

GLOBAL **NEXTGEN** INDEX

Protecting the liberty of our next generation, today.

End Child Detention Scorecard

BRAZIL

Published August 2018 using information compiled between November 2017 – January 2018, based on the most up-to-date reports and analysis available.



FINAL SCORE

110

Brazil is a world leader on the issue of child immigration detention. They do not detain children and are publicly opposed to the practice. All migrant and refugee children in Brazil have the same rights as children who are citizens.

	Brazil	Possible
Treaties	20	20
National laws	10	10
Processing	25	26
Placement	12	12
Rights	19	20
Oversight	12	12
Sub Total	98	100
Points off	-0	-15
Bonus points	+12	+15

Treaties 20/20

Brazil has ratified all six Conventions and Protocols that assist in the protection of children in the context of migration.

Recommendation: The Government of Brazil is commended on this achievement. The government is encouraged to support all UN Member States to fully ratify all of these instruments as well.

National laws 10/10

The law in Brazil does not allow for children to be held in immigration detention, because there is no law providing for immigration detention for any people at all.

Recommendation: The Government of Brazil is commended on this achievement. The government is supported as a world leader on this issue.

Processing 25/26

Brazil has a range of child-sensitive processes in place. A clear policy to identify children at the border was introduced in August 2017. However, border officials are not adequately trained in child-sensitive techniques and modest arrival numbers means it is difficult to assess implementation to date.

Recommendation: The Government of Brazil is commended on this achievement, specifically the implementation of policies that protect children while migration processes are underway. The government is encouraged to ensure all border officials are trained in child-sensitive screening and referral practices.

Placement 12/12

Brazil allows all families with children to live in the community without conditions while protection or migration claims are being assessed. Unaccompanied minors are referred to shelters, where they fall under the guardianship and care of the shelter staff. There are no conditions placed on people while in the community.

Recommendation: The Government of Brazil is commended on this achievement, specifically the ongoing use of unconditional placement in the community.

Rights 19/20

Brazil's Immigration Law establishes that migrants are to be treated as nationals, and as such all asylum seeker, refugee and migrant children have access to the same rights as citizen children. While it is not stated in legislation, in practice undocumented populations are not targeted by immigration officials when receiving social assistance.

Recommendation: The Government of Brazil is commended on this achievement, specifically ongoing adherence to the commitment that all persons are entitled to access their rights regardless of migration status. The government is encouraged to additionally introduce firewall legislation to ensure social welfare services are not impeded by migration control activities.

Oversight 12/12

As Brazil does not use immigration detention, they do not have to establish oversights to monitor its use.

Recommendation: The Government of Brazil is commended on this achievement. The government is supported as a world leader on this issue.

Points off 0/-3

As Brazil does not use immigration detention, they do not have any children held in immigration detention for any length of time.

Recommendation: The Government of Brazil is commended on this achievement. The government is supported as a world leader on this issue.

Bonus points +12/+15

Brazil has a clear political commitment to ensure children are not held in immigration detention, they have integrated their rights and obligations into national law and are acting as a world leader on this issue.

Recommendation: The Government of Brazil is commended on this achievement and encouraged to continue to share insights into their practice and encourage other States to emulate this leadership.



This scorecard has been assessed by the Brazil Scorecard Committee which includes:

- Individual Consultant: Junia Maria de Almeida Barreto
- Individual Consultant: Mariane Andrade Quintao

For further information regarding how this score was measured visit <http://next-gen-index.org/>

If you have any questions, please contact the Global Campaign:
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Additional Resources & Information

Treaties & National Laws

- Camara dos Deputados: [Decreto No 50.215](#)
- Republic of Brazil
 - [Decreto No 99.710](#)
 - [Decreto No 58.819](#)
 - [Decreto No 592](#)
 - [Decreto No 591](#)
 - [Decreto No 6.085](#)
 - [Federal Constitution](#)
- The Statute of the Child and Adolescent: [Decreto No 8.069](#)
- Migration Law: [Decreto No 13.445](#)
- EBC: [Entenda o que diz a lei sobre infratores menores de 18 anos](#)

Directives & Services

- ACNUR Brasil: [Booklet for Asylum Seekers in Brazil](#)
- EBC: [Burocracia dificulta atendimento a crianças refugiadas desacompanhadas](#)

Community Integration & Support

- Sao Paulo Portal de Governo
 - [Casa de Passagem Terra Nova orienta refugiados na busca por emprego](#)
 - [Secretaria de Desenvolvimento Social: Migrantes/Refugiados](#)
- Estadoo Internacional: [Exercito preparara abrigo para refugiados](#)
- TAB: [Refugiados no Brasil](#)
- [Right Of Refugees To Social Assistance In Brazil](#)
- ACNUR Brasil: [Coletanea de Instrumentos de Protecao Nacional e Internacional de Refugiados e Apatridas](#)

Infrastructure & Oversight

- First Secretary of Brazil to the UN Leonardo Abrantes: [Speech, Third Thematic Session on Safe, Orderly and Regular Migration in Geneva 2017](#)