce good estimates, as smugglers have a difficult time discerning the volume of business held by their 'competitors'.

Asylum Seekers

Since the mid-1990s, regional conflict in the Horn of Africa and the Great Lakes have put additional migratory pressure on communities. Movement from Somalia and the Democratic Republic of the Congo (DRC) to southern Africa was, when it started, primarily driven by conflict, but these flows have transformed into broader regional movements of migrants with mixed intentions and aspirations. The contracting humanitarian spaces in Kenya and Tanzania push those from Somalia, DRC, and Burundi to search for protection and opportunity elsewhere.[37] Countries in southern Africa – namely Malawi, Zambia, Zimbabwe, and South Africa - have served as a refuge for disaster-affected populations for decades (Schockaert, et al., 2020). Conflict-induced displacement in East and Central Africa directly contribute to the migration dynamics along the southern route and are reflected in the demographics of migrant stocks and flows– including children. Studies have found that, in general, migrants who have fled conflict are more likely to be in vulnerable circumstances on arrival in South Africa. They are more likely to live in poor housing, lack access to basic services, and experience higher rates of violence (Women's Refugee Commission, 2011).

Somalia to Kenya and South Africa

Somalia has long been a source of regional migration due to ongoing struggles with violent conflict, extremism, and climate shocks. While the country is on a positive trajectory toward stability,[38] serious protection violations persist. Voluntary child recruitment into armed groups,[39] early marriage, and gender-based violence (GBV) are

prevalent and specific risks to children (OCHA, 2020). For the past 30 years, Somalis have sought refuge in Kenya. To move across the border, Somalis commonly travel by lorry truck that is arranged informally from regional gathering points. Dobley is the final stop before making the border crossing. Currently, more than 250,000 Somalis continue to live in the sprawling Dadaab Camp[40] in northern Kenya and many more live unregistered in urban areas, including Nairobi and Mombasa. Children make up a sizable proportion of those crossing the border into Kenya when considering registered asylum claims (more than 50% children). Somali migrants and asylum seekers may stay for short periods in Kenya, though sometimes for several years, before attempting onward migration (MMC, 2020).

Democratic Republic of the Congo and Burundi to Zambia, Zimbabwe, Malawi, and South Africa

Ongoing conflict in the **Democratic Republic of the Congo (DRC) has generated large numbers of internally displaced people, refugees, and asylum seekers since the 1990s**. Although the 2006 elections in the DRC, following the peace agreement that brought the second Congolese war to an end, have brought relative stability to some areas of the country, other regions continue to suffer from violence and displacement. Ebola outbreaks have constituted a major risk to certain regions of the country since 2018, inflaming local tensions

---

[37] *What is critical is that asylum reasons are often not the sole reason for movement, but violence and instability also result in poor socio-economic circumstances, poor services, and other risks which contribute to the pressure to seek opportunity elsewhere (IOM, 2009; Long and Crisp, 2010).*

[38] *Somalia is one of the poorest countries in the world; 73 percent of the population is thought to live in poverty (UNDP, 2017).*

[39] *According to data collected by the Monitoring and Reporting Mechanism (MRM) on grave violations against children in times of armed conflict, during the period between 2012 and 2016, 6,163 children were recruited as fighters. Al-Shabaab was responsible for 70 percent of the verified cases of recruitment and use of children, with other non-state actors and the Somali National Army responsible for the remainder (UN Security Council, 2016; Amnesty International, 2017).*

[40] *The population of Dadaab has nearly halved in the last five years due to increased asylum restrictions and an ongoing push to close the Dadaab camp.*

in some areas already suffering from localized violence (North/South Kivu). These challenges are linked to others in the region, including Burundi, which has struggled to overcome widespread conflict tied to election disputes in 2016. Like the DRC, **Burundi** saw outflows of asylum seekers into neighbouring countries, including into the DRC, putting additional pressures on camp infrastructure and protection services. Tanzania and

> "I am very confident, and I am not afraid of anything that comes my way."
>
> *Female respondent #3, Zimbabwe*

Uganda host large numbers of cross-border asylum claimants from the DRC and Burundi, approximately 335,000 and 260,000 registered claims, respectively. Pressure from the Government of Tanzania for hosted populations to return beginning in 2019 – including documented incidents of forced return, arbitrary detention, torture, and extortion on the part of Tanzanian authorities (HRW, 2020) – may be contributing to the necessity of onward movement.
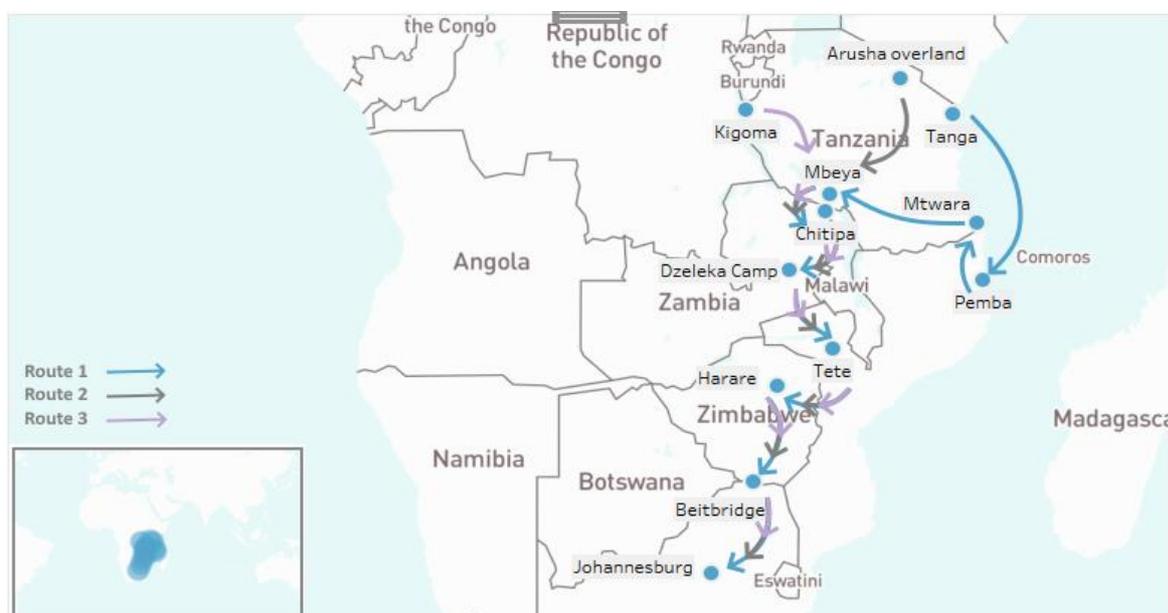
As a result of increasingly restrictive policies in neighbouring countries, asylum seekers from the Great Lakes Region have increasingly turned to **Zambia,**[41] **Zimbabwe,** [42] **and Malawi** for protection. Asylum claims are made on an individual basis immediately upon arrival in the country, after which the applicant is provided a report order, which allows them to remain in the country while awaiting a hearing for status determination. During this time, they must live in one of the refugee camps that are in the northern and western regions and in Zimbabwe, all refugees are located at Tongogara Camp, southeast of Harare. In Malawi, asylum seekers typically enter at Korongo and Chipata, where they wait in a transit camp prior to making their way to the Dzeleka refugee camp outside of Lilongwe.[43] After being granted asylum, the refugee is required to continue to live in the camp. If the asylum claim is rejected, the rejected asylum seeker is required to leave the country. All three countries have entirely camp based systems, with extremely limited paths to naturalization. There is extremely limited opportunity to reside outside the camp setting (unless a medical or education exemption is applied for and granted). Practically, this means refugees are often required to work informally and in petty trade to generate a cash income in and around the camp as they are otherwise entirely dependent on

---

[41] *Refugee Act (2007) implemented by the Commission for Refugees (COR).*
[42] *Refugees Act (1983).*
[43] *What makes Malawi unique is that the trip between the transit camp and the refugee camp is paid for and organized by the migrants themselves, except in the case of children who are afforded government transport. However, it is reported that children often 'partner' with families to facilitate movement and reduce perceived risks to themselves. Families are likewise reported to accept 'partnering' children as it is seen to increase food rations. In this sense, children my appear to be accompanied but may not be familiar with the family with which they are arriving. For similar reasons, it is reportedly difficult to determine when children independently leave the camp as families are hesitant to report disappearances, fearing reduced rations.*

external aid (UNHCR, 2011). Given the restrictive environment, some individuals who could qualify for refugee status chose to remain outside the camp unregistered (Makhema, 2009) – making them vulnerable to detention and deportation. The strict encampment approach and, in the case of Zimbabwe, continued economic crises have made all three countries less attractive locations for asylum, which encourages onward movement towards South Africa (Makhema, 2009).

South Africa is appealing as a destination because it has laws and policies that support more rights for asylum seekers while they await status determination (e.g., the right to work, pursue education) and refugees compared to other countries in the region. Specifically, free movement and having a temporary right to work are appealing compared to strict encampment processes enforced elsewhere in the region. While no social assistance is available for asylum seekers in South Africa, children are entitled to education and healthcare.[44] Furthermore, South Africa has a backlog of nearly 200,000 undetermined asylum claims (Schockaert, *et al*., 2020) and one of the longest asylum determination processes in the world (Crush, et al., 2017). This backlog means a determination process can take years – sometimes decades – resulting in de facto residency. Changes that are scheduled to come into effect in 2021 through the amended Refugee Law will challenge the flexibility of the asylum system in South Africa, including for children.[45]

Transnational Economic Migration

Irregular migrants – both children and adults – use the Southern Route to pursue improved economic opportunities. South Africa has long been a destination for migrants from across Africa due to its relative economic power, good infrastructure, and access to services. South Africa also remains popular due to liberal asylum policies, which offer a so-called 'loophole' that allows migrants full rights to employment and education while waiting for status determination. As status determination can take over a decade, migrants have a de-facto work visa (Frouws & Horwood, 2017).[46] As a result, large numbers of migrants arrive in South Africa every year from Zimbabwe, Ethiopia, Nigeria, DRC, Malawi, Somalia, Ghana, Burundi, Mozambique, Uganda, Congo-Brazzaville, Cameroon, Tanzania, Lesotho, and Senegal seeking work, with mixed levels of

---

[44] *Practically, there are challenges in these rights being fully accessed. This is addressed in the Risks section, below.*
[45] *This includes changing asylum processes by limiting the level of engagement any claimant can have with their home country – voting, contacting the embassy for consular services (including seeking documentation), as well as increasing the administrative burdens, and limiting the right to work and education. Lack of consular support for documentation and education restrictions are anticipated to affect children disproportionately.*
[46] *This loophole is in the process of being revised. Furthermore, there are a number of processes required to keep a claim waiting determination open – renewal requirements can cause those with claims to lose their 'legal' status if they are not diligently maintained. This is addressed further in this paper.*

intentionality regarding asylum. Migrants from southern Ethiopia have a distinct dynamic in terms of both movement support, patterns, and motivations in contrast to Ethiopians engaging in other types of transnational economic migration towards the Gulf countries (who tend to be from Oromia, Amhara, and Tigray regions).

Ethiopia to South Africa

In Ethiopia, migration routes are deeply linked to regional areas of origin; [47] the **Southern Route is almost exclusively used by migrants from the Southern National, Nationalities and Peoples (SNNP) Region**. Even with the SNNP Region, migration dynamics are highly localized. The Hadiya and Kembata-Tembaro Zones are at the center of southern migration, where most - if not all - villages have experienced out-migration towards southern Africa (Adunga, 2019). Despite being one of the worst-off regions in the country, the SNNP has experienced significant development and economic growth in the last decade. Remittances from South Africa are thought to play a significant role in the changes in the region - both economically and socially (Isaacs, 2017; Samela & Cochrane, 2019). Remittances are a major driver of households seeking to 'invest' in going south. The latest estimate published by IOM suggests that the estimated remittance flow from South Africa to this region is over 50 million USD annually but could be as high as 158 million USD - depending on the diaspora population estimate used (Isaacs, 2017).

©Tdh/Paul Robin

For migrants choosing to invest in a journey, the Southern Route is more costly than other routes for Ethiopians. Due to this, migration south is typically seen as a household strategy: a young person can migrate on behalf of the household to work and receive income, which can then be remitted to improve local livelihoods and opportunities (Adunga, 2019). Due to the cost, southern migration is also seen as a long-term investment; rates of return to the country of origin (Ethiopia) are extremely low when compared to other prominent routes in the region (Admasse, 2017).

---

[47] *Ethiopia intersects with many of the major routes in Africa, including the Northern route towards Libya (where it intersects with the Central Mediterranean Route) and the Eastern Route through Djibouti and Yemen to the Arab Gulf countries. Efforts to monitor and understand irregular migration from Ethiopia is very much focused on the volume of movement and exploitation that occurs on the Eastern Route and, to a lesser extent, the Northern Route (IOM/IGAD, 2015; Marchand, et al., 2017).*

Nearly all migrants leaving the SPPN Region to go south do so using existing diaspora networks in South Africa to facilitate migration and then settlement in the destination area. In this case, prospective migrants with closer links to 'successful' migrants are more likely to be able to secure the necessary loans and move quickly toward the destination. The social network effect continues to replicate itself over time as there is a continued demand for undocumented labour in South Africa amongst the diaspora community (Adunga, 2016). Because of the 'network' phenomenon, migrants have a specific destination and may have a job or household waiting to receive them and therefore select a smuggler who will guarantee their passage for the entire route[48] from their hometown to South Africa. Migration is so ingrained into communities that Adunga et al., 2019 found that even local churches support movement in many ways - brokers from Ethiopia establishing churches in Malawi, Mozambique, Zimbabwe, and South Africa both to use them as sites for 'exchange programmes' and to support the sheltering of people on the move. While some can afford to move with smugglers who can escort them through airports, usually to Nairobi and then to South Africa, most people cannot afford this and must go overland.

Cross-Border Circular Migration


©Tdh/ Sandra Calligaro

Within the broader Southern Route, there are several countries which have high degrees of inter-regional migration, namely, Mozambique, Malawi, Zambia, Zimbabwe, Lesotho, and South Africa. These countries all play the part of country of origin, destination, and transit in overlapping and, often, circular movement patterns (Oucho, 2007; Wentzel, et al., 2007; Segatti, 2016), most of which include children on the move (Save the Children, 2008; Save the Children, 2020). The main routes include movement between Zimbabwe-South Africa, Malawi-Zambia, Mozambique-South Africa, and Zambia-Zimbabwe-South Africa (Daimon, 2010). These patterns are also linked to intra-national movement, which occurs for similar objectives: seeking better opportunity, seasonal or temporary labour, education, trade, and, to a lesser extent, greater freedoms (Wentzel, et al., 2007). The perceived penetrability of regional borders as well as the sense of 'tradition' in moving regionally provides a different incentive structure and level of acceptance (Wentzel, et al., 2007). In this sense, regional labour migrants, including children and dependents, find themselves on a different trajectory than others. While still subject to many of the same rights abuses and risks as children moving from the Horn of Africa and Great Lakes Region, regional migration looks slightly different and tends to have both economic and social dynamics. Cross-border migration cannot be separated from the general interconnectedness of communities on either side of the border and the generalized poverty that causes people – including children - to look for opportunities elsewhere.

---

[48] *Smugglers are largely located in Hossana, Dilla, and Addis (Kanko & Teller, nd.). The cost is on average 1436 EUR at the time they reported.*

Economic dynamics

Southern Africa has long been a place of regional 'circular' labour migration patterns - where migrants cross borders for short-term, informal and/or seasonal work and tend to return home after a relatively short period of time (Waller, 2006; Oucho, 2007; Wentzel & Tlabela, 2007).[49] This may have been a key livelihood strategy for households over multiple generations (Crush & Williams, 2010). Many will choose to migrate again in search of further similar work opportunities as need arises. Tobacco farming and gemstone mining used to be predominant employers, but now domestic work, general farm labour, and factory work are also common draws. Children are engaged in these patterns alongside adults. For both genders, economic opportunity is a strong driver of movement. Some gender-specific trends, however, also emerge (Oucho, 2007). Boys and men overwhelmingly dominate those moving for cross-border labour migration, but also tend to move towards rural areas and areas with mines rather than cities (Ibid). It has been observed that boys (and sometimes girls) may also not necessarily travel unaccompanied to work on farms. ILO (2010) found that children accompanying adults on some farms were required to work if they wanted to stay with their parents. However, little is specifically known about the experience of boys participating in cross-border labour migration (Hans van de Glind, 2010). Girls are reported to enter South Africa from Mozambique and Zimbabwe in search of domestic work (Save the Children, 2008; Dodson, 1998). As a result, they

overwhelmingly end up in cities as opposed to rural areas (Dodson, 1998; Oucho, 2007). While some do manage to find employment, it is mostly informal work as lack of documentation can be a major challenge, even for cross-border migrants (Fritsch, et al., 2020). In cases where work cannot be secured and the fares to return to their area of origin are too costly, these girls may resort to sex work or transaction sex to secure a basic living (Save the Children, 2020).
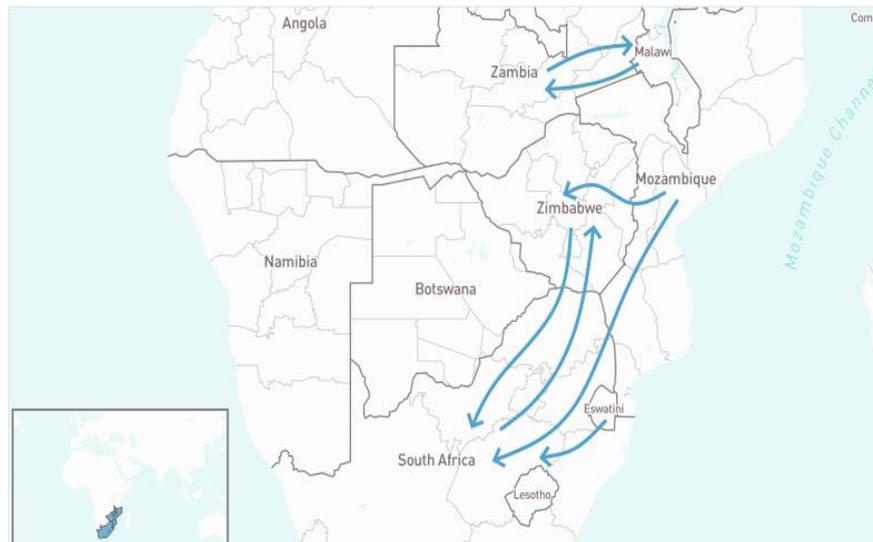
Social dynamics

In addition to cross-border economic migration, there appear to be high levels of movement between countries for social reasons. Family reunification, pursuit of better educational opportunities, and the desire to join friends and peers have all been cited as drivers of circular-cross border migration (Save the Children, 2007). For example, in a study of unaccompanied and separated children in South Africa, Akermann (2015) found that most separated children migrated with the express purpose of joining a caregiver who was already living in South Africa. In some cases, movement was linked to the death or illness of the primary caregiver in the area of origin, but these arrangements were also used to secure opportunities and access to services for children. Some children may also be pushed from their homes by their families due to poverty and are expected to take-up low-skilled jobs and then return home (Save the Children, 2005).

---

[49] This dynamic has also long been a pattern within South Africa for both adults and children (See: Hall, 2016).

Conclusion

Child mobility in east and southern Africa is multi-causal. Long-standing conflict in Somalia and the Great Lakes Region are driving factors, but so is the general socio-economic context along the corridor. Child migration is seen as an immediate response as well as a considered decision in responding to these pressures. Children are moving in multiple ways – often with immediate or extended family, but sometimes alone or with other children. Through movement, children are often able to work towards improving their situation and that of their families. Safety, employment, education, and medical care may be better accessed in transit or destination. Remittances sent by young people often have life-changing effects for family and communities left behind. As such, in communities of origin, migration is seen as an opportunity and not a problem.

Despite the opportunities associated with migration, children are also exposed to risks, many perpetrated by state actors. Most countries along the southern route have policies and practices that put children at risk through lack of and denial of services and documentation and limited education and opportunities to support them to have a productive future. The risk of statelessness for young children and children born to migrants is also a major challenge. Risks of trafficking – including risks related to how anti-trafficking legislation and programming is implemented – as well as risks of detention remain serious challenges.

The 'southern route' is not so much one route as multiple routes leading toward and from South Africa, where loose smuggling networks exist alongside an informal smuggling economy – truck and taxi drivers, hotel owners, and community members who believe they are helping children. Long transnational journeys are happening alongside frequent bi-directional cross-border movement in southern Africa – a longstanding movement pattern in the region. Tracking these movements and providing consistent care for children on the move is exceedingly difficult in this region and inconsistently done. Unlike some other migration routes which benefit from consistent flow monitoring including of children, much information about movement patterns in the south remains unknown or out-of-date.

Programming and advocacy in the region must find a balance between respecting legal frameworks recognizing the special status of children while also acknowledging children's agency in irregular movement, and the individual circumstances of each child, and crucially, engaging children and young people in the design of programming and advocacy. Many children make a reasoned decision to migrate, with or without the support of their families, and envision that their lives will improve because of their decision. Respecting the capacity and desire for children to shape their own lives and future should be central.

While many states consider new commitments to the protection of people on the move, including migrant and refugee children, many policies in east and southern Africa are tightening – making it more difficult for children to realize their rights and basic freedoms and access durable solutions for their futures. The adoption of increasingly strict and punitive migration laws in South Africa and Kenya will disproportionately and unfairly affect children and may further contribute to statelessness in the region. As Tanzania continues to place pressure on refugees to return, children and families will consider other options for safety and security – often with great personal risk. Demonization and criminalisation of migrant communities also contributes to xenophobia, aggression, and service denial, as well as harassment by police and other authorities – which prevent children from claiming their rights and thriving.

The Global Compact for Refugees and the Global Compact for Safe, Orderly and Regular Migration offer another opportunity to engage in upholding the rights of children who are on the move if effectively implemented with the child rights principle that guides them at the centre of implementation. However, many of these issues go beyond the Compacts and pressure must be placed on regional bodies and states themselves to uphold the best interests of the child. Children on the move south must be provided their fundamental rights – including the right to sustainable solutions to their immigration status. Ensuring the right to education and other basic services, protection from detention, and avoiding situations where lack of documentation leads to effective statelessness are good places to start. Concrete actions must be taken regionally, given both the transnational and cross-border nature of movement.

Recommendations

©Tdh/Ollivier Girard

The recommendations have one common objective: reach a harmonized and consistent approach to children on the move in southern Africa, starting with governments ensuring children can claim their basic rights **and ensuring that governments facilitate their meaningful participation in decisions that affect them**.

Access to Services and Documentation
States should ensure sustainable solutions in the best interests of the child
Relevant countries: All

Sustainable solutions are crucial to the protection of children. Current camp-based systems expose children to various risks and offer few prospects for children. Many children willingly learn the language, learn about the local culture, and want to integrate locally and give back to their communities. Yet, their integration is hampered by limited higher education and employment opportunities. This has been emphasized by the Committee on the Rights of the Child in General Comment No. 8:

"A 'comprehensive, secure, and sustainable solution' is one that, to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should aim to ensure that the child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child".

It is particularly important to ensure sustainable solutions as children 'age out' of child protection systems and will be responsible to build their own lives. Children should be engaged before this period to support the determination of what is in their best interests in their future, what they aspire to be, and how they believe

they can be best supported. Permanent residency or citizenship in the country of asylum, which makes it possible to build a stable future outside of the camp context, should be an option. In South Africa, it is critical that young people 'aging out' of child protection systems are not forced to 'reapply' for asylum status – risking deportation to a country they are not familiar with. This specific issue must also be addressed at regional, continental, and global levels - as outlined in the Global Compact on Refugees.

States should end child statelessness.
Relevant countries: All

Ending child statelessness along the Southern Route is a fundamental human rights issue. Various pieces of evidence show the risks stateless children are exposed to and the challenges they face to access rights, including protection services. The current child statelessness situation is due to limited ratification of respective international conventions, among other reasons, as shown in the table below.

Country	Status of UN Convention relating to the Status of Stateless Persons (1954)	Status of UN Convention on the Reduction of Statelessness (1961)
Kenya	Not signed or ratified	Not signed or ratified
Tanzania	Not signed or ratified	Not signed or ratified
Malawi	2009	Not signed or ratified
Mozambique	2014	2014
Zambia	1974	Not signed or ratified
Zimbabwe	1998	Not signed or ratified
South Africa	Not signed or ratified	Not signed or ratified

The *African Charter on the Rights and Welfare of the Child* (ACRWC) also emphasizes the right to a name and nationality, under Article 6 (iv):

"States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws."

All countries along the southern route are signatories to the ACRWC and must ensure that these standards are met, including for children who have sought asylum as well as for unaccompanied migrant children without identification, who may have documentation from their place of origin, and may not be able to access consular services.

States should ensure access to basic civil documents for children on the move and their families.
Relevant countries: All

Documentation is the limiting factor for children across the route to access services. While children in camps are often able to access specific forms of identity documents (e.g., birth registration, basic identity cards), children living outside of camp settings and children on the move do not benefit from such systems. The documentation issue is particularly acute in South Africa. Asylum seekers face challenges in including their children in their files and obtaining a birth certificate. This is particularly challenging if the children were not

born in South Africa. Often DNA testing or birth certificates from a home country are required to ensure children are granted the same rights as their parents or guardians. New legislation in South Africa (The Refugee Law) will require asylum claims to be withdrawn if claimants' access consular services. This will effectively remove the possibility of securing birth documents for children. This is expected to create additional challenges for the protection of the children concerned.

States, UN agencies, civil society and other stakeholders should ensure a human rights approach to anti-trafficking efforts.
Relevant countries: All

Harms inflicted on children by traffickers (and smugglers) gain much more attention compared with serious human rights abuses perpetrated by the state that states justify as counter-trafficking immigration policies. Yet such abuses by states are well-documented, occur often and affect a lot of children. Agencies engaging with 'rescues' should ensure a human-rights approach: children placed in the care of the state or communities must be afforded care in line with international standards, including the Convention on the Rights of the Child. Civil society organisations, UN Agencies and relevant government departments should work closely together to ensure these systems are put in place and are not punitive. In other words, if a child is determined to be a victim of trafficking, the child should not be subject to detention, harsh treatment, or removal without process.

Relevant agencies should engage with children to understand their intentions and interests – including the initial intention and motivations for migration – and to ensure they have the necessary information about safe migration and alternatives, if relevant. On a practical level, harsh enforcement without safe migration alternatives for those children willing/and or feeling the pressure to migrate can push small-scale and community-based people smugglers out of the market and instead create an attractive market for large-scale and better networked smugglers, who often have links with other criminal smuggling enterprises (De Regt and Tefesse, 2016, Girmachew, 2018; Ayalew, 2018; Adunga, et al., 2019).

States should support transnational coordination and care networks.
Relevant countries: All

Informants for this research broadly felt that one of the greatest challenges to providing quality services for children on the move was the limited coordination across borders. Given the complexity of the Southern Route and the highly circular nature of some movement, case management can be complex and family reunification efforts can be even more challenging. Children who move across the region do not benefit from a central case registry system – even within the same organization providing services. This not only prevents children from getting the best possible care but may put them at additional risk. Children often have to 'enter' child protection systems multiple times before they can access adequate physical and psychological care. Disjointed systems may also delay family reunification and result in children spending longer in an interim care system, which is often inadequate.

Cross-border coordination can help address some of the gaps and may pave the way for better information-sharing – or at least common understanding of the context in different countries. Some initiatives led by Save the Children have offered a good start, but they need more than a strong level of commitment from the actors currently involved. Government agencies must be brought into any such processes and engaged on every point to effect change that will support a rights-based approach to protecting children on the move. This level of cooperation would also provide a good platform for service harmonization and thinking through some of the common issues children on the move face in terms of joint advocacy and programme coherence.

Coordination
States should support transnational coordination and care networks.
Relevant countries: All

Informants for this research broadly felt that one of the greatest challenges to providing quality services for children on the move was the limited coordination across borders. Given the complexity of the Southern Route and the highly circular nature of some movement, case management can be complex and family reunification efforts can be even more challenging. Children who move across the region do not benefit from a central case registry system – even within the same organization providing services. This not only prevents children from getting the best possible care but may put them at additional risk. Children often have to 'enter' child protection systems multiple times before they can access adequate physical and psychological care. Disjointed systems may also delay family reunification and result in children spending longer in an interim care system, which is often inadequate.

Cross-border coordination can help address some of the gaps and may pave the way for better information-sharing – or at least common understanding of the context in different countries. Some initiatives led by Save the Children have offered a good start, but they need more than a strong level of commitment from the actors currently involved. Government agencies must be brought into any such processes and engaged on every point to effect change that will support a rights-based approach to protecting children on the move. This level of cooperation would also provide a good platform for service harmonization and thinking through some of the common issues children on the move face in terms of joint advocacy and programme coherence.

Care and Alternatives to Detention
States should provide adequate alternative care arrangements.
Relevant countries: Zambia, Zimbabwe, Malawi

As the literature and practice on child mobility overwhelmingly portray, children are agents of change in their own lives and often make the decision to migrate. Adolescents are often in a position in which they have already assumed or will assume significant responsibility and autonomy in their lives. Kin-based fostering arrangements in refugee camps across the region fail to recognize this adequately and often place children at additional risk of neglect and abuse. Approaches must be based on children's sense of agency and recognise children's capacity to participate and make decisions. This is supported by a General Comment issued by the Committee on the Rights to the Child in 2005[50]:

"Article 5 contains the principle that parents (and others) have the responsibility to continually adjust the levels of support and guidance they offer to a child. These adjustments take account of a child's interests and wishes as well as the child's capacities for autonomous decision-making and comprehension of his or her best interests... Evolving capacities should be seen as a positive and enabling process, not an excuse for authoritarian practices that restrict children's autonomy and self-expression, and which have traditionally been justified by pointing to children's relative immaturity and their need for socialization."

Specifically, civil society organisations can both advocate for and facilitate options for supported independent living of unaccompanied minors, particularly adolescents, in camps. While so-called 'bright-line' policies which recognize the unique circumstances of persons under 18 are still required, they should be complimented by an adjudication process whereby unique circumstances and capabilities can be factored into living and care arrangements. Supported independent living arrangements for national children are implemented in many countries in Europe and some of them apply them also to refugee and migrant children, as for example in Greece.[51] Advantages of supported independent living arrangements would include: respecting children's autonomy, respecting children's right to individualized care, limiting the risk of care-provider neglect,

---

[50] *General Comment 5, Paragraph 17.*
[51] *See presentation from the Supported Independent Living Roundtable, supported by UNHCR and UNICEF:*
https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeetingDoc&docid=35859.

mitigating risks linked with unscreened foster families, including abuse, and the effects of that such as onward migration.

Governments should support and monitor kin-based foster carers.
Relevant countries: Zambia, Zimbabwe, Malawi

Supervised independent living arrangements are not suitable for all unaccompanied children and foster care arrangements can provide a good alternative, but they must be developed, implemented, and monitored properly to reduce the risks currently faced by separated and unaccompanied children in need of foster care. As a minimum this should include screening and providing child protection and children's rights training to foster families, including communicating standards of care – ensuring that children in camps receive comparable services to children in the general population. This aligns with minimum guidance for the protection of refugee children as outlined in the *African Charter on the Rights and Welfare of the Child* (1990), Article 23 (3):

"Where no parents, legal guardians or close relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason."

Duty bearers should meet the standards set out by the African Union and avoid continuing a two-tiered child protection system. They should follow the recommendations of the Global Compact on Refugees (paragraph 76) to work to strengthen national capacity in child protection services for refugees, including specific investments to support the needs and wellbeing of separated and unaccompanied children.

Civil society organizations are well-placed to support improvements to foster care arrangements, given their role in child protection in camp settings.

Data Collection and Research
States, UN agencies, civil society organisations and other stakeholders should collaborate to set consistent gender and age disaggregation approaches in data collection and ensure the views of children and youth are represented
Relevant Countries: All

The IOM 2020 *World Migration Report* recommends further systematic information-gathering and research along the southern route. Routine quantitative data collection at known hubs along the southern route is required to address the lack of reliable, longitudinal information. This data collection must include the capacity to interview children and young people on the move to ensure that they and their experiences are represented in migration figures. Without rigorous data, advocacy for support of children along this route and addressing root causes of migration will not be as effective. Data collection requires the buy-in and cooperation of governments; civil society organisations have an important role to play in highlighting these needs and advocating for support. For data collection along the route, civil society organisations must also collaborate to ensure country data is comparable, for example by using consistent age categories and capturing the data of children who are accompanying adults.

Civil society organisations and non-governmental organisations should conduct research to understand the experience of boys on the move.
Relevant countries: All

There has not been a lot of specific research dedicated to understanding boys on the move. Yet, there are clear risks for boys and adolescent male migrants, and some communities report higher migration of boys compared with girls (i.e., in Ethiopia). Boys are also exposed to protection risks and have unique family, peer, and broader host community dynamics that are worth exploring.

References

Abebe, Tsion Tadesse (2017). *Migration Policy Frameworks in Africa. Institute for Security Studies*.
ACERW, 2018

Abire, Balanyeh Genoro & G. Y. Sagar (2016). 'The Determinants Factors of Illegal Migration to South Africa and it's impacts on the Society in case of Gombora District Hadiya Zone in Ethiopia: A Bayesian Approach', Journal of Mathematics 12 (3): 51-65.

ACAPS. (April 2020). Mozambique: Deteriorating humanitarian situation in Cabo Delgado. Website: ACAPS. (https://www.acaps.org/sites/acaps/files/products/files/20200408_acaps_short_note_cabo_delgado_mozambique_0.pdf)

ACAPS. (June 2020). Briefing Note: Insurgency in Cabo Delgado: Escalation in 2020. Website: ACAPS https://www.acaps.org/sites/acaps/files/products/files/20200629_acaps_briefing_note_mozambique_displacement.pdf

ACERWC (2019). *Mapping Children on the Move Within Africa*. Addis Ababa: ACERWC.

Ackermann, Marilize (2018). *Unaccompanied and Separated Children in South Africa: is Return the Only Option?* Cape Town: Scalabrini Centre of Cape Town.

Adan, Aisha & Ella Duncan (2020). *How Refugees Take Control of Who "Belongs": A Case Study of Refugees in Towns - Mombasa, Kenya*. Medford: Tufts University.

Adunga, Girmachew (2019). "Migration patterns and emigrants' transnational activities: comparative findings from two migrant origin areas in Ethiopia", Comparative Migration Studies 7 (5).

Adunga, Fekadu; Priya Deshingkar, and Takalign Ayalew (2019). Brokers, migrants, and the state: Berri Kefash "door openers" in Ethiopian clandestine migration to South Africa. Sussex: Migrating out of Poverty.

Admasse, Assefa; Seid Nuru & Tadele Ferede (2017). Forced Migration and Labour: An Analysis of Ethiopian Workers. Rome: ILO.

Ajwang' Warria (2020). 'Stateless Transnational Migrant Children in South Africa'. *AHMR African Human Mobilty Review* 6 (2).

Amnesty International (2014). *Somalis are Scapegoats in Kenya's Counter-Terror Crackdown*. London: Amnesty.

Amnesty International (2017). *Not time to go home: Unsustainable returns of refugees to Somalia*. London: Amnesty.

Amnesty (2018). *Kenya: Crackdown on irregular migrant's risks sparking xenophobia*. London: Amnesty International.

AP (2020). At Least 60 Migrants are Found Dead in a Truck in Mozambique. Associated Press
Araia, Tesfalem (2009). Report on Human Smuggling across the South Africa/ Zimbabwe Border. Johannesburg: University of Witwatersrand.

Assim, Usang Maria (2013). Understanding Kinship Care of Children in Africa: A Family Environment or an Alternative Care Option? Cape Town: University of the Western Cape.

Barasa, Noela & Lovell Fernandez (2015). 'Kenya's implementation of the Smuggling Protocol in response to the irregular movement of migrants from Ethiopia and Somalia', Law, Democracy and Development 19 (1): 29.

Botti, Daniel (2019). Risks to migrating children on the southern Africa route: Evidence from Mixed Migration Centre surveys. IOM Online. Available: https://missingmigrants.iom.int/risks-migrating-children-southern-africa-route-evidence-mixed-migration-centre-surveys

Crock, Mary & Lenni Benson (2018). 'Central Issues in the Protection of Child Migrants', Articles and Chapters 1232.

Crisp, Jeff; Jose Riera; Raquel Freitas (2008). *Evaluation of UNHCR's returnee reintegration programme in Angola*. Geneva: UNHCR.

Crisp, J. and Kiragu, E. (2010). "Refugee protection and international migration: a review of UNHCR's role in Malawi, Mozambique and South Africa." Geneva: UNHCR PDES.

Crush, Jonathan, and Vincent Williams (2010). *Labour Migration Trends and Policies in Southern Africa, SAMP Policy Brief* 23. Waterloo: SAMP.

Crush, Jonathan; Godfrey Tawodzera; Abel Chikanda; Sujuta Ramachandran; Daniel Tevera (2017). Migrants in Countries of Crisis: The Double Crisis - Mass Movement in Zimbabwe and Xeophobic Violence in South Africa. Waterloo: SAMP.

Crush, C. Skinner & M. Stulgaitis (2017). *Rendering South Africa Undesirable: A Critique of Refugee and Informal Sector Policy*, SAMP Migration Policy Series. Waterloo: SAMP.

Daimon, Anusa (2010). Smuggling through Fluid and Porous African Borderlands and the State's Response: The Case of the Zimbabwe-South Africa Border. Harare: University of Zimbabwe.

Dodson, Belinda (1998). *Women on the move: Gender and cross-border migration to South Africa, Migration Policy Series No. 9*. Cape Town and Kingston, Ontario: Southern African Migration Project.

Eastern Africa Child Rights Network (EACRN) (2020). Child Trafficking and Unsafe Migration in Kenya in the Time of Covid-19, and Why Collective Data is Key to its Prevention. Nairobi: EACRN.

Estifanos, Yordanos Seifu (ND). *Social Networks, Dreams and Risks: Irregular Migrants into South Africa*. UNECA.

Freeman, Laura (2019). "They're all terrorists: The securitization of asylum in Kenya" in, Extremism in Africa, Volume 2. Alain Tschudin, Craig Moffat, Stephen Buchanan-Clarke, Susan Russell, and Lloyd Coutts (Eds). Johannesburg: Tracy McDonald Publishers.

Fritsch, Cerise; Elissa Johnson; Aurelija Juska (2020). 'The Plight of Zimbabwean Unaccompanied Refugee Minors in South Africa: A Call for Comprehensive Legislative Action South Africa: A Call for Comprehensive Legislative Action', *Denver Journal of International Law and Policy* 38 (4).

Save the Children (2020). *Girls on the Move in Southern Africa*. Pretoria: Save the Children.

Frouws, Bram & Christopher Horwood (2017). Smuggled South. RMMS Briefing Paper, 3. Nairobi: RMMS.

Gastrow, Peter (2011). Termites at Work: Transnational Organized Crime and State Erosion in Kenya. New York: International Peace Institute.

Hall, Katharine (2016). *Material and children migration in post-apartheid South Africa: evidence from the NIDS panel study, SALDRU Working Paper 178*. Cape Town: University of Cape Town.

Hanlon, Joseph. (2018). *The Uberization of Mozambique's Heroin Trade. Working Paper Series, No. 18-190*, London School of Economics and Political Science (LSE), Department of International Development, London

Hashim, Iman & Dorte Thorsen (2011). *Child Migration in Africa*. Uppsala: Nordic Africa Institute.

Hargrave, Karen; Irina Mosel & Amy Leach (2020). *Public Narratives and Attitudes Towards Refugees and Other Migrants: Kenya Country Profile*. London: ODI.

Haysom, Simone; Peter Gastrow and Mark Shaw. (2018). *The Heroin Coast: A Political Economy along the Eastern African Seaboard*. Pretoria: ENACT and the Global Initiative Against Transnational Organised Crime.

Human Rights Watch (2005). *Living on the Margins Inadequate protection for refugees and asylum seekers in Johannesburg.* New York: Human Rights Watch.

Human Rights Watch (2019). *Tanzania: Asylum Seekers Coerced into going Home, Hundreds of Burundians in Camp Targeted.* New York: Human Rights Watch.

Human Rights Watch (2020). Burundian Refugees in Tanzania Face Increasing Danger. New York: HRW. Available here: https://www.hrw.org/news/2020/11/30/burundian-refugees-tanzania-face-increasing-danger

Human Rights Watch (2020). *They Have Robbed Me of My Life: Xenophobic Violence Against Non-Nationals in South Africa.* New York: Human Right Watch.

International Bar Association (2019). *A Child Rights Response to Child Migration and Migrant Children at Risk*. London: International Bar Association.

International Detention Coalition (2018). *Keeping Children Safe: Ensuring Unaccompanied Children Avoid the Harms of Immigration Detention, No. 3*. Victoria: International Detention Coalition.

Hans van de Glind (2010). *Migration and Child Labour: Exploring Child Migrant Vulnerabilities and those children left behind*. Geneva: ILO.

IOM (2008). *Human Trafficking in Eastern Africa: A Research Assessment and Baseline Information in Tanzania, Kenya, Uganda, and Burundi*. Geneva: IOM.

IOM (2009). In Pursuit of the Southern Dream: Victims of Necessity. Geneva: IOM.

IOM (2010). Wolves in sheep's skin: A Rapid Assessment of Human Trafficking in Musina, Limpopo Province of South Africa. Geneva: IOM.

IOM (2014). *Migration in Malawi: A Country Profile*. Geneva: IOM.

IOM (2017). *A Region on the Move: Migration Trends for East and Horn of Africa 2017*. Geneva: IOM.

IOM (2018). *Mixed Migration in the Horn of Africa and the Arab Peninsula*. Geneva: IOM.

IOM (2018). Assessment Report on the Human Trafficking Situation in the Coastal Region of Kenya. Geneva: IOM.

IOM (2019). *A Region on the Move: Migration Trends in the East and Horn of Africa*, 2018. Geneva: IOM.

IOM (2020). *Impact Of COVID-19 Movement Restrictions on Migrants Along the Eastern Corridor As of 31 October 2020*. Nairobi: IOM.

IOM & Intergovernmental Authority on Development (IGAD) (2015). Human Trafficking and Smuggling of Migrants in the Context of Mixed Migration Flows. Addis Ababa: Intergovernmental Authority on Development (IGAD).

Kanko, Teshome & Charles Teller (2014). Irregular Migration in Sub-Saharan Africa: Causes and Consequences of Young Adult Migration from Southern Ethiopia to South Africa. Princeton: Princeton University.

Kefale, Asnake & Zerihun Mohammed (2015). 'Ethiopian Labour Migration to the Gulf and South Africa', Monograph No. 10. Addis Ababa: Forum for Social Studies (FSS).

Kenya National Crime Research Centre (2015). Human Trafficking in Kenya. Nairobi: Kenya National Crime Research Centre.

Ketema, Naami Belihu (2014). Female Ethiopia Migrant Domestic Workers: An Analysis of Migration, Return Migration, and Reintegration Experiences. Eugene: University of Oregon.

Kok, Pieter; John Oucho; Derik Gelderbom; Johan van Zyl (2006). Migration in South and southern Africa: Dynamics and Determinants. Cape Town: Human Sciences Research Council.

Kuschminder, Katie; Lisa Andersson & Melissa Seigel (2018). "Migration and multidimensional well-being in Ethiopia: investigating the role of migrants destinations". Migration and Development, 7(3): 321-340.

Lawyers for Human Rights (2017). Childhood Statelessness in South Africa. Johannesburg: Lawyers for Human Rights.

Leggett, T. 2003. "Rainbow tenement: crime and policing in inner Johannesburg", Institute for Security Studies, Monograph 78

Long, Katy & Jeff Crisp (2011). *In harm's way: the irregular movement of migrants to Southern Africa from the Horn and Great Lakes regions*. Geneva: UNHCR.

Mahati, Stanford Taonatose (2015). *The Representations of Childhood and Vulnerability: Independent Child Migrants in Humanitarian Work*. Johannesburg: University of Witwatersand.

Mahmoudi, Anisa & Tshegofatso (2018). *Reception of Children on the Move in South Africa*. Johannesburg: Kid's Empowerment.

Mahmoudi, Anisa & Tshegofatso Tracy Mothapo (2018). Reception of Children on the Move in South Africa. Johannesburg: Kid's Empowerment.

Makhema, Mpho (2009). *Social Protection for Refugees and Asylum Seekers in the Southern Africa Development Community (SADC), Social Protection Discussion Paper 0906*. Washington DC: The World Bank.

Manby, Bronwen (2011). *Statelessness in Southern Africa*. Geneva: UNCHR.

Manby, Bronwen (2018). *Statelessness and Citizenship in the East African Community*. Geneva: UNHCR.

Marchand et al. (2016). *Irregular Migration from the and in the East and Horn of Africa*. Maastricht: Maastricht University.'

Marchand, Katrin; Julia Reinold; Raphael Dias e Silva (2017). *Study on Migration Routes in the East and Horn of Africa*. Maastrict: Maastrict University.

Martin, I. and S. Bonfanti (2015). *Migration and asylum challenges in Eastern Africa: mixed migration flows require dual policy approaches.* Migration Policy Centre.

McEwan, Cheryl (2006). 'Using Images, Films and Photography', in Doing Development Research. Vandana Desai & Robert B. Potter (Eds.). London: Sage.

McMahon, Simon & Nando Sigona (2016). *Boat migration across the Central Mediterranean: drivers, experiences and responses.* Location: MEMDIG.

Meda, J.; R. Sookrajh & B. Maharaj (2012). Refugee children in South Africa: Access and challenges to achieving universal primary education, Africa Education Review 9 (1): 152-168.

MIDSA (2004). *MIDSA Workshop on Trafficking in Persons and Migrant Smuggling*. Pretoria: IOM.

Ministry of Home Affairs (2008). *2008 Report of the Tanzanian Ministerial Task Force on Irregular Migration into and through Tanzania*. Dar Es Salaam: Ministry of Home Affairs.

Miyozo, Aimee-Noel (2018). *Policy Brief: Aligning South Africa's Migration Policies with its African Vision.* Pretoria: Institute for Security Studies.

MMC (2020). Impact of COVID-19 on migrant smuggling. Tunis: MMC.

Muanomoha, Ramos Cardoso. (2008). The Dynamics of Undocumented Mozambican Labour Migration to South Africa. PhD Thesis: School of Development Studies, Faculty of Humanities, Development and Social Science. University of Kwazulu Natal: Durban

Mukumbang, Ferdinand; Anthony N. Ambe; Babtope O. Adebiyi (2020). 'Unspoken inequality: how COVID-19 has exacerbated existing vulnerabilities of asylum-seekers, refugees, and undocumented migrants in South Africa', *International Journal for Equity in Health* 19 (1).

Mulingi, Charles (2015). *Courting commotion? Changing migration dynamics on the southern route to South Africa*. London: London School of Economics.

Nanivadekar, Ruta (2014). 'African Immigrants in South Africa', *Occam's Razor* 4 (Article 5).

Nelson, Alistar (2020). *A Triangle of Vulnerability: Changing Patterns of Illicit Trafficking off the Swahili Coast.* Geneva: Global Initiative Against Transnational Organized Crime.

New Humanitarian (2015). 'Lawyers see detainees in South Africa 'xenophobia' storm', published 15 May 2015. Online edition: https://www.thenewhumanitarian.org/fr/node/255305

OCHA (2020). Somalia Humanitarian Needs Overview (HNO) 2020. Geneva: UNOCHA.

OCHA (2021). Humanitarian Response Plan Mozambique: Abridged Version. Geneva: OCHA
O'Connell Davidson, Julia (2011). 'Moving children? Child trafficking, child migration, and child rights', Critical Social Policy 0261-0183 101: 1–24

Ofosu-Kusi, Yaw and Tatek Abebe (2016). 'Beyond Pluralizing African Childhoods: Introduction', Childhood 23 (3): 303-316.

Oucho, John O. (2007). 'Cross-border migration and regional initiatives in managing migration in southern Africa', P. Kok, D. Gelderblom, J.O. Oucho, J. Van Zyl (Eds.). p. 47-70.

Pendleton, Wade (2008). 'Migration and Xenophobia in Southern Africa', *Journal of Adult Education and Development* 70.

Pineteh, Ernest A. (2017). 'Moments of suffering, pain and resilience: Somali refugees' memories of home and journeys to exile', Cogent Social Sciences (3) 1.

Rabideau, Jeline (2013). *Application of the UNHCR's "Ceased Circumstances": Cessation Clauses to the Rwandan Refugee Crisis*. Durham: Duke University.
Regassa, Nigatu & Ansha Yusufe (2009). 'Gender Differentials in Migration Impacts in Southern Ethiopia', Anthropologist 11 (2): 129-137.

RMMS (2016). Kenya Country Profile. Nairobi: RMMS Horn of Africa and Yemen.

Rulashe, Pumla (2017). Somali refugee leader insists local integration in South Africa is best solution of all. UNHCR Online: https://www.unhcr.org/news/stories/2017/3/58cbc5324/somali-refugee-leader-insists-local-integration-in-south-africa-is-best.html

Save the Children (2007). Children on the move: Protecting unaccompanied migrant children in South Africa and the region. London: Save the Children UK.

Save the Children UK: Children Crossing Borders (2007). Report on Unaccompanied Minors to South Africa. London: Save the Children UK.

Save the Children (2009). *Regional Seminar on Children Who Cross Borders in Southern Africa*. Johannesburg: Save the Children.

Save the Children (2020). *Notice to the Director of the SADC Social and Human Development Special Programmes Office, Gabarone*. Pretoria: Save the Children.

Segatti, Aurellia (2016). 'Explaining the Impasse of Circular Migration in Southern Africa' in Impact of Circular Migration on Human, Political and Civil Rights. Carlota Solé, Sònia Parella Rubio & Teresa Sordé Martí (Eds.). pp. 85-108.

Semela, Tesfaye & Logan Cochrane (2019). 'Education—Migration Nexus: Understanding Youth Migration in Southern Ethiopia'. Education Science, 9 (77).

Smorholm, Sesilie (2016). 'Pure as the angels, wise as the dead: Perceptions of infants' agency in a Zambian community' *Childhood* 23 (3): 303-316.

Schockaert, Liesbeth; Emilie Venables; Maria-Teresa Gil-Bazo; Garret Barnwell; Rodd Gerstenhaberk; Katherine Whitehouse (2020). 'Behind the Scenes of South Africa's Asylum Procedure: A Qualitative Study on Long-term Asylum-Seekers from the Democratic Republic of Congo', Refugee Survey Quarterly 39: 26-35.

Tahira, Sharif (2014*. Human Smuggling Across the Ethiopia/Kenya Border, Master Thesis*. Nairobi: University of Nairobi.

Tevara, Daniel & Lovemore Zinyama (2002). Zimbabweans Who Move: Perspectives on International Migration in Zimbabwe. Waterloo: Southern Africa Migration Programme.

The Migration Project (TMP) (2019). *Eritrean migrants arrested as Ethiopia and Kenya crackdown on irregular migration*. TMP Online.

UNDP (2017). *Business Case Assessment for Accelerating Development Investments in Famine Response and Prevention*. New York: UNDP.

UNHCR (2011). *UNCHR Global Appeal: Zimbabwe*. Geneva: UNHCR.

UNHCR (2018). *Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees (2014-2019) – 2018 Progress Report*. Geneva: UNHCR.

UNHCR (2019). *Tanzania Country Refugee Response Plan: The Integrated Response Plan for Refugees from Burundi and the Democratic Republic of the Congo*. Geneva: UNHCR.

UNHCR and IOM (2010). *A long and winding road: Regional Conference on Refugee Protection and International Migration: Mixed Movements and Irregular Migration from the East and Horn of Africa and Great Lakes Region to Southern Africa*. Geneva: UNHCR/IOM.

UNHCR and UNICEF (2014). *Safe and Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*. Geneva: UNHCR.

UNICEF (2019). *Situation Analysis of Women and Children: Southern Nations, Nationalities, and Peoples Region*. Geneva: UNICEF.

UNICEF (2019). *Kenya Humanitarian Situation Report January to December 2019*. Nairobi: UNICEF.

United Nations Security Council (2016). *Report of the Secretary-General on children and armed conflict in Somalia (S/2016/1098).* Geneva: United Nations.

UNODC (2018). *Global Study on Smuggling of Migrants*. Geneva: UNODC.

US Department of State (2018). *2018 Trafficking in Persons Report: Kenya*. Washington DC: US Department of State.

US Department of State (2020). *2020 Trafficking in Persons Report: Tanzania*. Washington: US Department of State.

US Department of State (2020). *2020 Trafficking in Persons Report: Ethiopia*. Washington DC: US Department of State.

Vigneswaran, Darshan (2008). 'A Foot in the Door: Access to Asylum in South Africa', *Refuge* 25 (2): 41-52.

Waller, Lyndith (2006). *Irregular Migration to South Africa During the First Ten Years of Democracy*. Waterloo: SAMP.

Wentzel, Marie and Kholadi Tlabela (2007). 'Historical background to South African migration', in *Migration in South and southern Africa: dynamics and determinants*. P. Kok, D. Gelderblom, J.O. Oucho, J. Van Zyl (Eds.). p. 71-96.

Wentzel, Marie; Johan Vilojoen; Peter Kok (2007). 'Contemporary South African migration patterns and intentions', in Migration in South and southern Africa: dynamics and determinants. P. Kok, D. Gelderblom, J.O. Oucho, J. Van Zyl (Eds.). pp. 171-204.

Women's Refugee Commission (2011). *No Place to Go but Up: Urban Refugees in Johannesburg, South Africa*. New York: Women's Refugee Commission.

Zanker, Franzisca Luise & Khangelani Moyo (2020). 'The Coronavirus and Migration Governance in South Africa: Business as Usual?' *Africa Spectrum* 55 (1): 100-112.
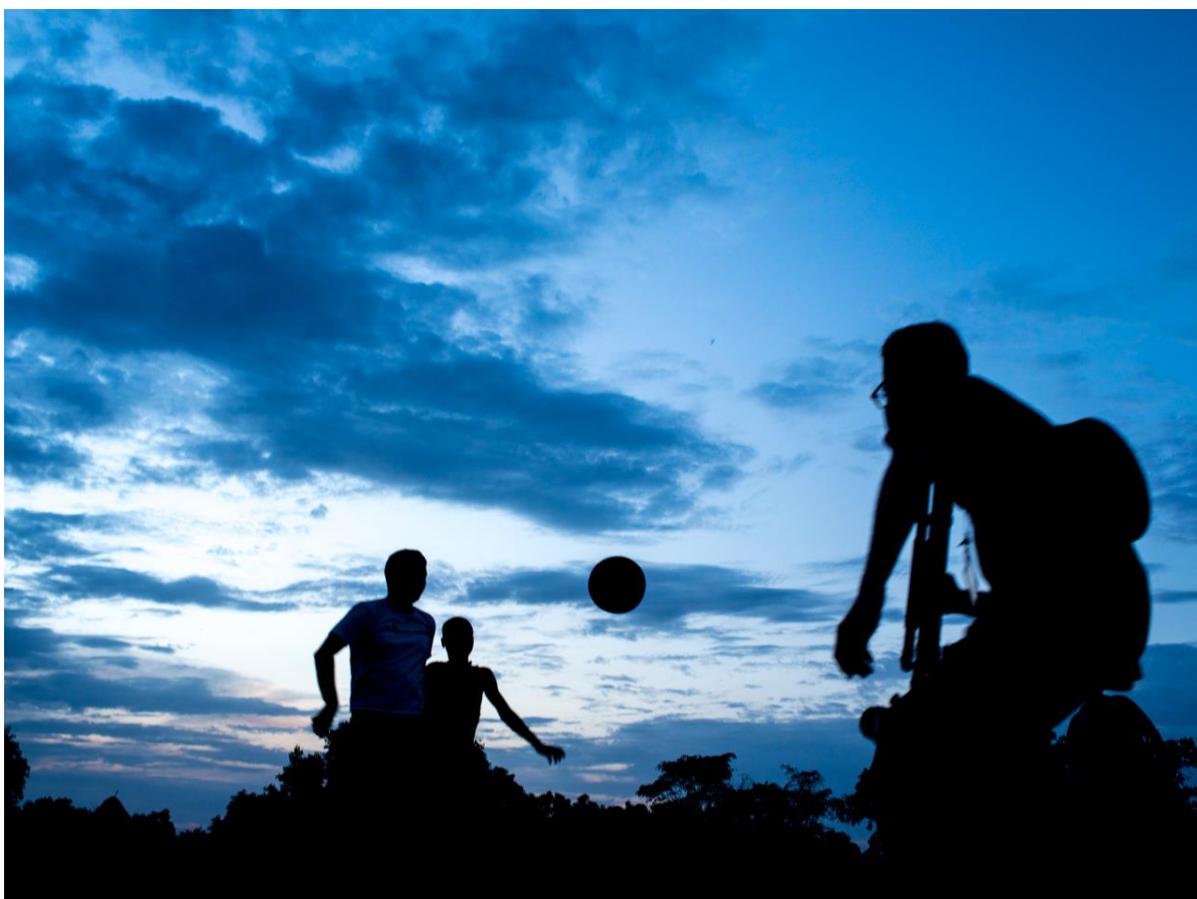
Annexes

Annex 1: Ethical Framework

©Tdh/Anne Marie Brown

#	Core Principle	Definition
1	Confidentiality	Recognizing the inherent risk of collecting personal information, the default position for research is that design and delivery will exclude personal data of the participants or information that could reasonably be used to identify the participant through association. Confidential research methods should endeavour to maximise the number of participants to decrease the risk of association. Should personal information (including photographs) be collected, additional prior, free, and informed consent principles will be applied. Researchers will exercise best judgement, with the default position of rendering information confidential even if consent has been obtained. Raw data will be stored in a password protected device and shared only within the research committee through password protected documents.
2	Prior, free, and informed consent	Consent must be obtained prior to any data collection taking place for each research participant. Consent can only be obtained freely absent of real or perceived coercion, influence or consequences and can only be considered free when the right to withdraw consent can be exercised at any time. Consent must be documented following a prepared consent explanation provided in plain language and in a manner. Initial information provided to the research participant should include the purpose of the research, any consequences of the research that could be foreseen to affect the participant or larger group, how data will be managed, the rights of the participant to withdraw consent, and the right to confidentiality. Informed consent is obtained in a manner that allows for conversation regarding the research and the rights of the participant. All researchers, including enumerators are required to be fully briefed on the ethical framework and the details of the research to ensure that they are well placed to address participants.

3	Voluntary participation	For child participants (<18 years old), full deliberation of the potential consequences of participating in the research may not be expected to be at the same level as adults; however, this research considers the unhindered perspective, experience, and voice of children on the move to be distinctly important for better understanding of irregular migration of young people. Children should have the right to participate in research that will inform advocacy, services, and further research on their behalf. Researchers should be prepared to hear and reflect the views of children on the basis that their participation is deemed to be voluntary, without undue external influence, coercion, or general fear of future repercussions. Obtaining voluntary participation should be conducted on the basis that information about the research can be made according to the principles outlined under 'prior, free, and informed consent' and can be adequately judged by the researcher(s) to be conducted in a safe environment outside external influences and/or with the additional consent of a guardian (as available).
4	Concern for the dignity of participants	The dignity of research participants is based on the application of fairness, equity and accountability by researchers. All participants have a right to be treated fairly with equal respect. All participants are also provided equal rights to be treated in a manner than ensures equity between participants; participants are provided with opportunities to be treated differently based on their specific needs, material and social circumstances, and perceived access to power in a manner that equalizes the overall outcome and experience for all participants, ensuring vulnerabilities do not exclude, limit, or diminish certain participants. Participants are provided every opportunity to express and have concern or complaints about their participation in the research heard by the research committee.
5	Protection of the welfare of participants, particularly children	Research should not negatively affect research participant's physical or mental well-being, directly or indirectly. Given the uniquely vulnerable position of children, and children on the move specifically, special care will be exercised to ensure the wellbeing of participants. Researchers will exercise judgement to determine whether a child participant may face undue risk, outweighing the benefits, of participating – being particularly cognisant of social environment and potential risks of stigmatization or abuse. While individual participation may improve the overall welfare of the group in the long-run, risks to the immediate welfare of the individual should be given more weight. Researchers used for data collection will undergo a screening process to ensure their suitability to work with children (pre-screened or heavily referenced where police checks are not realistic or reliable).
6	Methodological transparency and integrity	The research methodology should be clearly defined and reviewed prior to research commencing. The research methodology will consider recent literature on best practices in social research methods and clearly justify alternations to methods made for contextual relevancy. The research committee is responsible for routinely monitoring research progress and agreeing to adjustments to be made, duly reflected in the methodology. Publication of the research will provide a clear review of the methodology as delivered, with due attention paid to methodological research limitations and gaps.

Annex 2: Legal Frameworks

Legal Framework	Kenya		Tanzania		Malawi		Zimbabwe		Mozambique		South Africa	
	Signed	Ratified	Signed	Ratified	Signed	Ratified	Signed	Ratified	Signed	Ratified	Signed	Ratified
Refugee Convention (1951)	1966	1966	1964	1964	1987	1987	1981	1981	1983	1983	1996	1996
Convention on Stateless Persons (1954)					2009	2009	1974	1998	2014	2014		
Convention on the Reduction of Statelessness (1961)									2014	2014		
Refugee Protocols (1967)	1981	1981	1968	1968	1987	1987	1981	1981	1989	1989	1996	1996
Convention on the Rights of the Child (1989)	1990	1990	1990	1991		1991	1990	1990	1990	1994	1993	1995
African Charter on the Rights and Welfare of the Child (1990)		2000	1998	2003	1999	1999		1995		1998	1997	2000
Protocol against smuggling migrants (2000)		2005		2006		2005			2005	2006	2000	2004
Convention against transnational organized crime (2000)		2004	2000	2006		2005				2006	2002	2004

Children on the move south in Africa: Motivations,
Protection Risks and Recommendations

December 2021
Author: Meraki Labs - www.meraki-labs.org

info@destination-unknown.org
www.destination-unknown.org

©Destination Unknown 2022

Destination UNKNOWN
Championing the rights of children on the move

a campaigning network led by

Terre des Hommes
International Federation