

**PUBLIC NOTICE ON THE RIGHTS OF THE CHILD AND ADOLESCENT
AND THEIR FAMILIES IN IRREGULAR SITUATION OF IMIGRATION**

THE NATIONAL COUNSEL OF THE RIGHTS OF THE CHILD AND ADOLESCENT – CONDANDA, highest authority of formulation, deliberation and control of public policy for childhood and adolescence in the federal sphere, created by Law 8.242, October 12, 1991, is the state agency responsible for guaranteeing rights, principles and guidelines in the Statute of the Child and Adolescent (ECA), Law 8.069, June 13, 1990, recommends the prioritizing of the rights of children and adolescents in migrant situation by prioritizing attention on such individuals and their family nucleuses.

Considering:

1. The UN Convention on the Rights of the Child and the position of the Committee of the Rights of the Child, the American Convention on Human Rights and the position of the Inter-American Commission on Human rights, which express the non-criminalization of immigrants and respect to their dignity with principles that must be preserved in several contexts, and also recognize the responsibility of States in considering the superior interest of the child and adolescent during the development of migratory procedures, including in the elaboration of normative milestones and protocols of operation in borders and to all of the national territory.
2. The guidelines of the United Nations on the Alternative Modalities of Care of the Child, which highlights the rights of children and adolescents of living in family and community, under the principles of necessity and idoneity, in a way that their best interest must be protected before any administrative or judicial determination that harms them, besides fixating their rights in relation to separation of the family and to international protection.
3. The New York Declaration for Refugees and Migrants which establishes that States must make all efforts in order to implement, with urgency, alternatives to detention.
4. The Advisory Opinion OC-21/14 of the Inter-American Court of Human Rights, entitled Rights and Guarantees of Children in the Context of Migration and/or in need of International Protection, which says that, even if States keep a sphere of discretion in determining its migratory policies related to people up to 18 years of age, must prioritize the approach of the human rights which effectively secures

priority to children and adolescents in any consideration of nationality or migratory status, in order to assure full exercise of their rights.

5. The Brazilian Federal Constitution, notably in its 227^o article, and the Statute of the Child and Adolescent, which determines the shared duty of the family, society and the State to secure the rights of children and teenagers, which must have their peculiar condition of development respected and their best interest prioritized.

CONANDA hereby informs:

WE REPUDIATE any situation of Brazilian migrant children and adolescents submitted, in other countries, which configure as violations of their rights, such as what is taking place in the United States.

WE RECOGNIZE that the measures implemented by the government of the United States up to the moment put children and adolescents in a situation of deprivation of rights, stigmatization and discrimination of individuals and families in migration situation.

WE REQUEST the Brazilian government, especially the Ministry of Foreign Relations, that it focus on the governmental instances of the United States for it to extinguish its “zero tolerance” policy, take measures on reparation of harm caused and reunite the children and teenagers who have been separated from their families immediately, preserving and guaranteeing their rights.

June 28, 2018.

NATIONAL COUNSEL ON THE RIGHTS OF THE CHILD AND TEENAGER