

United Nations High Commissioner for Refugees
Brazil

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to Brazil.

Special Procedure Reports

Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination
E/CN.4/2006/16/Add.3, 28 February 2006
Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène

E/CN.4/2006/16/Add.3
28 February 2006

59. According to the Office of the United Nations High Commissioner for Refugees (UNHCR) in Brasilia, there are 3,000 refugees in Brazil, of which 2,500 are Africans who are victims of the same discrimination suffered by Brazilians of African descent, as confirmed by a number of NGOs. Considerable progress was achieved in 1997 with the adoption of a new law on refugees and the creation in 1998 of a National Committee on refugees. In 2004/05 for the first time micro credits for refugees were established. A major problem is the treatment of refugees at the border: since border agents receive no specific training, refugees are discriminated against and their rights are violated. UNHCR is providing such training, together with SEPPIR.

60. Discrimination does not occur so much in terms of granting of refugee status, but in terms of integration, in relation to education and housing, as for the black Brazilian population. Between November 2003 and July 2004, a flow of asylum-seekers arrived in Pernambuco through Recife: according to several NGOs, the 27 asylum-seekers of African origin were treated differently from the others of white origin. They were illegally mistreated and imprisoned until the time of their repatriation. They were neither given the right to defence, and interpretation, nor were they informed of their rights. Only two were given the status of refugee because they had a document from the Red Cross identifying them as politically persecuted. The others were summarily deported, without a fair process assessing whether they would be persecuted if repatriated. The law regarding foreigners dates from the military period. In September, the Government prepared a bill that will hopefully be submitted to Parliament in 2006. The major claims relate to the possibility for foreigners to get documents and the applicability of the statute on children to children of illegal migrants and refugees.

61. The Special Rapporteur met with the Bolivian, Paraguayan and Peruvian community in São Paulo where around 150,000 non-Brazilian Latin Americans live. They feel discriminated against in their daily life, and are seen and treated as

inferior, mainly because of the negative image portrayed by the media, which depicts them as criminal and uncivilized people. Latin Americans are mainly employed as illegal workers in Brazil, due to restrictive immigration law. As a consequence, Latin Americans lack the freedom to freely move about and live in constant fear of the police. They also lack appropriate access to health services. Their main concern, however, is the difficulty of sending their children to school. A lack of correct documents causes many to be refused by schools. A bilateral agreement between Bolivia and Brazil provides for the payment of R\$ 828 per person for the procurement of legal papers, but with their meagre salaries Bolivians need to work for years in order to legalize one family member. This means that their children have no education and no future. Some cases of forced labour, in particular by Korean employers, have been mentioned. It appears that some Latin Americans are discriminated against because of their indigenous origins.

88. The Government should adopt appropriate measures to guarantee that immigration and other relevant authorities treat asylum-seekers and refugees according to international provisions and standards, in full respect of their rights as asylum-seekers and refugees, and are not discriminated against because of their race or origin.

- End of excerpts -

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