

Roundtable on Alternative Care Arrangements for Children in the Context of International Migration in the Asia Pacific

21-22 November 2019 | Bangkok, Thailand

Summary Report

1. Background

There is growing regional and international consensus that the detention of children in the context of migration, even for a short period of time, is a harmful and inappropriate practice. The recently adopted Global Compacts each reaffirm the importance of the norm of non-detention of children. The Global Compact on Refugees affirms the importance of “non-custodial and community-based alternatives to detention, particularly for children” and in the Global Compact on Migration, states explicitly agreed in Objective 13(h) to directly address child detention “by ensuring availability and accessibility of alternatives to detention in non-custodial contexts” and “by working to end” this practice.

On 21-22 November 2019 regional actors came together in Bangkok to discuss these issues at a closed-door *Roundtable on Alternative Care Arrangements for Children in the Context of International Migration in the Asia Pacific*. The event was co-hosted by the Department of Children and Youth under the Thai Ministry of Social Development and Human Security, the International Detention Coalition (IDC) and the Asia Dialogue on Forced Migration (ADFM), and was supported by the Royal Thai Government and Australian Department of Home Affairs.

This two-day event followed closely the adoption of the ASEAN Declaration on the Rights of Children in the Context of Migration, and formed part of the Royal Thai Government’s commemoration of the thirtieth anniversary of the Convention on the Rights of the Child (CRC). It also came nearly one year after seven ministries from within the Royal Thai Government signed the *Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres* (the MOU), an important first step towards phasing out the immigration detention of children in Thailand.

Approximately 50 people participated in the event, including those from the governments of Thailand, Indonesia, Malaysia and Australia, as well as national civil society and international organizations. The last time governments in the Asia Pacific were brought together to discuss this issue in person was at a roundtable convened by Dr. Seree Nonthasoot (Thailand’s then representative to ASEAN Intergovernmental Commission on Human Rights), IDC and the Asia Pacific Refugee Rights Network, in Bangkok in 2015.

Building on the progress made since 2015, including discussions at the seventh and eighth ADFM meetings, this roundtable aimed to share positive experiences and challenges in implementing alternative care arrangements in the region, but also to go beyond dialogue and build a regional platform and program for ongoing engagement and peer learning.

The roundtable and preceding site visit were conducted under the Chatham House Rule, so what follows is a high-level summary of proceedings and key outcomes.

“There’s no perfect country, we can all learn from each other”

2. Overview

The two-day event included a site visit to Nonthaburi Province to observe alternative care arrangements in practice, followed by a full-day roundtable, building on what had been learned the previous day, and exchanging experiences from each country. These are each summarised below.

Site visit

On Thursday 21 November participants departed for a full-day site visit, which was an inspiring and thought-provoking start to the two-day program. The site visit was coordinated by the Department of Children and Youth and HOST International, with the support of UNICEF Thailand.

The day began at Phayathai Home for Babies in Nonthaburi Province, which caters to children aged 0-6 years old. Phayathai staff were joined by staff from the Bangkok Shelter for Children and Families, and the Songkla Shelter for Children and Families, to present to the group on the history of their centres, legal and policy mechanisms in place in Thailand for implementing alternative care arrangements for children, and challenges in supporting refugee children in these institutions.

Participants also visited Wat Sao Thong Hin School, which counts approximately one-third of its students as refugees and migrants. The group discussed Thailand's policy of 'Education for All', which allows children to attend school in Thailand regardless of their immigration status, and also existing case management and community support programs for children and families released from immigration detention under the MOU.

At the end of the day, participants came back together to reflect on their observations and impressions from the site visit, and ask any remaining questions. Participants expressed that they felt inspired and motivated after seeing first-hand how alternatives can be implemented effectively in the community. The following key themes emerged from the group reflection:

- **Principle based commitment** – the importance of making a commitment based on the principle or value of putting children's best interest first, and the value of non-discrimination and protection for all.
- **Collaboration** – effective collaboration was evident, not just across government and non-government agencies, but also between government departments and agencies.
- **Solutions focused** – participants agreed that taking the first step can often be the hardest part, but once taken, government and non-government agencies can then learn by doing and collaborate to find solutions to the barriers that emerge over time.
- **Community participation** – it was inspiring to see staff and administrators take such pride in the successful participation of refugees in community life. We were reminded that it can be a very positive, rewarding and transformative experience for our communities, and for individual people.
- **Value of peer learning** – we were once again reminded of the great value in peer learning and how much we can all learn from and share with each other – both in terms of challenges and potential solutions. This is despite countries being at different stages in implementing alternative care arrangements.

Roundtable

The second day constituted the full-day roundtable discussion. In the morning, welcoming remarks were provided by Ms. Thaepawan Pornnawalai (Deputy Director General of the Department of Children and Youth) and His Excellency Allan McKinnon (Australian Ambassador to Thailand). Following these remarks, representatives from each of the four countries gave presentations on their national experiences, taking stock of the current situation and any recent developments in implementing alternative care arrangements. Following each presentation, participants were able to ask follow up questions or make comparisons with their own country experience. Reflecting on each country's experiences allowed country groups to draw out similarities, differences and shared challenges.

Some persistent themes to emerge over the course of the two days were:

Case management

Case management processes were discussed in great detail by the group. Examples of programs which had successfully achieved compliance and well-being outcomes were shared, and recognised as demonstrating that alternatives can be highly effective. The benefits and challenges of using different reporting mechanisms was also discussed, including models of reporting where governments did not require individuals to report directly to them, but instead to NGO service providers – this had the effect of significantly reducing the administrative burden on governments, while achieving the same compliance outcomes.

“Whatever we do, it must be collective”

Collaboration

There was widespread agreement that collaboration between government, non-government organizations, local and refugee communities is crucial for the provision of holistic alternative care, and that no actor can do it alone. Countries shared their experience implementing different collaboration or coordination mechanisms, particularly those used between government agencies. There was also emphasis on the need for regular, ongoing collaboration and coordination, not only at the start when establishing programs.

Community engagement, involvement and integration

Countries recognized the importance of community engagement in the success of alternative care programming, and shared their experience of when this has worked in their contexts. Working with existing refugee and ethnic communities was discussed as an important means of enhancing integration and also ensuring compliance, as was ensuring interpretation services were available and working closely with 'host' communities to spread awareness about what it means to be a refugee. The point was also made that normalizing relations between local and refugee communities was not the same as permanent integration, and that the most harmonious communities were often those who were able to support refugees while they lived temporarily in their community.

“Just start, you'll find a way”

Learning by doing: Solutions-focused and principle-based

Many participants noted the benefit of getting started, of “learning by doing” and of creative problem solving. There was agreement that while all of the answers may not be available at the outset, this should not be a deterrent to working towards ending child detention. Rather, it was important to start trialling and implementing alternatives, even if on a small scale. In addition to focusing on solutions, the importance of mainstreaming principles of the best interest of the child and non-discrimination were highlighted as touchstones for policy change and inspiring action. These values were also evident in the practices observed during the site visit, where participants reflected on the need to prioritize family-based care and family unity, rather than institutional-based care, with shelters being seen as a transitional arrangement.

Sustainability

Linked to being solutions-focused, the need for sustainability and versatility was another key theme which emerged. One participant emphasized that migration trends and policy settings will always change, so government and service providers need to be flexible and able to adapt. The sustainability of programs provided by civil society was also discussed, and the potential to work with the business sector to widen the donor base. Rather than wait for long-term funding commitments however, there was agreement that starting with small, achievable steps could open doors to other partners getting involved.

3. Key outcomes and next steps

The final session of the day focused on desired next steps for the group. Each country said they came away inspired by the two days and with a range of ideas to share with their respective ministries. It was also remarked that no matter how far along they were in implementing alternative care arrangements, there is always more to be learned, particularly from peer countries within the same region. To close the day, facilitators asked each participant to share their ideas about what forms of peer-learning this platform could support going forward, which included the following:

- **Growing ‘community of practice’ nationally and regionally:** The benefits of a being part of a supportive group working on these issues was recognized, and ideas for continuing to engage nationally and regionally around this issue were put forward.
- **Information sharing:** Building or using an existing online information-sharing platform to exchange positive practice, toolkits, manuals, handbooks and other relevant information among the group on topics such as child wellbeing mainstreaming, case management practice, trauma-informed care, etc.
- **Technical assistance:** Support the provision of further technical assistance and training for front-line staff in dealing with refugee, asylum seeker and migrant children and their families, including on topics such as case management, compliance and teaching parenting skills.
- **Bilateral country exchanges and site visits:** Participants expressed interest in follow-up bilateral country visits to observe models and programs in one country that could be adapted for another.
- **Smaller, more targeted meetings:** another idea raised was for smaller country-level or intra-regional meetings on more specific aspects of alternative care, such as case management. After the success of this more high-level regional roundtable, there was value seen in the peer-learning potential of the group in addressing concrete implementation challenges and lessons learned. These could take place at the country level, bilaterally or regionally.
- **Follow up roundtable:** There was support for holding a follow-up regional event next year.

“I’m ready to start this discussion with a new perspective. I see the light again.”