

# PACARAIMA MISSION

Action Report - 2nd Edition



DEFENSORIA PÚBLICA DA UNIÃO

FEDERAL PUBLIC DEFENDERS' OFFICE

Secretariat-General of  
Institutional Articulation

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# 2nd Action Report of the activities of Federal Public Defenders in the "Pacaraima Mission"

## 1 – THE APPLICATION OF THE JOINT RESOLUTION AND THE CONCEPT OF SEPARATED AND UNACCOMPANIED CHILD AND ADOLESCENT



The Joint Resolution No. 1/2017, signed by the National Council for the Rights of Children and Adolescents (CONANDA), the National Committee for Refugees (CONARE), the National Immigration Council (CNIg) and the Federal Public Defenders' Office (DPU), was edited to establish preliminary identification procedures and attention and protection in the assistance of children and adolescents who are nationals of other countries (migrants, refugees or stateless persons), separated or unaccompanied (only children and adolescents who are separated or unaccompanied).

Edited in the context of the increasing Venezuelan migratory flow, the Resolution subsidizes the performance of Federal Public Defenders at the border, which is why the data presented in this report are limited to the registration made by this type of service, even if the action at the border is not limited to the application of the Resolution.

The legal guidance of the Federal Public Defenders' Office includes other points of daily clarification on Brazilian legislation, such as access to health, education, civil registration, documentation, reaching a still indefinite number of migrants.

In this issue, we would like to highlight some guiding principles of the action regarding the national application of the Resolution, aiming to contribute to the general guidance of Public Defenders.

### GUIDING PRINCIPLES

- **Individualized treatment:** the process should be conducted in a safe manner, sensitive to age, gender identity, sexual orientation, disability, religious and cultural diversities, ensuring the principle of equality, avoiding the risk of any violation of their physical and psychological integrity, respecting their human dignity (Article 9, paragraph 1st of the Joint Resolution).

- **Participation and autonomy:** throughout the process, the child or adolescent must participate, be consulted and kept appropriately informed (according to their age and stage of development) about the procedures and decisions taken regarding them and their rights (Article 6 of the Joint Resolution).
- **Access to information:** the beneficiary must receive detailed and clear information about their rights and measures regarding their assistance.
- **Data confidentiality:** the beneficiary must have their data protected, respecting their informed consent for use. Information on cases of persons victims of human trafficking should be used as prudently and confidentially as possible throughout the assistance proceedings. Even if there is consent, it is necessary to assess whether the content of the information affects the safety of the trafficked person or of a member of their family.
- **Interpretation:** the communication should occur in a language understood by all the persons involved. If necessary, with the presence of an interpreter.
- **Priority in the processing:** Administrative proceedings involving an unaccompanied or separated child or adolescent will proceed with absolute priority and agility, and the best interest of the child or adolescent in decision-making must be considered (Article 3 of the Joint Resolution).
- **Full protection and benefit of doubt:** If it is not possible to identify their age or other information, the benefit of the doubt must be granted, applying the protection measures provided for in this Resolution, in the Brazilian Federal Constitution and in the current legislation (article 9, paragraph 2 of the Joint Resolution).

## 2 – UPDATE OF THE ACTION GLOBAL DATA ON THE TARGET AUDIENCE: CHILDREN AND ADOLESCENTS IN SERIOUS MIGRATORY DIFFICULTY.

Children and adolescents in serious migratory difficulties are considered to be those who find themselves:

- i) Undocumented – are those who, despite being accompanied by their parents, do not have an identification document capable of proving the parental bond or have only a copy of the original document.
- ii) Separated – are those who are accompanied by an adult person who is not the legal responsible (does not hold family power) when entering the Brazilian territory.
- iii) Unaccompanied - are those who do not have any adult person accompanying them on their entry into national territory.

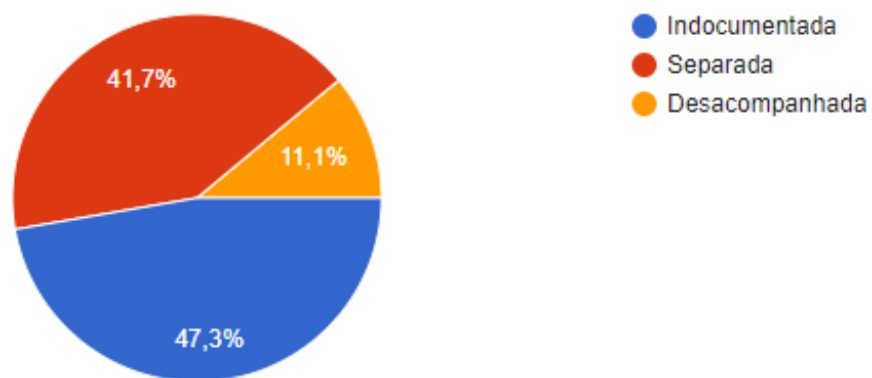
In these situations, the Federal Public Defenders' Office applies the form attached to Joint Resolution No. 1 (CONANDA, CONARE, CNIG, DPU, of August 9, 2017), conducting an individual interview and protection analysis with the support of members of the Ministry of Citizenship, the Guardianship Council of Pacaraima and the State Prosecution Service of Roraima, in order to select cases according to vulnerability and degree of complexity.

Between August 2018 and June 2019, the Pacaraima Mission provided legal assistance to approximately 3,597 children and adolescents in serious migratory difficulty, mostly because they were undocumented (47.3%), being notable, however, that 52.8% of the cases turned to be situations of separated or unaccompanied children and adolescents.

It is of fundamental importance to highlight that the assistance of the DPU pays special attention to the confrontation of cases of human trafficking, with the immediate activation of the Federal Police and adoption of protective measures when the violation is detected.

## Situação para aplicação da Resolução Conjunta

3.597 respostas



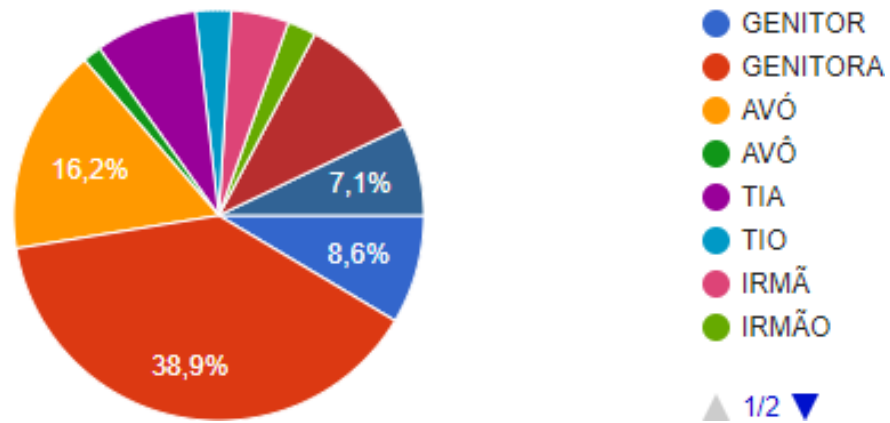
5 months of operation (1,027 assistances)			11 months of operation (3,597 assistances)		
Unaccompanied	Separated	Undocumented	Unaccompanied	Separated	Undocumented
8,3%	39,4%	52,3%	11,1%	41,7%	47,3%
85	405	537	397	1499	1701

Among the separated children and adolescents, there is a significant occurrence of cases in which they are accompanied by grandmothers (16.2%), aunts (8.1%) and sisters (4.5%), with lower percentages, by grandparents (1.5%), uncles (2.8%) and brothers (2.3%).

In 10.1% of cases, the children and adolescents are accompanied by other guardians who can be brothers-in-law, great-grandparents or other relatives and acquaintances of their families. Only in 7.1% of the cases, no legal guardian was appointed. The disparity between the percentage of unaccompanied adolescents (11.1%) and the percentage of children and adolescents without any legal guardian (7.1%) is due to the difficulty in categorising situations of 17-year-old adolescents accompanied by their partners over the age of 18, or by other adults who are not legally responsible for children and adolescents.

## Tipo de Guardião

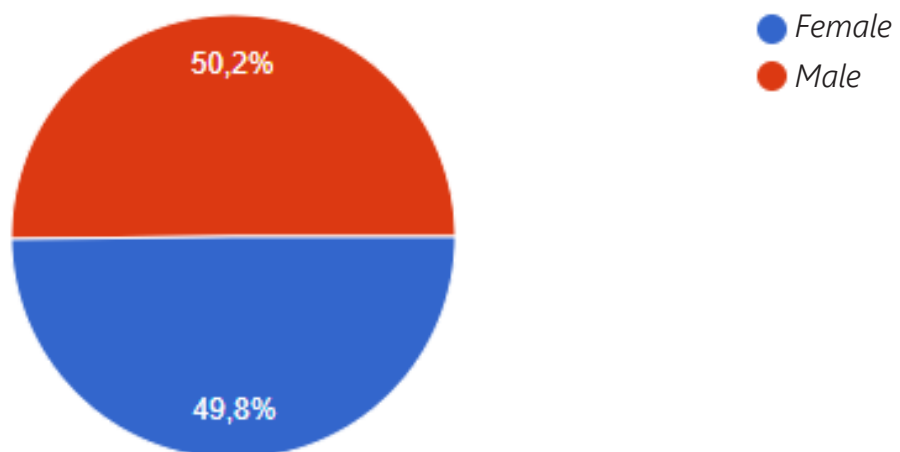
3.597 respostas



There is also an equality regarding the gender of this specific migrant population. However, the analysis did not delve into gender identity, considering that children and adolescents in a migratory situation are not in a favourable environment for in-depth analysis on the subject (although it is relevant to respect gender diversity). Moreover, in the case of developing human beings, sometimes they have not yet asked themselves about their gender identity. Thus, the social interview only analyses the social expression of behaviour, considering that the protection form requests the completion of this field.

## Gênero

3.530 respostas

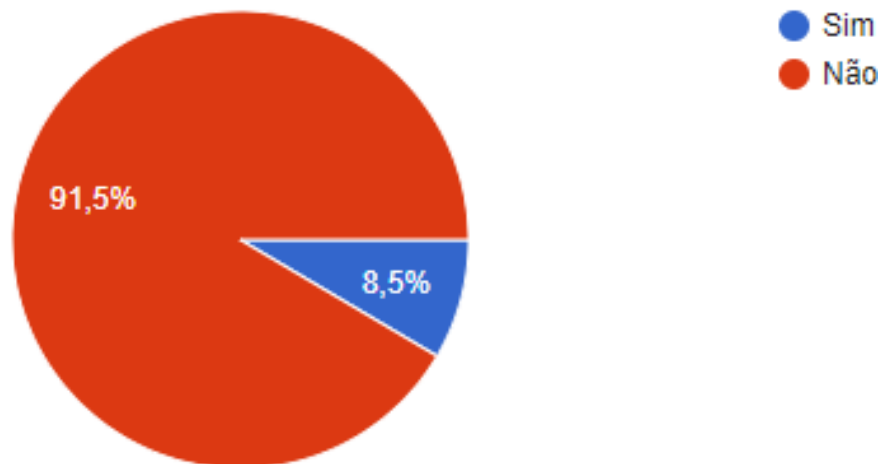




With regard to the care of the migrant indigenous population, only 2,452 consultations indicate on their forms any information that can identify whether or not they are indigenous, therefore, 8.5% of this universe of assistance was aimed at this population:

## Indígena

2.452 respostas

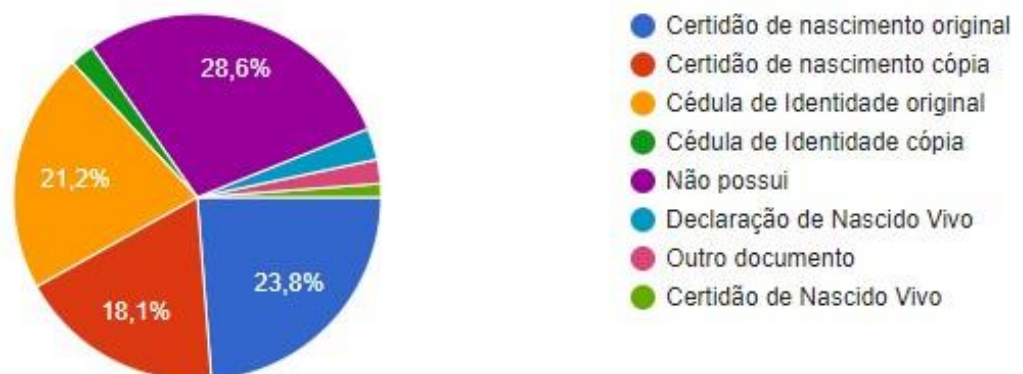


We are also concerned with registering the documentary situation of children and adolescents assisted by the Federal Public Defenders' Office, due to many reports about the difficulty of issuing documents in Venezuela, especially because there is no issuance of identity cards to children under 9 years (23.8% of this population had only the birth certificate).

It is noteworthy that 28.6% of the cases did not have any document and many children and adolescents only carried the certificate of live birth issued by hospitals (4%).

## Situação documental

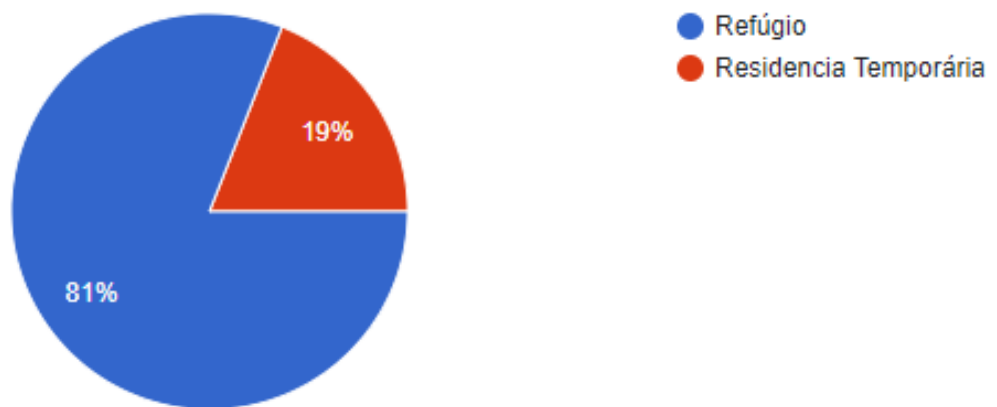
3.597 respostas



Considering the documentary difficulties for children and adolescents, it is observed that the refugee request (81%) is the only migratory alternative for most cases attended by the DPU from August 2018 and June 2019. It should be noted, however, that the adolescent's level of understanding about the migratory option is also considered at the time of assistance so that a choice can be made for the protection alternative best suited to their special interests.

## Indicação de regularização migratória

3.597 respostas



### 3 – FEDERAL PUBLIC DEFENDERS WHO HAVE ALREADY PARTICIPATED IN THE ACTION

From 13.08 to 26.08.2018	<b>Lígia Prado da Rocha</b>	Regional Human Rights Defender (DRDH) of Amazonas and Roraima
From 19.08 to 23.8.2018	<b>Eduardo Nunes de Queiroz</b>	National Human Rights Defender
From 19.08 to 23.8.2018	<b>Renan Vinicius Sotto Mayor de Oliveira</b>	Secretary-General of Institutional Articulation
From 27.08 to 02.09.2018	<b>João Freitas de Castro Chaves</b>	Working Group on Migration, Statelessness and Asylum
From 03.09 to 10.09.2018	<b>Kelery Dinarte da Páscoa Freitas</b>	DPU/Recife/PE
From 12.09 to 22.09.2018	<b>Deraldino Alves de Araujo Filho</b>	DPU/Vitória da Conquista/BA
From 22.09 to 01.10.2018	<b>Robson de Souza</b>	DPU/DF
From 29.09 to 08.10.2018	<b>Jose Célio Pessoa Fonteles</b>	DPU/Belém/PA
From 02.10 to 11.10.2018	<b>Michelle Leite de Souza Santos</b>	DPU/DF
From 08.10 to 21.10.2018	<b>Roberta Pires Alvim</b>	Working Group on Migration, Statelessness and Asylum
From 11.10 to 20.10.2018	<b>Ana Lúcia Castro de Oliveira</b>	Working Group for the Assistance of Indigenous Populations
From 20.10 to 29.10.2018	<b>Pedro Wagner Assed Pereira</b>	DPU/Rio de Janeiro/RJ
From 22.10 to 25.10.2018	<b>Mayara Barbosa Soares</b>	DRDH Pará and Amapá
From 25.10 to 04.11.2018	<b>Gilmar Menezes da Silva Junior</b>	Working Group for the Assistance of Victims of Labour Analogous to Slavery

From 29.10 to 07.11.2018	<b>Wagner Ramos Kriger</b>	DPU/Natal/RN
From 04.11 to 18.11.2018	<b>João Freitas de Castro Chaves</b>	Working Group on Migration, Statelessness and Asylum
From 07.11 to 16.11.2018	<b>Sabrina Nunes Vieira</b>	DPU/Belo Horizonte/MG
From 16.11 to 25.11.2018	<b>Diego Bruno Martins Alves</b>	DPU/Maceió/AL
From 17.11 to 04.12.2018	<b>Lígia Prado da Rocha</b>	Secretary of Human Rights
From 02.12 to 09.12.2018	<b>Natalia Von Rondow</b>	Working Group for the Assistance and Protection of Human Trafficking Victims
From 04.12 to 13.12.2018	<b>Julian Trévia Miranda</b>	DPU/Boa Vista/RR
From 09.12 to 21.12.2018	<b>Raphael de Souza Lage Santoro Soares</b>	Working Group for the Assistance of Victims of Labour Analogous to Slavery
From 13.12 to 22.12.2018	<b>Fabiana Nunes Henrique Silva</b>	DPU/Niterói/São Gonçalo/Itaboraí/RJ
From 20.12 to 26.12.2018	<b>Renan Vinicius Sotto Mayor de Oliveira</b>	Secretary-General of Institutional Articulation
From 26.12 to 04.01.2019	<b>Deraldino Alves de Araujo Filho</b>	DPU/Vitória da Conquista/BA
From 03.01 to 17.01.2019	<b>Ingrid Soares Leda Noronha</b>	Working Group for the Assistance and Protection of Human Trafficking Victims
From 07.01 to 16.01.2019	<b>André Carneiro Leão</b>	DPU/Recife/PE
From 17.01 to 24.01.2019	<b>Sabrina Nunes Vieira</b>	Working Group on Migration, Statelessness and Asylum
From 17.01 to 26.01.2019	<b>Gerson Paquer de Souza</b>	DPU/Campo Grande/MS

From 24.01 to 31.01.2019	<b>Ana Lúcia Castro de Oliveira</b>	Working Group for the Assistance of Indigenous Populations
From 27.01 to 05.02.2019	<b>João Roberto de Toledo</b>	DPU/São José dos Campos/SP
From 31.01 to 14.02.2019	<b>Roberta Pires Alvim</b>	Working Group on Migration, Statelessness and Asylum
From 06.02 to 15.02.2019	<b>Marina Mignot Rocha</b>	DPU/Santos and São Vicente/SP
From 14.02 to 28.02.2019	<b>Luís Felipe Ferreira Cavalcante</b>	Regional Human Rights Defender (DRDH) of Amazonas and Roraima
From 16.02 to 25.02.2019	<b>Nicolas Bortolotti Bortolon</b>	DPU/Vitória/ES
From 28.02 to 07.03.2019	<b>Lígia Prado da Rocha</b>	Secretary of Human Rights
From 26.02 to 07.03.2019	<b>Ronaldo de Almeida Neto</b>	Working Group on Migration, Statelessness and Asylum
From 06.03 to 20.03.2019	<b>Julian Trévia Miranda</b>	DPU/Boa Vista/RR
From 08.03 to 17.03.2019	<b>Regina Taube Nunes</b>	DPU/Porto Alegre/2nd Category
From 20.03 to 03.04.2019	<b>Marina Pereira Carvalho do Lago</b>	Working Group for the Assistance of Indigenous Populations
From 18.03 to 27.03.2019	<b>Fernanda Marques Cornelio</b>	DPU/Recife/PE
From 28.03 to 06.04.2019	<b>Frederico Aluisio Carvalho Soares</b>	DPU/Vitória/ES
From 03.04 to 17.04.2019	<b>João Freitas de Castro Chaves</b>	Working Group on Migration, Statelessness and Asylum
From 07.04 to 16.04.2019	<b>Thais Aurelia Garcia</b>	DPU/DF/2nd Category
From 17.04 to 26.04.2019	<b>Antônio Vinicius Vieira</b>	DPU/São José dos Campos/SP

From 17.04 to 01.05.2019	<b>Leonardo Cardoso de Magalhães</b>	Working Group for the Assistance and Protection of Human Trafficking Victims
From 27.04 to 06.05.2019	<b>Talita Macedo Romeu</b>	DPU/Manaus/AM
From 01.05 to 15.05.2019	<b>Deraldino Alves de Araujo Filho</b>	DPU/Vitória da Conquista/BA
From 07.05 to 16.05.2019	<b>Gabriel Saad Travassos do Carmo</b>	DPU/Rio Grande/RS
From 15.05 to 29.05.2019	<b>Paula Jimenez Ventura dos Santos</b>	Working Group on Migration, Statelessness and Asylum
From 17.05 to 26.05.2019	<b>Andressa Santana Arce</b>	DPU/Campo Grande/MS
From 27.05 to 05.06.2019	<b>Tadeu Rodrigues Monteiro Ceia</b>	DPU/Osasco/SP
From 29.05 to 11.06.2019	<b>Natália Von Rondow</b>	Working Group for the Assistance and Protection of Human Trafficking Victims
From 06.06 to 15.06.2019	<b>Murillo Ribeiro Martins</b>	DPU/Boa Vista/RR
From 13.06 to 15.06.2019	<b>Aline Soares Papazis</b>	DPU/Boa Vista/RR
From 17.06 to 01.07.2019	<b>Roberta Pires Alvim</b>	Working Group on Migration, Statelessness and Asylum
From 16.06 to 25.06.2019	<b>João Paulo Batista Nespoli</b>	DPU/Volta Redonda/RJ
From 26.06 to 05.07.2019	<b>Camila Dal Lago</b>	DPU/Manaus/AM

## 4 – IDENTIFYING VICTIMS OF HUMAN TRAFFICKING

The service provided by the Federal Public Defenders' Office with children and adolescents as migrants and asylum seekers, separated, unaccompanied and undocumented, also has as its principle an attentive look at the identification of situations characteristic of human trafficking or smuggling of immigrants.

When this situation is suspected, the case is reported to the team of the Ministry of Citizenship, present at the border, for immediate support of the multidisciplinary group and communication to the Federal Police for the verification of previous records of the adult person accompanying the child or adolescent.

Indicators of human trafficking are a useful tool as they alert to potential trafficking situations and indicate that trafficking may have occurred, even if the situation of exploitation has not materialized. In this sense, they assist in the identification of possible points of attention and allow the adoption of assistance measures.



However, it is relevant to point out that the indicators must be used with caution, since identifying human trafficking is not a simple process and to be effective it must be approached in a multidisciplinary way. The presence or absence of indicators does not authorize the conclusion that trafficking is or is not taking place.

However, the suspicion of dealing with a situation of human trafficking does not contain, in itself, sufficient elements to impute the crime, as it is not possible to confirm the submission or intention to submit the conduct described in the criminal type. The factors that often involve this suspicion are linked to: i) the absence of family or affective ties between the parties (child/adolescent and adults); ii) the lack of clarity as to the destination they seek in Brazil; iii) the inconvenience in the delay of migration regularization procedures; iv) the incompatibility between the qualified listening of the child/adolescent and the adult; v) any history of abuse or violence; among others.

In Pacaraima, situations of adolescents between 14 and 16 years of age accompanied by alleged partners with a great generational difference or third parties who show no affection or family ties are observed on a daily basis. These cases are subject to careful monitoring by both the Public Defenders' Office and the Ministry of Citizenship, and a protective measure may be adopted, such as the institutionalization of the child or adolescent.

On the other hand, in these situations, it is necessary to perceive the need for adolescents to be aware of the existence of rights and protection of the State. This implies making them realize the risk and avoid recidivist cooptation. The situation of vulnerability is accentuated when the subjects are children and adolescents, especially because there is a history of loss or absence of family and affective ties in most cases accompanied by the DPU at that point in the border.

It is important to emphasize that the completion of the protection analysis form aims to assess the situation of vulnerability, physical and psychosocial health, material needs and others. The focus is to strengthen the child and adolescent protection system and to assist in the adoption of measures that are adequate and pertinent in each situation.

The absence of full access to public policies or the material deficiency in their provision accentuate situations of vulnerability and can have implications for human trafficking. The challenge that arises whenever there is an intersection between migration and human trafficking is so that the fight against trafficking does not become an obstacle to human mobility.

Thus, in the context described, the strengthening of public policies and a protection network are essential, but we must always be careful so that the fight against trafficking does not bring the migratory phenomenon closer to security issues.

The effective fight against human trafficking depends on a broad approach to the phenomenon that allows the identification and elimination of contexts of vulnerability through the adoption of public policies that strengthen rights and empower people inserted in these scenarios.

To assist in this task, the Working Group for the Assistance and Protection of Human Trafficking Victims of the Federal Public Defenders' Office launched, in the first half of 2019, the Practical Guide on Assistance to Victims of Human Trafficking (<https://www.dpu.def.br/enfrentamento-ao-trafico-de-pessoas>).



*The Federal Public Defenders' Office promotes free access justice, makes the defence of the rights of citizens and provides legal guidance to all of those in need.*

