

United Nations Human Rights Council - 37th Regular Session

Clustered Interactive Dialogue with the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Joint Statement by Conectas Human Rights, together with Missão Paz and Caritas Arquidiocesana de São Paulo.

Delivered by Mr. Gustavo Huppes

March 1st, 2018

Mr. President,

We welcome the decision of the Special Rapporteurs on Defenders and Torture to dedicate their thematic reports to the rights of people on the move.

To migrate is a human right. Nonetheless, a concerning number of Global North and Global South countries adopts policies and legislations that constantly violate the rights and dignity of those that migrated or were forced to leave their homeland.

The international human rights community, including this Council, must act to end the criminalization of people on the move that constantly results in violations such as ill-treatment and torture.

Excellencies,

In Brazil, civil society has called for the reform of our migration legislation for decades. In November last year a new Migration law came into force, replacing the national security approach given to migration by a legislation based on human rights principles and guarantees. The Foreigner Statute, an unconstitutional law adopted during the Brazilian dictatorship, was revoked.

Despite this groundbreaking advancement, the practice of the Brazilian government is still very security-oriented when it comes to migration. President Michel Temer insisted in keeping some perspectives of the Foreigner Statute on the regulatory decree of the new Migration law as it provides for the possibility of deprivation of liberty due to migratory reasons. This goes not only against the new Migration law but, as highlighted by the Special Rapporteur on Torture on his report, "criminal or administrative detention based solely on migration status exceeds the legitimate interests of States in protecting their territory and regulating irregular migration and should be regarded as arbitrary".

We call on the Brazilian government to review the regulatory decree of the new Migration law and bring a human rights perspective when dealing with migrants in the country.

Thank you.