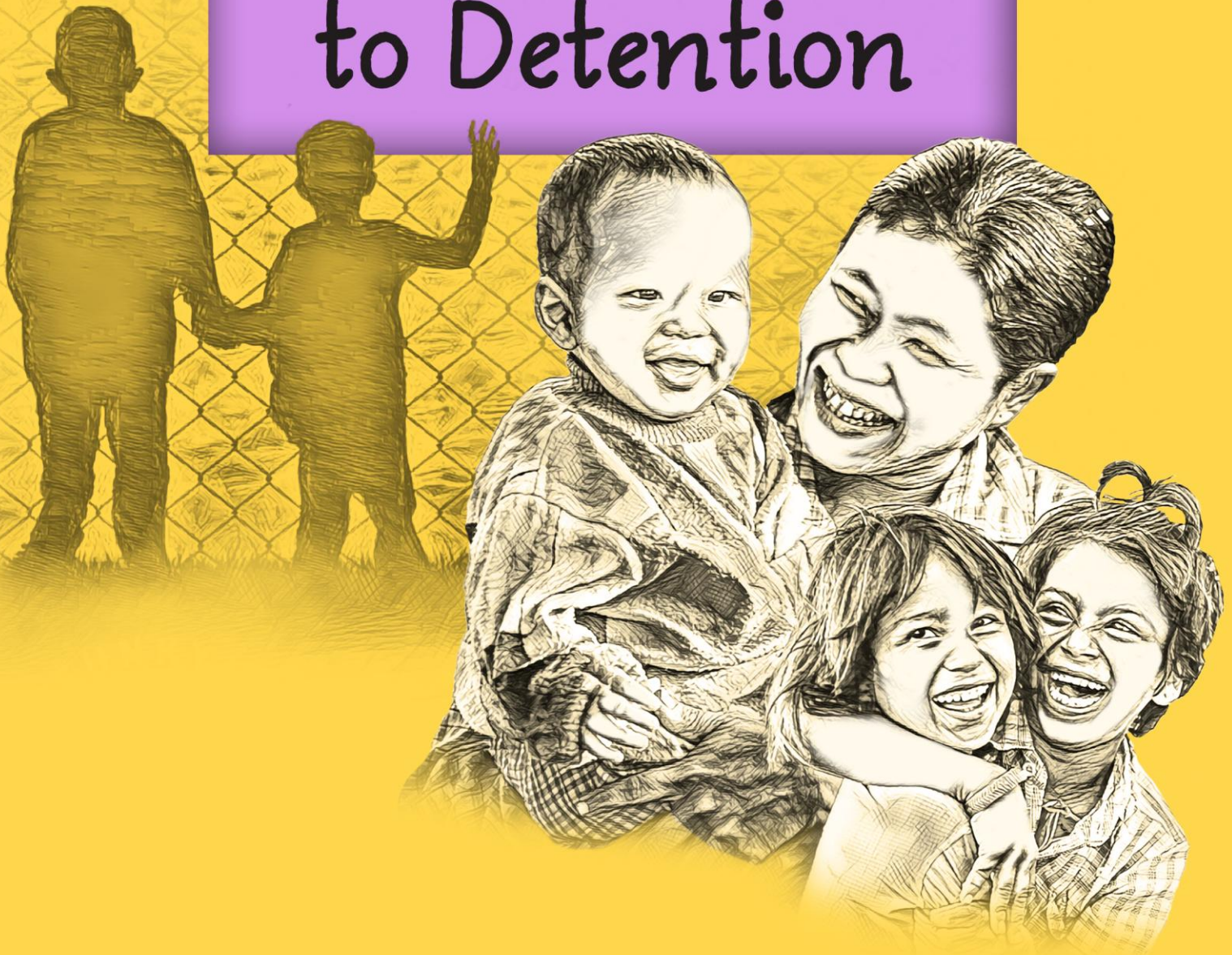


Alternative to Detention



SUKA Society along with other civil society partners have been advocating for the development and implementation of alternatives to immigration detention for children that will potentially lead to the non-detention of children for immigration related offences.

Programme Overview

Background

There is increasing global consensus that immigration detention of children is a violation of child rights and is never in the best interest of the child. Malaysian immigration laws make no distinction between adults and minors (persons below 18 years old). As such, children who violate immigration laws are subjected to the same arrest and detention conditions as adults. Children detained for immigration related offences include refugee and asylum-seekers, migrants, stateless and other undocumented children. Refugee and asylum-seeking children are at higher risk of prolonged detention, as they cannot be repatriated. Adults and children are held in the same facilities with no specialised care and policies for children. Conditions in immigration detention centres are harsh, with poor nutrition, healthcare, hygiene and sanitation and there is risk of violence and abuse.



Unaccompanied and separated children (UASC) who are undocumented or have irregular migration status are particularly vulnerable to immigration detention. Without structured assistance that prioritises their best interest in the migration process, UASC are more vulnerable to prolonged detention, abuse and exploitation.

Harsh conditions in immigration detention have a significant impact on the developmental and psychological wellbeing of children. Children in immigration detention, even for a short period, face significant physical and mental health issues, including developmental delays, malnutrition, inability to sleep, and overall poor health. Children faced with prolonged detention may suffer from serious medical conditions, chronic stress, other psychiatric and anxiety-related conditions, are unable to develop holistically in a supportive environment, and lack positive coping mechanisms. Children, especially boys held in the male facility, are also at risk for violence, trauma and abuse.



As of 15 December 2023, approximately 1,400 children were detained in immigration detention centres throughout Malaysia.¹



In April 2023, 679 of 1,030 children in immigration detention centres were unaccompanied and/or separated from their parents/guardians.²



Deaths in Malaysian detention centres are common. In 2022, there were 153 reported deaths, including 7 deaths of children.

¹ Malay Mail (2023) [Home minister: Two more temporary shelters for foreign children to be established in Kelantan and Sarawak next year](#)

² The Star (2023) [Home Ministry to table paper on moving children from Immigration detention centres](#)

The Alternative To Detention (ATD) Programme

Since 2013, SUKA Society has been advocating for ATD to be implemented in Malaysia with the goal of ending the practice of immigration detention for children. In order to achieve our goal, we conduct the following activities:

What is Alternative To Detention (ATD)?

ATD is any legislation, policy or practice, formal or informal, that ensures people are not detained for reasons relating to their migration status. ATD allows for individuals at risk of immigration detention to live in non-custodial, community-based settings while their immigration status is being resolved. The most effective alternatives involve case management provided by a range of actors – social workers, civil society and/or specialised staff from immigration authorities. ATD are more cost-effective compared to immigration detention and it is an effective migration management tool which ensures the rights of children and their families are respected.



- Advocate for the release of UASC from immigration detention centres into community-based care.
- Promote implementation of an ATD Model designed for UASC presently held in immigration detention centres.
- Direct engagement with key stakeholders such as government agencies and policymakers on the development and implementation of ATD in Malaysia.
- Coordinate and collaborate with United Nations (UN) agencies, non-governmental organisations (NGOs), the Human Rights Commission of Malaysia (SUHAKAM), and refugee communities.
- Capacity building on child protection for immigration officers and other stakeholders working with children affected by immigration detention.



SUKA Society has been working with the Ministry of Home Affairs (KDN), Ministry of Women, Family and Community Development (KPWKM), Social Welfare Department (JKM), and the Immigration Department (JIM) to develop and implement ATD for unaccompanied and separated children in immigration detention centres.

The ATD model promoted by SUKA Society involves vulnerability screening and assessment, release from immigration detention centres into community placement with relatives or foster caregivers, case management, and identification and implementation of a long-term resolution plan.

In 2021, an ATD Pilot Project was approved by the Ministerial Cabinet, to be implemented by KDN, KPWKM, JKM, JIM and two partner NGOs, SUKA Society and Yayasan Chow Kit. Due to certain restrictions imposed by the Ministerial Cabinet, the ATD Pilot Project faced severe delays and ultimately was not implemented.

SUKA Society continues its work in advocating for the protection of children at risk of immigration detention, release of children from immigration detention centres, and the development and implementation of rights-based ATD.

Foreword

In 2023, some big changes occurred that made it necessary for us to adapt our approaches while working towards the goal of implementation of ATD in Malaysia. We started the year with conversations on releasing unaccompanied children from detention centres into the care of child protection NGOs. However, a sudden change in direction took place when the Home Ministry rapidly implemented new immigration detention centres specifically for children and their mothers, called Baitul Mahabbah. This indicated a shift of focus towards improving conditions of detention for children instead of developing non-custodial alternatives.

A separate detention facility for children is not a form of ATD and was not in alignment with the direction we hoped to head towards. Although we did not achieve the desired outcome, it is important that there is commitment towards ensuring Baitul Mahabbah becomes a transit centre, and we hope to assist the Home Ministry in working out processes for children who are unable to be returned safely to their country of origin to exit the centre into community family-based care, based on the best interest of each child.



Site visit with the Home Ministry and Immigration department and NGOs to assess the development of Baitul Mahabbah Nilai.

It is unclear if Baitul Mahabbah will become a long-term practice or policy in the detention landscape in Malaysia, but it is undeniable that henceforth any work or progress on ATD must include Baitul Mahabbah. In consideration of this, SUKA Society provided capacity building for the immigration officers stationed at Baitul Mahabbah and services to the children in the centre. While we continue our engagement and work on Baitul Mahabbah, we will continue to advocate that steps are taken towards respecting the best interest of each child detainee and releases of children into community family-based care.

Executive Summary

Following the outcome of the General Elections in November 2022, SUKA Society started the first quarter of 2023 working with our partners to engage the new Home Minister and Minister of Women, Family and Community Development with the goal of ensuring ATD remains a priority for the new administration. Initially, appeals were made to revive the ATD Pilot initiated by the previous administration. However, we eventually shifted our focus to advocating for the release of unaccompanied children from immigration detention centres. In February, the Home Minister declared that children do not belong in detention centres, and he was working on releasing children into the care of child protection organisations.³ In April, the Home Minister made a follow-up announcement that the ministry was working on a paper that will be tabled to the Cabinet to transfer children out of immigration detention centres.⁴

Between March and August, SUKA Society, together with Yayasan Chow Kit (YCK), participated in several formal and informal meetings and discussions with KDN, KPWKM, JIM and JKM where we presented our proposal of ATD Model to assist the government in developing a solution based on community and family-based care for unaccompanied children in immigration detention centres. Additionally, we identified and engaged with potential new shelters and NGO partners interested in working together to provide safe placement and family-based care, in preparation for releases of children from detention.

In August, KDN decided to implement a pilot initiative to set up centres called Baitul Mahabbah for detained children aged 10 and below and their mothers. The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) was tasked with leading the establishment and implementation of Baitul Mahabbah. These centres would be managed by JIM. Children will be identified and transferred from other immigration detention centres to Baitul Mahabbah where they will be held prior to repatriation. The first Baitul Mahabbah at Nilai was launched on 4 September. NGOs were requested to assist the government by providing resources and activities for the children.

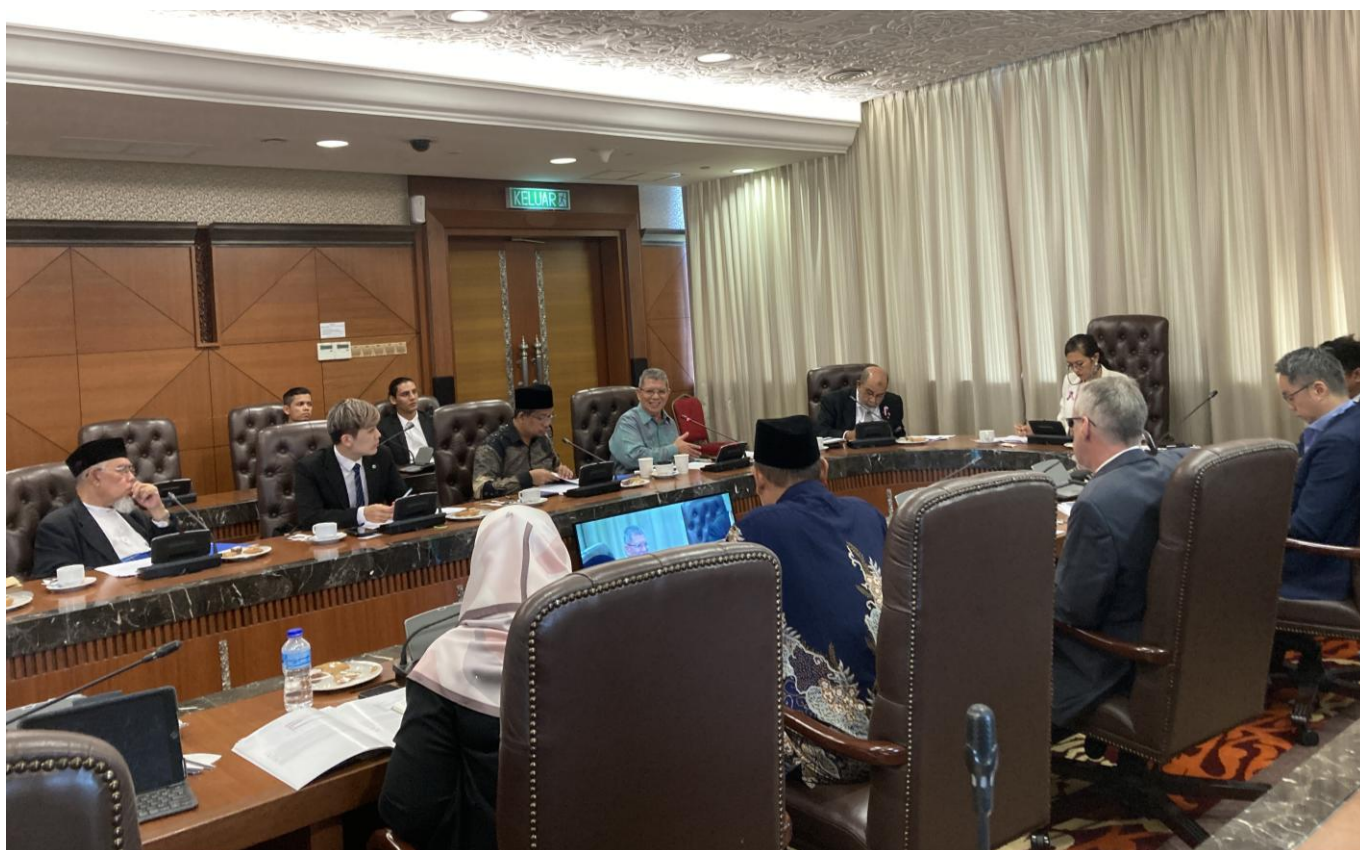
As a strategy to build a working relationship between the government and NGOs and continue our advocacy for community-based ATDs, SUKA Society took on the role of coordinating and facilitating activities for the children at Baitul Mahabbah Nilai. Activities at the centre commenced in October, with SUKA Society focusing on conducting basic literacy and education programmes for the children. We also conducted two rounds of Child Sensitisation Workshops for the immigration officers managing the centre. In November, we submitted a proposal to MAPO, offering support in case management and family reunification and community placement for the children at Baitul Mahabbah Nilai.

Children should not be detained at Immigration depots, says Home Minister, Datuk Seri Saifuddin Nasution.³

³ The Star (2023) [Children do not belong in Immigration depots, says Saifuddin](#)

⁴ The Star (2023) [Getting the kids out](#)

Executive Summary (cont'd)



Report launch of 'Impact of Prolonged Immigration Detention on Rohingya Families and Communities in Malaysia' and roundtable discussion at the Malaysian Parliament

In December, the second Baitul Mahabbah was established at Depot Tahanan Imigresen Papar (DTI Papar), Sabah. Unlike Baitul Mahabbah Nilai which had its own independent facility and officers, Baitul Mahabbah Papar was situated within DTI Papar. The Home Ministry plans to establish 3 more centres in 2024 in Sarawak, Kedah, and Kelantan.

In 2024, SUKA Society will continue to advocate for children, especially UASC, to be released from immigration detention centres into community-based care. For Baitul Mahabbah Nilai, we will continue coordination amongst NGOs in facilitating activities for the children, while working towards pathways for the children's release into community-based care. As new Baitul Mahabbah centres are established, we will provide Child Sensitisation training for the immigration officers at the new centres to promote awareness and understanding of child protection principles and practices. Additionally, we plan to conduct an assessment of the situation for children in immigration detention centres in Sabah and Sarawak, mapping of actors working with the affected children and identify opportunities to work towards community-based alternatives for children in Sabah and Sarawak.

Advocacy

SUKA Society conducts advocacy with various key stakeholders to achieve our goal of the release of children into rights-based alternatives. Advocacy work typically involves engaging stakeholders such as government ministries and agencies, parliamentarians, UN agencies, international and local NGOs, community-based organisations, and the diplomatic community. Through this, we bring awareness to various issues relating to children in detention, propose solutions, and seek support to make our goal a reality. Our advocacy activities are conducted in two main ways – through direct engagement with government and collaboratively with other civil society organisations.

In 2023, SUKA Society continued direct engagement with the government and attended a total of nine meetings with various government agencies and ministries. The discussions mostly revolved around the release of children from detention into community-based care, and the implementation of Baitul Mahabbah. We also developed and presented proposals of alternatives for children in detention with outlines of processes for case management and release of unaccompanied children from detention centres into community-based family care. As of the end of 2023, the government has not made a decision to progress towards implementation of alternatives or release of children, but discussions are still ongoing.



SUKA Society also works collaboratively with other civil society organisations in advocating for rights of children at risk of arrest and detention and children presently held in immigration detention centres. SUKA Society is a member of the End Child Detention Network (ECDN), a coalition of 21 civil society organisations and individuals working to end immigration detention of children in Malaysia. Through the ECDN, we work together with other NGOs to develop and implement joint advocacy strategies and activities. In 2023, some of the key activities that ECDN organised or participated in include meetings with KPWKM and KDN; the release of press statements for World Refugee Day⁵ and responding to the formation of Baitul Mahabbah⁶; engagement with parliamentarians; discussions with UN agencies, international organisations, and organisations from other countries; and briefing for diplomatic communities.

Between 2022 and 2023, the coalition had a series of discussions to develop a new strategy for the term 2023-2024. Members decided to change the name of the network to End Detention Network (EDN), to expand its work to include all people affected by immigration detention and not just children. There will be an expansion of advocacy work to include three strategic pathways – Alternative To Detention, Immigration Reform, and Right and Access to Health.

⁵ Office of Children Commissioner (OCC) and End Child Detention Network (ECDN) (2023) [OCC & ECDN Call on Malaysian Government to Release Children from Immigration Detention & Implement ATD](#)

⁶ The Star (2023) [Malaysian coalition urges further steps towards ending child detention in the country](#)

Facilitation of Activities for Children in Detention

When the Home Ministry planned to open Baitul Mahabbah for detained children, they requested for SUKA Society and several other NGOs to assist in the centres by providing activities for the children. Although the centre was not aligned with our goal of ending detention of children, SUKA Society decided to provide assistance to the children at Baitul Mahabbah as a strategy to build a better working relationship between the government and NGOs, and advocate for a rights-based alternatives that will eventually see UASC released from detention into the care of caregivers within their own communities.

Five NGOs were selected to provide activities and services for children and mothers at Baitul Mahabbah Nilai, which are SUKA Society, YCK, HumanKind, Malaysian Red Crescent Society and Geutanyoe Malaysia. SUKA Society provided overall coordination between the NGOs, management of Baitul Mahabbah Nilai and JIM Putrajaya to ensure the smooth planning and implementation of the activities.

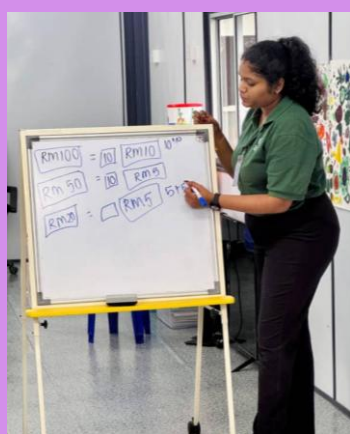
Between October and December, the NGOs conducted a total of 55 activities were conducted for 40 children and 20 mothers. SUKA Society conducted 17 sessions.

Type of activity	Organisation	No. of sessions
Children – Psychoeducation/Mental Health	HumanKind	11
Women – Art Therapy/Sewing Circle/Mental Health	HumanKind	22
Mother & Child – Relationship Building	HumanKind	2
Children - Basic literacy and education	SUKA Society	14
Children – Recreation/Personal Hygiene and Safety/Civic Education/Others	YCK	3
	SUKA Society	3

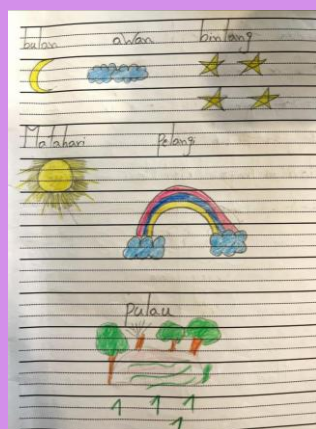
SUKA Society focused on providing basic literacy and education to children age 3 years and above. Majority of the children did not have prior access to pre-school education nor did they attend any form of formal education. As such, activities were focused on learning alphabets, words, reading, writing, numbers and basic mathematics. Both Malay and English languages were taught to the children. The main goal of the activities was for all the children to be able to read, write and count before they leave the centre. All children progressed in their learning during the project period, although some at a slower pace than the others.

Apart from that, we conducted one session on personal and dental hygiene. On 20 November, in conjunction with World Children's Day, we organised a fun relay race for the children to celebrate their right to play.

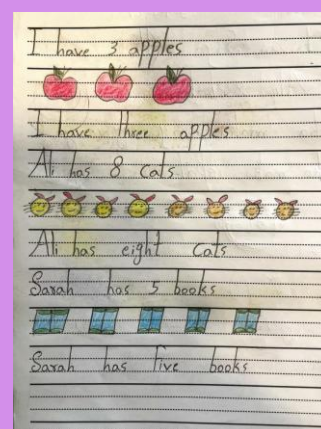
In 2024, we will continue with facilitating activities for the children at Baitul Mahabbah Nilai while advocating for release of the children into community-based care.



SUKA Society's staff conducting an activity with the children at the centre.



Examples of children's worksheets for basic pre-school education, teaching them words and numbers.



Training for Immigration Officers

Two sessions of child sensitisation training workshop entitled “Kursus Pengendalian dan Penjagaan Kanak-Kanak” were conducted on 27 September and 3 October for immigration officers who were tasked with managing Baitul Mahabbah Nilai. A total of 38 immigration officers attended the workshops.

As immigration officers are not trained in managing children or a children’s centre, it is crucial that they are provided with some basic knowledge of child protection principles and good practices for managing children in an institution setting. The workshop started with a session by a shelter manager from YCK who shared considerations and good practices for care management at a children’s centre. SUKA Society facilitated the remaining sessions. The second session was a basic introduction to four child protection principles which are best interest of the child, non-discrimination, child participation, and survival and development. Participants were then tasked with group work to evaluate different aspects of the centre’s management based on the four principles. An open discussion ensued on the challenges and opportunities in applying the child protection principles at the centre. The final session discussed issues relating to bonding and attachment, and the importance of practising positive discipline. Overall, the immigration officers found the training to be beneficial for them and expressed interest in attending follow up trainings.

In 2024, SUKA Society plans to conduct similar training workshops for immigration officers who are involved in managing the other four Baitul Mahabbah centres which will be established in Sabah, Sarawak, Kedah, and Kelantan.



Participants from Jabatan Imigresen Malaysia at the child sensitisation workshop.



SUKA Society trainer facilitating a group discussion.

Programme Expenses for 2023

Alternative to Detention

No	Details	Total (MYR)
01.	ATD Coordinator	81,900.00
02.	Training	265.85
03.	Case Management	9,712.56
04.	Travel	1,465.43
05.	Food	853.66
Total Yearly Programme Cost		94,197.50



How You Can Help

The ATD team is looking for long-term volunteers to assist in conducting basic literacy and educational programmes for children affected by immigration detention. Volunteers must be based in or willing to travel to Nilai, enjoy working with children, available on weekday mornings/afternoon and committed to volunteer weekly or fortnightly for a minimum of 3 months.

Acknowledgements

SUKA Society would like to acknowledge and thank our partners such as Yayasan Chow Kit, the International Detention Coalition (IDC) and members of the End Detention Network (EDN) for the close collaboration and support in advancing the rights of children affected by immigration detention.

Contact Details

For more information regarding the ATD programme, please get in touch with us at enquiry@sukasociety.org.



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