



DEFENSORIA PÚBLICA DA UNIÃO EM SÃO PAULO/SP  
Rua Teixeira da Silva, 217 - Bairro Paraíso - CEP 04002-030 - São Paulo - SP - www.dpu.gov.br

## PETIÇÃO

São Paulo, Federative Republic of Brazil, June 05<sup>th</sup>, 2023.

From the Federal Public Defender's Office

To the United Nations Special Rapporteur on the human rights of internally displaced persons

Reference: **Call for input: thematic priorities of the Special Rapporteur on the human rights of internally displaced persons**

### I-INTERNATIONAL LEGAL FRAMEWORK

The Federative Republic of Brazil (hereafter 'Brazil' or 'the State') has signed and ratified CED - Convention for the Protection of All Persons from Enforced Disappearance concerning the subject-matter of this report through its Decree 8767 of May 11<sup>th</sup>, 2016. Also, the State has neither accepted to this date the individual complaint in CED, Art.31 but has accepted CED, Art.32 - Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance. In addition, the State has signed and ratified the International Convention for the Elimination of all Forms of Racial Discrimination; the International Convention for the Elimination of all Forms of Discrimination against Women; the Convention on the Rights of the Child; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime; and the Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime.

Brazil has not signed or acceded to CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In the Universal Periodic Review – 4th cycle there were several recommendations concerning the ratification of human rights treaties by the State, *inter alia*, the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Furthermore, Brazil has signed and ratified the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees as well as it is a State Party to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

In the Inter-American system of human rights, Brazil has adopted the Cartagena Declaration on Refugees through Law 9474 of July 22<sup>nd</sup>, 1997 and must follow the Inter-American principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking (Resolution 04/19 approved by the Commission on December 7, 2019).

## II-DOMESTIC LEGAL FRAMEWORK

The Federal Constitution of Brazil establishes in its article 134 that the Public Defender's Office is an essential institution to the jurisdictional function of the State and is responsible for the judicial guidance and the defence, in all levels, of the needy. Moreover, Complementary Law 80/1994 altered by Complementary Law 132/2009 determines in its article 1st that '[t]he Public Defender's Office is a permanent institution, essential to the jurisdictional function of the State, being entrusted, as an expression and instrument of the democratic regime, fundamentally with legal guidance, the promotion of human rights and the defence, at all levels, judicial and extrajudicial, of individual and collective rights, in full and free of charge, to those in need.' Amongst its institutional functions, the Federal Public Defender's Office may plead before the bodies of international human rights systems. To properly implement its functions, the Federal Public Defender's Office has several Working Groups that tackle many of the issues in this report such as the Working Group on Migration and Statelessness.

Law 9474 of July 22<sup>nd</sup>, 1997 establishes the definition of refugees in Brazil. It says that shall be recognized as refugee any individual who: I - due to well-founded fears for reasons of race, religion, nationality, social group or political opinions, is outside of his/her country of nationality and cannot or do not want to receive the protection of such country; II - having no nationality and being outside the country where he/she previously had his/her habitual residence, is unable or unwilling to return, due to the circumstances described in the previous item; III - due to serious violation of human rights, he/she is forced to leave his/her country of nationality to seek refuge in another country.

## III-CONTRIBUTIONS FOR INPUTS ON THEMATIC PRIORITIES OF THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS.

Brazil does not have specific provisions for internally displaced persons. The Inter-American Commission on Human Rights has recommended that the State should:

- a) Draft and implement public policies for repressing violence and other factors that trigger internal displacement, specifically among campesino populations and rural workers who are forced to abandon the territories they originally came from due to the violence in rural areas. [\[1\]](#)
- b) Draw up and implement a regulatory framework with specific laws on identifying and protecting persons and protecting the victims of forced internal displacement in Brazil. [\[2\]](#)

ÉRICO LIMA DE OLIVEIRA  
FEDERAL PUBLIC DEFENDER

---

[1] [Inter-American Commission on Human Rights. Situation of human rights in Brazil : Approved by the Inter-American Commission on Human Rights on February 12, 2021, para. 72](#)

[2] [Inter-American Commission on Human Rights. Situation of human rights in Brazil : Approved by the Inter-American Commission on Human Rights on February 12, 2021, para. 73](#)

---



Documento assinado eletronicamente por **Érico Lima de Oliveira, Defensor(a) Público(a) Federal**, em 11/06/2023, às 14:02, conforme o §2º do art. 10 da Medida Provisória nº 2.200-2, de 24 de agosto de 2001.



A autenticidade do documento pode ser conferida no site [http://www.dpu.def.br/sei/conferir\\_documento\\_dpu.html](http://www.dpu.def.br/sei/conferir_documento_dpu.html) informando o código verificador **6226336** e o código CRC **894EC0DC**.