

First transnational workshop
CADRE project

Alternatives to detention vs. alternative forms of detention of migrant children Towards the identification of the rights-based practice

17-18 June 2021

This workshop aims at the promotion of alternatives to detention with the aim of elimination of the detention of migrant children completely. This includes the identification of alternative forms of detention as opposed to alternatives to detention that in practice amount to deprivation of liberty. This workshop will assess:

- 1) How and which alternatives satisfy the requirements of freedom of movement /or do they constitute deprivation of liberty in practice
- 2) Good and bad practices: alternatives to detention vs. alternative forms of detention
- 3) How to decide on alternatives to detention: necessity and proportionality assessment, best interest of the child principle, age assessment, child-friendly procedure.

Participants: national and international experts and practitioners linked to alternatives to immigration detention for children. Participants will include lawyers, judges, academics, social workers, guardians, child-care services, policy makers.

Agenda

DAY 1 9:30-12:30

9:30-10:00 Welcome and tour de table

- Objectives, main questions to be answered at this workshop
- Tour de table

Moderator: Róisín Pillay, ICJ

10:00-10:30 Standards and jurisprudence on children's rights and immigration detention (from UN, Council of Europe and EU standards and bodies) and the main elements of alternatives to detention

Moderator: Róisín Pillay, ICJ

Speaker: Benoit Van Kiersbilck, CRC Member, Director of DCI-Belgium

10:30-11:10 I. Parallel breakout sessions: Core considerations and main principles related to access to justice for children

Moderator: Karolína Babická, ICJ

Session 1.: Best interest of the child principle

Facilitator:

Karolína Babická, ICJ

Presenters:

Claudia Pretto, ASGI (ITA)

Emna Mzah Miralles DCI

Belgium (BE)

- *How is the best interest of the child (BIC) assessment carried out in different countries?*
- *What would be needed to make it more operational?*
- *What practical tools could help specific stakeholders in including the BIC assessment when deciding on*

	<i>detention/alternatives to detention?</i>
<p>Session 2.: Age assessment Facilitator: <i>Eleonora Celoria, ASGI (ITA)</i> Presenter: <i>Klotildi Prountzou, GCR (GR)</i></p>	<ul style="list-style-type: none"> • <i>Current situation in few selected countries. Good and bad practices in granting the benefit of the doubt during the age assessment period.</i> • <i>What is the best way of dealing with the intermittent period? Can the person claiming to be a child be always placed in a facility for children?</i> • <i>Situations where age is contested, and how does that impact the rights of the child, what practical solutions can be used in those situations?</i>

11:10-11:25 Brief reporting back in the plenary

Moderator: Karolína Babická, ICJ

Speakers: rapporteurs from breakout sessions

11:25-11:40 Break

11:40-12:25 II. Parallel breakout sessions: Considering specific alternatives to detention

- Exchange, discussion and comparison of practices in alternatives to detention
- Questions to be considered:
 - *What are alternative forms of detention often deemed as genuine alternatives to detention?*
 - *Are the measures compliant with human rights law?*
 - *How does it work in practice and what are the practical impacts on human rights?*

<p>Session 1: Return houses in Belgium Facilitator: <i>Eleonora Celoria, ASGI (IT)</i> Speaker: <i>Melanie Zonderman, Plate-forme mineurs en exil (BE)</i></p>	<ul style="list-style-type: none"> • <i>What are the positive and negative aspects of this alternative?</i> • <i>What is the impact on human rights?</i> • <i>Why is this an alternative form of detention and how could it be improved?</i>
<p>Session 2: Regular reporting Facilitator: <i>Gruša Matevžič, HHC (HU)</i> Speakers: <i>Daniel Witko, HFHR (PL) Valeria Ilareva, FAR (BG)</i></p>	<ul style="list-style-type: none"> • <i>What are the positive and negative aspects of this alternative?</i> • <i>What is the impact on human rights?</i> • <i>How could it be improved?</i>

12:25-12:30 Wrap-up

DAY 2
9:30-12:30

9:30-10:00 Reporting back from parallel sessions on Alternatives to detention

Moderator: Róisín Pillay, ICJ

10:00-10:30 General child-rights framework's applicability to migrant children

- CRC standards, CoE strategy on children's rights
- EU strategy on children's rights, Child guarantee

Moderator: Róisín Pillay ICJ

Speaker: Karolína Babická, ICJ

10:30-11:20 III. Paralell breakout sessions: Exploring the ways forward

Moderator: Karolína Babická, ICJ

Main Questions to be considered:

- How to practically include migrant children in the mainstream child-care services?
- How to decide on alternatives to detention: necessity and proportionality assessment

<p>Session 1: Current status quo and obstacles to placing children in the mainstream child protection</p> <p><i>Facilitator:</i> <i>Massimo Frigo, ICJ</i></p> <p><i>Speaker:</i> <i>Neil Falzon, Aditus (MT)</i></p>	<ul style="list-style-type: none">• <i>How to include migrant children in the mainstream care for children?</i>• <i>What are the main current obstacles?</i>• <i>How could these be overcome?</i>• <i>What services of the general safety net could families benefit from?</i>
<p>Session 2: Community Assessment & Placement (CAP) Model</p> <p><i>Facilitator:</i> <i>Eleonora ASGI (ITA)</i></p> <p><i>Speakers:</i> <i>Vivienne Chew, IDC (International)</i> <i>Maaïke Vanderbruggen, JRS (BE)</i></p>	<ul style="list-style-type: none">• <i>What is the IDC CAP model?</i>• <i>What is the current pilot project in Belgium?</i>• <i>What are the obstacles in putting these into practice?</i>• <i>What tools/elements can help it being used more?</i>

11:20-11:30 Break

11:30-12:15 Reporting back, final discussion, stock taking, main highlights and recommendations, good practices, next steps

Moderator: Karolína Babická, ICJ

