

Children's Right in Brazil

Alternative Report to the United Nations Committee on the Rights of the Child

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NGO submission by

**Pastoral do Migrante - Missão Scalabrini
Santa Catarina**

INTRODUCTION

This alternative report aims to provide additional information to the United Nations Committee on the Rights of the Child. It highlights some issues relating to access to rights for migrant children living in Brazil. It emphasize on new requirements for accessing the Continuous Cash Benefit (*Benefício de Prestação Continuada* - BPC), which would be a step backwards in terms of guaranteeing rights and protection. On the other hand, some of the difficulties encountered by the migrants when enrolling the Brazilian education system are mentioned. In addition, some suggestions are made as a contribution to strengthening affirmative action to



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promote equal opportunities.

MIGRANT PASTORAL - SCALABRINI MISSION ¹

The Migrant Pastoral - Scalabrini Mission carries out its activities at local, state, national and international level, through the networks in which it belongs. At international level, it is part of the Congregation of the Scalabrinian Missionaries, which has been working for the cause of migration since 1887. It operates formally through the Scalabrini International Migration Network (SIMN), active on five continents in approximately 36 countries, providing direct assistance to migrants and refugees. SIMN has consultative status at the UN, especially about refugee matter. We are part of the Clamor Network and we have already worked with the IOM, Adveniat and Miséricorde. In addition, we work as part of the Pastoral Service for Migrants (SPM), which is a service of the National Conference of Bishops of Brazil (CNBB) that operates in around 19 Brazilian states.

The CNBB's Regional South 4 coordinates the Migrant Pastoral - Scalabrini Mission in the state of Santa Catarina, with two strategic offices (Florianópolis and Chapecó), specialized in assisting and welcoming migrants and refugees, with a multidisciplinary team that provides services such as regularization of migratory status, referral to job opportunity, legal, psychological and social advice, vocational courses, Portuguese courses, training activities, integration activities and emergency aid. In Florianópolis, the Migrant Pastoral is also responsible for the Scalabrini House, which offers shelter and support to migrant families from a rights-based perspective, with a view to their autonomy and social integration.

MIGRATORY SITUATION IN BRAZIL

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According to the Migration Report (2024)² published by the Ministry of Justice and Public Security, from 2010 to August 2024, the flow of migrants was around 2.3 million people. As observed by Oliveira and Tonhati (2022)³, migratory flows to Brazil have been undergoing processes of feminization and an increase in the number of children and young people.

In 2023, 44.3% of people recognized as refugees were children, adolescents and young people up to the age of 18. Relatedly, both men (35.4%) and women (37.2%) recognized as refugee were more expressively in the under-15 age group.⁴

The increase of the migration of children and adolescents in Brazil therefore poses new challenges for the country, which needs to re-evaluate its public policies to meet the different needs of these children and guarantee access to basic social protection instruments, assistance and social rights and benefits.

CONTINUED CASH BENEFIT (BPC) FOR MIGRANT CHILDREN WITH DISABILITIES.

Referring to articles 22, 23, 26 and 27 of the Convention on the Rights of the Child

In most cases, families with children leave their country with few or none financial

² Available at:

https://portaldeimigracao.mj.gov.br/images/Obmigra_2020/OBMIGRA_2024/Ref%C3%BAgio%20em%20N%C3%BAmeros%20-%209ed/Ref%C3%BAgio%20em%20N%C3%BAmeros%209%20edicao%20-%20final.pdf consulted on April 13, 2025.

³ Cit. Idem.

⁴ Available at:

https://portaldeimigracao.mj.gov.br/images/Obmigra_2020/OBMIGRA_2024/Ref%C3%BAgio%20em%20N%C3%BAmeros%20-%209ed/Ref%C3%BAgio%20em%20N%C3%BAmeros%209%20edicao%20-%20final.pdf consulted on April 13, 2025.

resources and urge immediate access to social assistance benefits and services to meet the minimum needs required to ensure their subsistence. However, in order to doing this, as well as to access the job market, they need to have Brazilian documents - Individual Taxpayer Registration (*Cadastro de Pessoa Física* - CPF); National Migratory Registration (RNM). All of those documents process takes a considerable amount of time (sometimes up to 5 months), making it difficult for them to be included in the Unified Registry for Social Programs (*Cadastro Único*), and accessing their rights like income transfer social benefit, such as “Bolsa Família” or Continuous Cash Benefit (*Benefício de Prestação Continuada* - BPC)⁵, within the scope of the Unified Social Assistance System (SUAS).

Regarding the BPC, a welfare benefit (non-contributory), MDS/INSS⁶ Joint Ordinance No. 28, of July 25, 2024, established new rules and procedures for apply, granting, maintaining and reviewing this benefit, explaining (sic): “the applicant or legal guardian must make the biometric registration, as of September 1, 2024, in the National Identity Card - CIN, in the electoral title or in the National Driver's License - CNH”. In this case, migrants living in Brazil, including children and adolescents with disabilities, cannot access this benefit because they do not have any of the documents requested.

It is important to note that migrants living in Brazil have the same rights as nationals, as established in the Federal Constitution of 1988. However, the new legislation in question seems to disregard this constitutional precept, as well as the fundamental principles of equality and non-discrimination. In addition, Brazilian Migration Law N°. 13.445 of May 24, 2017 guarantees to the migrant population in Brazilian territory equal conditions with nationals, without discrimination on the grounds of nationality or migratory status.

⁵ The Continuous Cash Benefit (Benefício de Prestação Continuada – BPC) provided by Social Assistance Organic Law (LOAS), it's an assurance of a minimum salary per month for senior that are 65+ or a people with disability whichever age. The person who receives BPC and their family must have Unified Registry for Social Programs (Cadastro Único) before requesting the BPC.

⁶ The BPC is managed by the Ministry of Development and Social Assistance and Fight against Hunger (MDS), through the National Secretariat for Social Assistance (SNAS), which is responsible for implementing, coordinating, regulating, financing, monitoring and evaluating the benefit. Operationalization is carried out by the National Social Security Institute (INSS).

Furthermore, by excluding this population from social protection mechanisms, the complexity of the vulnerabilities that they are exposed, marked by intersectionalities, is ignored.

It should be noted that in the case of migrants, biometric registration is carried out by the Federal Police, that is responsible for delivering the National Migratory Registration Card (CRNM) or Provisional National Registration Document (DPRNM). Therefore, one of the strategies to enable the access to the Continuous Cash Benefit (BPC) for children and adolescents with disabilities belonging to the migrant population would be to recognize migratory documents as valid for the purposes of proving the biometric registration required to grant the benefit. Alternatively, an institutional strategy could be established with the Federal Police in order to enable other forms of proof that respect the specificities of this public and ensure their right to social protection.

ACCESS TO THE EDUCATION SYSTEM

Referring to Article 28 of the Convention on the Rights of the Child

Based on the work experience of this Migrant Pastoral/Scalabrini Mission, we can point out that, regarding to migrant children's access to the education system, there are significant obstacles when it comes to school enrolment, especially in cases where the children and/or their parents do not have an Individual Taxpayer's Registry (CPF) yet. It should be noted that the information and registration system requires this data to be entered as a mandatory requirement, without offering alternatives such as the possibility of provisional or conditional registration until the documents are regularized. This requirement ends up practically restricting migrant children's right to education, contrary to the principles of universality and comprehensive protection expected in the Brazilian legal system.

Whereas, Federal Institutes of Education, Science and Technology (Ifes) reserves a percentage of vacancies on their technical and undergraduate courses for affirmative policies. These include low-income candidates, self-declared black,



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brown and indigenous people, maroons (quilombolas) and people with disabilities. In this context, and considering the specificities of migrant children and adolescents, it would be advisable to strengthen and expand these affirmative actions by including quotas for migrant students. Such a measure would contribute to consolidating a more inclusive and sensitive approach to the particularities of this public, thus promoting equal opportunities in access to quality public education.