



Input provided by the United Nations High Commissioner for Refugees

into the

**Office of the High Commissioner for Human Rights'
Compilation and Stakeholders reports**

for the Universal Periodic Review of

BRAZIL

I. Background Information

As general background information, we would like to note that Brazil is a party to most of the international human rights instruments. Brazil ratified the 1951 Convention Relating to the Status of Refugees (“1951 Convention”) in 1961 and its 1967 Protocol in 1972, and has incorporated provisions on or relating to the extended definition of the Cartagena Declaration, protection against sexual and gender-based violence (Lei Maria de la Penha) and HIV/AIDS in to its national law.

Brazil hosts approximately 3,500 refugees, of whom some 25% are women. Asylum-seekers and refugees are documented, and have equal access to work, health care and education. Practical constraints, when they occur, arise due to misinformation and/or lack of knowledge on the part of State and private actors. For example, the temporary work permit is occasionally believed to be insufficient by employers, and thus many asylum seekers must depend on humanitarian assistance during the first months of the integration process. The language barrier is another major practical constraint.

Brazilian legislation cites other human rights instruments as a source for interpretation of the criteria for refugee status and other refugee issues. The role of the Ministries of Human Rights, Racial Equality and Women’s Affairs, created five years ago are becoming increasingly important and gaining recognition as dealing with issues of permanent State policy.

Structures for the reception of asylum seekers are in place in the major cities of São Paulo and Rio de Janeiro, where counselling, legal, humanitarian and psychological assistance is being provided to refugees and asylum-seekers. Nonetheless, refugees face particular difficulties in finding housing and employment, which hampers their ability to become self-reliant and integrate into Brazilian society.

II. Summary of Positive Aspects

Issue 1: The adoption of Constitutional Amendment n. 54 of 20 September 2007, which grants Brazilian nationality to children born to a Brazilian parent living abroad once they are registered with a Brazilian consulate. It is estimated that up to 200,000 children - who are stateless or at risk of becoming stateless - could benefit from this legislative change.

Issue 2: The adoption of Legislative Decree n. 274 of 4 October 4 2007, by which Brazil accedes to the 1961 Convention on the Reduction of Statelessness. This accession, together with the constitutional amendment mentioned above, provides additional safeguards against statelessness. It should be noted that broad application of the principle of jus soli in Brazilian legislation meant that Brazil already avoided occurrence of statelessness among children born on its territory.

Issue 3: The Brazilian Government's continuous support for the Mexico Plan of Action in international fora on migration, such as the New York, Lima, Madrid and the Ibero-American summit in Montevideo. At this event, the Brazilian government advocated for respect for human rights and the non-criminalization of migration flows and for the need to establish adequate safeguards for refugees and asylum-seekers.

Issue 4: The development of the country's resettlement program, under which a group of more than 100 Palestinians refugees who had been living in the Jordanian desert for four years following their flight from Iraq, were recently accepted.

III. Summary of Suggested Recommendations for the Government of Brazil

Issue 5: Provide technical support to the Federal Police in order to expedite the issuance of identity cards to UNHCR's persons of concern. Given the importance of national identify cards, in particular for providing access to the labour market and the credit system, such a measure will help facilitate the integration of refugees into Brazilian society.

Issue 6: Continue its efforts to mediate between different actors such as the Ministry of Education, the autonomous public universities and professional associations to facilitate the recognition of educational documentation and diplomas presented by persons of concern to UINHCR.