



Protection and vulnerability in urban contexts: the case of refugees in Rio de Janeiro

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Introduction

Part of the “humanitarian landscape” of cities in the Global South is increasingly marked by the presence of people internationally displaced by conflict and/or by massive violation of human rights. Regarded as a complimentary and integrated dimension of the international regime for the protection of individuals and groups - alongside international human rights law and international humanitarian law - international refugee law has been characterized by strong protection norms with widespread acceptance by UN Members States. However, international refugee law has also been marked by increasing difficulties in terms of its implementation and ability to deal with, for example, protracted conflict situations, the complex conditions of people's plight and the truly global and, more often than not, urban nature of its current occurrence.

Brazil and Rio de Janeiro have had a troubled engagement with refugee populations and with the international regime. It was only in the past twenty years that federal, provincial and municipal governments have started to pay attention to their problems, fostering partnerships with civil society and increasing Brazil's international profile in humanitarian protection discussions internationally. Even though the presence in the country of people fleeing persecution dates back to the late 1950s and early 1960s, governmental institutional presence only gained momentum in the mid-1990s. Many challenges need to be addressed when it comes to dealing with the humanitarian needs of refugee groups in the country and, particularly in Rio de Janeiro. Oftentimes, refugees and asylum seekers encounters with the city involve new and dynamic forms

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of exclusion and insecurity. Increased vulnerability in the urban space combined with the invisibility of the issue to the host community usually results in a shrinkage of the humanitarian protection space in urban areas, particularly in the Global South.

Within this context, the paper aims at describing the current landscape of humanitarian protection afforded to refugees in Brazil, and particularly in Rio de Janeiro. It sheds light into an area of humanitarian protection that has received scarce, although growing, attention in both policy and academic debates in Brazil and Rio de Janeiro. Residing mostly in impoverished and violent areas at the outskirts of Rio, refugees and asylum seekers are faced with great vulnerabilities and with dire integration challenges. In order to understand the current landscape of humanitarian protection afforded to refugees in Brazil and in Rio, the article is organized in three sections. The first section describes the historical and normative aspects of refugee protection at the international and regional levels, from the first attempts to regulate State's responsibilities towards refugees in the aftermath of World Wars to the current regime inaugurated in the second half of the twentieth century. These processes were characterized by the active involvement and participation of the United Nations, particularly with the creation of United Nations High Commissioner for Refugees (UNHCR), as well as through a growing articulation of states in regional fora, with Latin America being an important illustration. The second section discusses the emergence of a national legal and institutional structure for the protection of refugees in Brazil, describing the historical ebb-and-flow processes and the procedures and policies in place regarding spontaneous and resettled refugees. The third section analyzes the profile and living conditions of refugee populations currently residing in the Province and city of Rio de Janeiro, according to data obtained from official sources in 2010. It presents some of the main problems and difficulties regarding the protection and integration of refugees, gathered from interviews and informal conversations with both refugees and governmental and non-governmental groups working with the issue in Rio de Janeiro. The article concludes with a brief discussion of initiatives regarding the protection of refugees in Rio in the hope that increased visibility of the humanitarian problems faced by refugees and asylum-seekers may prove to be an important step in terms of thinking collectively about possible solutions.

An emerging protection regime for refugees: historical and normative developments

The first historical reference to the term "refugee" dates back to the end of the seventeenth century, with the banishment of the Huguenots from France. In absolutist France, the Edict of Nantes, promulgated in 1598 by Henry IV, established the conditions to the peaceful coexistence between French Protestants, denominated Huguenots, who were politically and militarily influential at the time, and the monarchy.

The Edict had recognized the Huguenots as a specific religious group and guaranteed the appeasement of the relationship between the Protestants and Catholics that, until then, threatened to undermine the French unit due to years of civil war. Subsequently, the persecution of the Protestants recrudesces on French territory and the Edict of Fontainebleau, which revoked the Edict of Nantes in 1685 and which was promulgated by the then monarch, Louis XIV, represented the apex of this process. This period was marked by restrictions on the exercise of basic rights needed for the continuation of everyday life: forced conversion to Catholicism, the overthrow of temples and even banishment of the right to leave of the Protestant population (Rae, 2002, p.85). Despite attempts of territorial contention of this group by the French State, the result was the massive removal of the Huguenots. The term refugee at that time was flexible and contingent, bearing little resemblance to the modern concept that defines specific characteristics and requisites for those who can apply for refugee status. In this context, the term refugee was “just one of several terms used to explain the political economy of displacement in this period” (Soguk, 1999, p.61) and it is estimated that about two hundred thousand Huguenots have sought refuge, mainly in Great Britain.

In fact, it is only in the twentieth century that states, through multilateral institutions, articulate a specific regime for the definition and protection of refugees. This fact is justified primarily by the unprecedented number of people forced to leave their places of residence and countries during the twentieth century, mainly due to numerous tensions and violence generated by events such as the Russian Revolution, the fall of the Ottoman and Austro-Hungarian empires and the two World Wars. To give an idea, it is estimated that in May 1945 there were about 40 million people displaced in Europe, excluding another 25 million ethnic Germans and forced laborers also displaced by the conflict (UNHCR, 2000). The hyperbolic dimensions of the phenomenon of forced displacement indicated, therefore, the need for coordination of multilateral institutional mechanisms that combined the efforts of several states and organizations in promoting solutions to the difficulties experienced by these groups.

The first attempt to regulate internationally the status of refugees took place under the auspices of the League of Nations after the First World War. The 1926 Conference, sponsored by the League, advanced the first international definition of refugees. Refugees were “any person of Russian origin who is not or no longer wants to be under the protection of the government of the Union of Soviet Socialist Republics and who has not acquired another nationality” (Soguk, 1999, p.135). And also, “any person of Armenian origin, previously subject to the Ottoman Empire, which is not or no longer wants to be under the protection of the government of the Republic of Turkey and who have not acquired another nationality.” (Soguk, 1999, p.277).

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residence provided the basis for determining the condition of insecurity experienced by these individuals. Thus, for example, due to conflicts between Armenia and Turkey, with the end of the Ottoman Empire, it was estimated that people of Armenian origin tended to be found in situations of forced and violent displacement.

The 1933 Convention Relating to the Status of International Refugees maintained the guidelines established by the Conference of 1926, that is, a refugee definition based on nationality. Belonging to a particular national group constituted the primary criterion for protection under the newly created Office of the High Commissioner of the League of Nations for Refugees. In the mid-1930s, however, the League of Nations was already showing signs of collapse, due to the political and military changes within Europe that culminated in World War II (1939-1945). The Office of the High Commissioner and protection standards based on national criteria were short-lived, though the same cannot be said about the refugee problem. In 1943, the allied countries established an intergovernmental agency, the United Nations Agency for Relief and Rehabilitation (UNRRA) to help all individuals and families displaced by war. With the end of the war, the UNRRA dedicated itself to the repatriation of more than seven million displaced people (UNHCR, 2000).

From 1946, the conflict between the Soviet Union and allied countries started to affect the protection and repatriation of the displaced. The UNRRA was accused by both sides to serve political interests, and in 1947 the United States withdrew financial support that had guaranteed the survival of the institution (UNHCR, 2000). That same year the International Refugee Organization (IRO) was founded, becoming the first international organization designed specifically for the refugee issue. With a three-year term, the IRO had a mandate to provide for the legal protection (recognition, identification and registration) and resettlement of refugees from Europe to third countries. In this context, several Latin American countries, including Brazil, received a significant number of European refugees, under the sponsorship of IRO (Andrade, 1996).

The intensification of the ideological tensions of the Cold War, as evidenced by the division of Germany in 1948-49, the Communist victory in China and the Korean War, exacerbated the crisis inside the IRO and emphasized the necessity of creating a new institutional and legal framework for refugees (UNHCR, 2000). In this context, negotiations began for what would become the United Nations High Commissioner for Refugees (UNHCR) and for the rules of international protection of refugees that still persist today. In December 1949, the UN General Assembly approved the establishment of UNHCR, adopting the model proposed by the United States. In December 1950, it approved the UNHCR Statute which determined that the organization would have a duration of three years and that its work should be humanitarian and apolitical, avoiding involvement in ideological and political disputes that marked the post-War international environment (UNHCR, 2000).

UNHCR was, in that way, established as a temporary organization with limited human and financial resources. Cunliffe (1995) notes that UNHCR's budget amounted to US\$300,000 to deal with a population of about 30 million refugees (i.e., 0,1 US\$ dollar per person). Moreover, the organization had no autonomy to raise funds (a restriction that lasted until the end of the 1980s), nor had permission to spend such resources directly with refugees (Nyers, 1999).

Concurrent with the process of constitution of the UNHCR, the United Nations Convention on the Legal Status of Refugees was adopted in 1951, becoming the main international legal document on the subject. The 1951 Convention defines not only who is or may be considered a refugee, but also outlines the rights and duties of states and the refugees themselves. According to Article 1 of the Convention, a refugee is:

any person who is outside their country of origin and unable or unwilling to return there or to avail themselves of its protection, on account of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular group, or political opinion.

The definition of the 1951 Convention imposes, thus, some fundamental characteristics for a person to be recognized as a refugee. Firstly, she must have crossed an international border and be outside of their country of origin or habitual residence. Secondly, the refugee must have a well-founded fear of persecution, ie, she must have a justified fear that individuals or groups, governmental or not, may violate or have already infringed upon their basic rights. In this case, the justification is assessed according to objective criteria (in particular, the conditions of the country of origin regarding the nature of the conflict and human rights violations) and subjective (linked to the narrative and trajectory of the individual seeking international protection). It is important to note that the displacement must have a forced nature: she is compelled to leave her country for reasons beyond her will. Thirdly, the persecution must be linked to one of the causes specified in the definition, for example, aspects linked to racial, ethnic or religious traits of the refugee. The criterion of belonging to a particular social group allows the inclusion of other contemporary ways of persecution unspecified when the Convention was drafted. In it fits, for example, persecution for reasons of gender (women and homosexuals), common in the dynamics of armed conflict today. Finally, it should be noted that the definition of a refugee is, according to the 1951 Convention, individual. The refugee claim should be done by the person who is in the condition specified in Article 1 and the evaluation of the request by the receiving State and / or UNHCR (in cases in which the process of determining refugee status belongs to the organization) must also be made on an individual basis.

The refugee is, in principle, a civilian. Soldiers and combatants may seek asylum, provided that they are no longer involved in armed activities. The Convention also specifies certain situations in which people are prevented from becoming refugees.

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These clauses, called exclusion clauses, forbid granting refuge to persons who have committed crimes against peace, crimes against humanity or crimes of war. The 1951 Convention also inaugurated one of the most important principles of International Refugee Law, namely, the principle of non-devolution (or principle of non-refoulement). Under Article 33, the State part is forbidden to expel or return a refugee in any manner, to territories where their freedom and rights may be threatened. This duty of the State is to ensure the protection granted to refugees and is considered by doctrine and jurisprudence as a cogent norm of international law, and thus of required compliance.

The 1951 Convention was created to deal specifically with the problems of those displaced during the Second World War. Proof of this is that it contained a temporal clause that restricted the stipulation of Article 1 to events prior to January 1951. In addition, States could access the geographic clause that restricted the applicability of the Convention to the European continent. The Convention soon became obsolete due to the emergence of conflict situations in Asia (such as the conflicts between India and Pakistan, Vietnam and Cambodia), Africa (especially processes of decolonization) and Latin American (e.g., the rise of dictatorships in Chile, Guatemala and El Salvador) in the following decades. Thus, in practice, since the 1960s, UNHCR started to act in other regions and the expansion and globalization of the phenomenon of forced displacement began to indicate the necessity of a revision of the regulatory framework created in 1951.

The Additional Protocol to the Convention, approved in 1967, suspended the application of the restrictive clauses mentioned above. The Protocol made the 1951 Convention universally applicable to all persons in all signatory countries. By 2008, 147 countries were parties to the Convention and / or Protocol. Some countries are signatories of both, as is the case of Brazil; others are only signatories of the Convention - the case of Monaco and Madagascar- and, finally, some are only signatories of the Protocol - the case of Venezuela and United States. Note that the Convention establishes that any person has a right to request asylum, but it does not guarantee a duty on the part of member States to grant refuge and protection. State parties to the Convention are responsible for assessing asylum requests, according to international and national regulations. In this sense, the system of protection and promotion of refugee rights (and also the human rights system) is tensioned by the principle of sovereignty that insulates State's authority and jurisdiction from external interference. As sovereign states are the highest authority within their domestic sphere and do not encounter a superior entity internationally, it is argued that each State has exclusive competence, individually or multilaterally, to define the terms and criteria of protection. In case of violation, international sanctions tend to be late and of little effect, except in situations under international jurisdiction (such as crimes against humanity that can be taken to the International Criminal Court or Regional Courts, such as the European Court

and the Inter-American Court for Human Rights), or in situations of international intervention, as envisaged in the UN Charter. This fact evidences the importance of voluntary accession by all States to the international instruments for refugee protection, since it is these instruments that can provide the guarantees and obligations relating to this basic universal human right and ensure their incorporation into national regulatory frameworks.

It should be noted that, besides the specific instruments for the protection of refugees that are part of the International Refugee Law, the rights and guarantees enshrined in treaties, agreements and conventions on human rights and humanitarian law are also applicable. The International Law of Human Rights deals with the prerogatives inherent to the human person that should be respected by individuals, groups and states. Individual human rights are universal, interdependent and inalienable (Donnelly, 2003). International humanitarian law deals in particular with guarantees and prerogatives of the human person in situations of armed conflict and / or war (ICRC, 2010).

The UNHCR's mandate, as stipulated in its statute and the Convention, focuses on two main responsibilities: international protection of refugees and seeking and promoting permanent solutions. The permanent solutions, advanced by the agency, are three:

- Voluntary Repatriation, in which the refugee returns to her country of origin and / or residence when the founding causes of persecution have ceased;
- Resettlement, in which the refugee moves to a third country in order to feel safer and / or better integrate into the host society;
- Local Integration, in which the refugee is, as its name indicates, assimilated to the host society and becomes its integral part.

The permanent solutions are designed to put an end to refugee status. Once repatriated and / or integrated into the country of resettlement or of first reception, it is expected that these people will no longer be refugees and will move on to the condition of citizens or residents (with migratory status recognized). Until the 1990s, repatriation and resettlement were the most common solutions at the international level. However, the increasing number of refugees, the expansion of the number of refugees from Southern and underdeveloped countries, increasing entry restrictions to several developed and developing countries, as well as the protracted nature of conflict situations in countries of origin, made it harder to adopt voluntary return and burden sharing with third countries.

Figure 1. International Organizations related to refugee protection

TIME	ORGANIZATION	RELEVANT NOTES	WHO PROTECTED?
1920-1930	League of Nations and High Commissioner of the League of Nations (extinct)	Conference of 1926 Convention of 1933	Russian and Armenian Refugees
1943	UNRRA (extinct)	Intergovernmental mandate	All displaced people affected by WWII
1947	International Refugee Organization (IRO) (extinct)	3 year term	Protection and resettlement of European refugees
1949	The United Nations High Commissioner for Refugees (UNHCR) (operating)	From temporary agency of the UN to humanitarian arm of the UN	Protection and Promotion of Permanent Solutions

Despite a beginning characterized by normative and operational constraints, the UNHCR has had its mandate extended and expanded steadily throughout the second half of the twentieth century. Today, the organization stands as the main humanitarian arm of the United Nations (UN), with approximately 6,000 employees in more than 120 countries and an estimated budget of \$ 1.1 billion (UNHCR, 2000). Estimates indicate that by the end of 2009, there were 10.4 million refugees worldwide under UNHCR’s mandate¹. Of these, approximately 80% were refugees in their regions of origin, particularly in Asia and Africa. Note thus an unequal distribution of the refugee population in the world, reflecting the concentration of situations of conflict and insecurity in underdeveloped countries of the Global South. Afghanistan, Iraq, Somalia, the Democratic Republic of Congo and Colombia are some of the countries leading the global statistics of “production” of refugees, with nearly 50% of the total (UNHCR, 2009). Thus, although global in nature and universal in its guarantees of protection, the refugee issue is presented as being more pressing for some regions and unequally funded and shared among different countries of the world. In this sense, regional and national initiatives are critical to the effective promotion of the implementation and expansion of the international rights of refugees.

The process of globalization of the phenomenon of refugees and its concentration in developing countries reflects the international politics of the second half of the twentieth century. In the 1960s, the great majority of African countries declared their independence, many of them after long years of conflict and civil war. Algeria, for example, fought a bloody war of independence against the French army and the settlers (1954-1962), with estimates of over 400,000 deaths and a massive flow of refugees to

¹ Other 4.7 million refugees of Palestinian origin are under the mandate of UNRWA (United Nations Relief and Working Agency). UNRWA was established in 1949 to deal with Palestinian refugees in Lebanon, Syria, Jordan, the West Bank and Gaza Strip.

The OAU Convention defines a refugee as: every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

the border regions of Morocco and Tunisia. In the 1960s, Rwanda, Congo, Burundi, Angola and Mozambique (to mention only a few countries) also found themselves wrapped in protracted wars of independence, and forced displacement was a political reality in the entire African continent. It is estimated that in 1965, more than 850,000 persons were displaced in Africa (UNHCR, 2000). Most of these violent processes eventually gave rise to conflicts that generated thousands of refugees in those same countries in the 1990s.

Given this regional context and its particularities, the member states of the Organization of African Unity (OAU) decided to develop a specific convention for the treatment and protection of refugees on the continent. In 1969, the OAU adopted the Convention on the Specific Aspects of the Refugee Problem in Africa. The 1969 Convention was intended to broaden the definition of refugee, paying attention to the socioeconomic and political context of the continent. In its Article 1, the OAU Convention defines a refugee as:

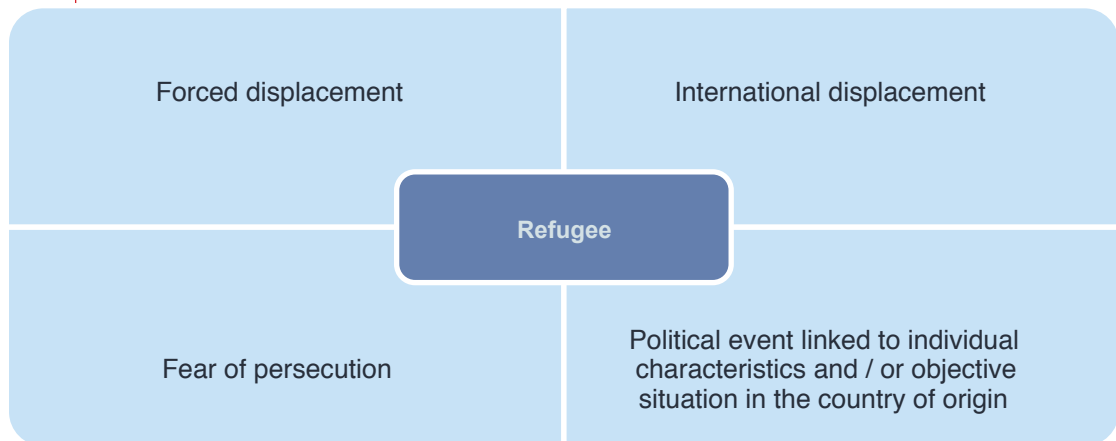
every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

Note that the definition expands the reasons that justify granting refuge and includes conflict situations linked to decolonization movements on the continent. The African context was also essential for entry into force of the Protocol of 1967 which excluded the geographical and temporal reserve clause. The OAU Convention also emphasizes (Article 2.) the importance of solidarity among African countries in sharing responsibilities for the protection and reception of refugees; an important step since some countries (particularly those bordering areas of armed conflict) tend to bear most of the costs and issues brought by the large influx of forcibly displaced peoples. Finally, the OAU Convention restricted the activities of refugees in host countries, such as social and political activities considered subversive, in order to contain the possible ramifications of conflicts from the refugees' countries of origin. In this sense, the 1969 Convention stressed the fact that, although states seek to regulate and provide the conditions for the protection of refugees internationally, at different times, they also try to minimize the impact of these flows on national, regional and international security (UNHCR, 2000).

In the 1980s, the process of regionalization of the refugee issue also reached Latin America. Conflicts in Central American countries such as Nicaragua, El Salvador and Guatemala, largely influenced by the tensions of the Cold War, led to the violent displacement of over two million people (UNHCR, 2000). While UNHCR's work on the continent had started in Chile after the 1973 coup, the situation in Central America provided the spark for a political and concerted mobilization of States, academics

and civil society organizations around the topic. Assembled in Cartagena de las Indias, Colombia, several representatives of these sectors from Mexico, Central America and Panama approved, in 1984, a declaration known as the **Cartagena Declaration**. Although not compulsory, the Declaration became an important pillar of international refugee law on the continent, with the subsequent adherence of other countries to its principles and its frequent inclusion in resolutions and negotiations within the Organization of American States. The Declaration provides an extended definition, considering refugees “**persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order**” (Declaration of Cartagena, third conclusion). It is important to note the inclusion of generalized situation of human rights violation that extends the objective conditions for the granting of refuge beyond foreign aggression or armed conflict and minimizes the need for proof of individual fear of persecution.

In the following decades, other sources of conflict and violation of fundamental rights intensified in Latin America, as seen in the Colombian situation. It is estimated that today there are 3 million Colombians forcibly displaced by the civil war, thousands of whom are refugees in various countries (particularly in the South American continent, mainly in Ecuador, Venezuela and a few hundred in Brazil) and a large majority displaced internally. In addition, refugees from other continents began to seek protection in Latin America, making adamant the need for growing acceptance and constant update of the regional regulatory regime.

Figure 2. Defining elements of Refugeehood

Given these new and growing challenges, governments, civil society representatives and international organizations met in Mexico City in 2004 on the occasion of 20th Anniversary of the Cartagena Declaration. This meeting reaffirmed the principles already established and developed a new framework of commitments embodied in the Declaration and Plan of Action of Mexico (DPAM). One of the important points of DPAM was to incorporate the Colombian issue in the institutional and legal framework for refugees in the continent and to establish strategic pillars of concerted action among governments, civil society and local groups to implement better legal protection mechanisms and facilitate the process of local integration of refugees. These pillars were substantiated in three areas:

- Borders of solidarity, aimed at local development strategies of border regions and the articulation of local population and refugees;
- Cities of solidarity, aiming to improve the integration process of refugees in urban areas;
- Solidary resettlement, aiming to distribute the responsibilities of protection - the reception and acceptance of refugees - between countries.

In this sense, the DPAM aims to stimulate the development of policies and integrated strategies at the regional and local levels, paying attention to the specificities of the dynamics of reception and influx of refugees in the region. In addition, the DPAM looks to a horizon in which Latin American governments could assume a larger share of responsibility in relation to international humanitarian protection, not only among countries in the region that host a large population of refugees and asylum seekers, but also with other regions of the world where the issue persists. One must interpret these regionalization processes as a dynamics that responds to changes in the global context of refugee protection, especially with the end of the Cold War. In the 1990s, much of the discussion in multilateral forums indicated, on one hand, the globalized nature of refugee issues both in terms of dispersal of displaced populations, as well

as in terms of the participation of States in the institutionalization and regulation of related themes internationally. On the other hand, many governments and international organizations began to demand a preventive strategy to deal with the issue, largely as a result of the difficulty of implementing permanent solutions advocated by UNHCR and the 1951 Convention. These new strategies began to focus on preventive actions to tackle the generating causes of forced displacement, particularly through multilateral interventions in conflict areas, for example, through peacekeeping operations and reconstruction of states. These strategies sought not only to contain armed conflict but also, to some extent, contain the flows of refugees, as large flows of displaced populations were perceived as a major destabilizing force and a threat to regional and international security.

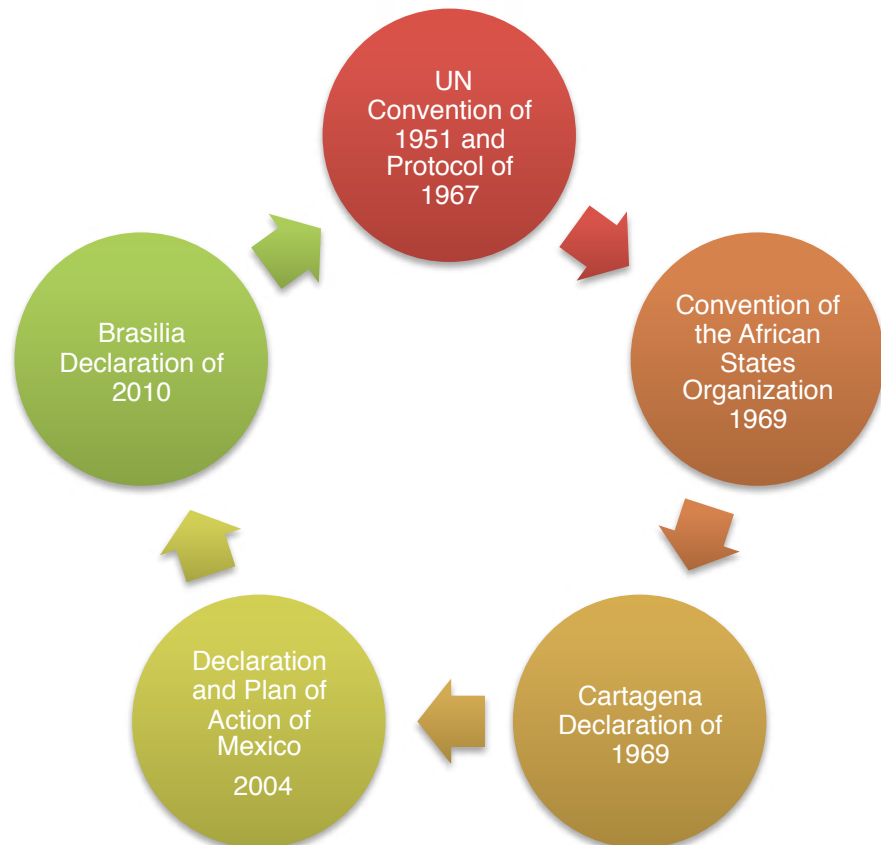
In 2008, UNHCR estimated at 26 million the number of IDPs (against 10 million refugees), of which about 14 million were under UNHCR's responsibility.

In this sense, the shift in emphasis from protection to prevention is connected to the perception of refugees as a threat and thus reflects the political context of that period. Developed countries no longer wanted to receive refugees, new conflicts emerged in different parts of the world and with different dynamics, amid a renewed belief in the capacity of multilateral institutions. Nevertheless, in a retrospective analysis, we can say that this change of strategy, which prioritized States and international security, was highly detrimental to the protection of the human person. It generated enormous restrictions for asylum seekers, including: increased barriers to international mobility (such as the militarization of border zones, enhanced and biometric visa regimes and new control technologies) and the reproduction of the refugee camp as an almost permanent solution, despite its precarity and often inhuman life conditions. Today there are generations of refugees who were born and raised within these spaces of social and geographical containment, and the rise of xenophobia (the fear of foreigners) in many societies facilitates this process of exclusion and makes refugee status a permanent part of life and identity for thousands of people. In this sense, one of the major challenges for the protection of refugees nowadays resides precisely in the protracted cases of people who remain displaced for years without finding a permanent solution. During this period, there was also the emergence of a growing number of people forcibly displaced, but who now find themselves displaced within their territories. The internally displaced populations (IDPs) currently represent the majority of forced mobility flows. In 2008, UNHCR estimated at 26 million the number of IDPs (against 10 million refugees), of which about 14 million were under UNHCR's responsibility. The IDPs are within UNHCR's mandate precisely because they hold the potential to become refugees and their assistance is perceived as an important component of preventive measures².

² The explosion in IDP numbers can be interpreted as a consequence of the move towards prevention, which precludes the ability of individuals and groups to leave their countries of nationality or habitual residence. In many cases, documentary, financial and bureaucratic measures also impinge on the capacity of these people to seek protection internationally. IDPs are in a way "quasi-refugees".

Given these trends towards containment and prevention, coupled with perceptions and policies that criminalize and marginalize refugees, it becomes necessary to extend resettlement policies in order to ensure, firstly, the protection of these people. This is the reason why the Declaration and Plan of Action of Mexico were recognized as important agreements to expand the space of hospitality towards refugees and to make viable new alternatives and solutions. In this context, and reaffirming the principles of Mexico, in 2010 the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas was signed. According to UNHCR (2010), “a highlight of the Brasilia Declaration includes the unrestricted respect, agreed by the countries, to the principle of non-devolution (non-refoulement), including non-rejection at borders and legalizing the illegal entry of foreigners in their country. The text also supports the continued incorporation, into national laws on refugees and IDPs, of the variables of gender, age and diversity.” As we will see below, this process of regionalization and consolidation of the legal treatment of the issue of refugees in Latin America had important effects on the trajectory and insertion of Brazil. The legislative changes and the growing humanitarian profile of the country are concomitant and synchronous with the changes highlighted at the global and regional levels.

Figure 3. Instruments for the Protection of Refugees in International and Regional Scope



Refugee Protection in Brazil: convoluted history, evolving norms and faltering practices

Brazil has a relatively recent, although troubled, history with refugee protection. Brazil ratified the 1951 Convention in 1961 and its Protocol in 1972 and has been a member of the Executive Committee of UNHCR (the most important organ of the administration of the agency) since 1958. It was an active member of the negotiation process of the 1951 Convention and hosted important contingents of European refugees after the Second World War. However, given the authoritarian turn in the mid-1960s, in the country and in the region, the landscape of protection changed abruptly. At the time, Brazil applied the restrictions of the geographical reserve clause and did not take responsibility for the protection of non-European refugees. This served the interests of the Brazilian military government, which at the time “did not want to host people who were running away from similar regimes in the region” (Jubilut, 2006, p.24). UNHCR set up an office in Rio de Janeiro in 1977, under the supervision of the Regional Office based in Buenos Aires. Chileans, Argentines, Uruguayans and Bolivians came to the country as a result of persecution in their home countries and, with the almost clandestine help of UNHCR and organizations of civil society (especially the Archdiocesan Caritas of Rio de Janeiro and São Paulo), were resettled in countries in Europe and North America.

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Therefore, the period of the dictatorship operated according to a dual logic: Brazil assumed international commitments to protect refugees, while at the same time it did not respect or implement them domestically (Jubilut, 2006). The process of political liberalization initiated in Figueiredo’s Government encouraged the return of large groups of Brazilian exiles and witnessed also the arrival of other groups of potential refugees to the country. In 1979, 150 Vietnamese arrived in Rio de Janeiro (they remained on temporary visas and not as refugees). In 1986, 50 people of the Bahai religion received asylum in the country. This “legal engineering” was justified by the impossibility of granting refuge, given that the geographical reserve clause would only be suspended in 1989 by Decree 98.602 (CONARE, nd, p.16). It is noteworthy the importance of concerted action by civil society and UNHCR as founding actors of humanitarian protection of refugees in the country. In 1998, under tight budget constraints, UNHCR closed its office in Brazil (transferred to Brasilia in 1989). It would only be reopened in 2004, especially due to the new resettlement policies of the country.

The democratization process was essential to change the practice and politics of the country when it came to the protection of human rights in general and the rights of refugees in particular. The 1988 Constitution guarantees the respect for human dignity, equality between people and the prevalence of human rights in its fundamental principles, and includes the granting of political asylum (see table below) as a guiding rule of international relations of Brazil. These principles provide, as highlighted by

Jubilut (2006), the normative base that would serve the expansion and deepening of legislative provisions on the subject of refugees.

Figure 4. Difference between institutes of asylum and refuge
(Based on Jubilut, 2006 and Barreto, 2005)

ASYLUM	REFUGE
<ul style="list-style-type: none"> • Juridical institute of certain antiquity (1889 in Latin America) • Discretionary act of the State • In cases of political persecution • may be granted in the country of origin or residence of the asylee • restricted rights to residence and permanence • Used for protection, especially for people with high political profile and may be granted by the diplomatic corps • constitutive nature (the asylee arises from the decision) 	<ul style="list-style-type: none"> • formalized Juridical institute from the 1920s • international responsibility of the State • cases of well-founded fear of persecution for reasons beyond the political • can only be granted in the host country • confers on refugee permanence and residency rights, but also social, cultural and economic • declaratory nature (only recognizes refugee status, before the decision) • exclusive decision of the Executive Branch, under the powers of CONARE

Preparatory discussions for a National Law on Refugees, under the aegis of the 1996 National Plan on Human Rights, were consolidated during the government of Fernando Henrique Cardoso. The result of a joint effort between government, UNHCR and civil society, in particular the institutions of the Catholic Church, the Act number 9474 came into force in 1997. It represents the consolidation of the principles and rights guaranteed to refugees in the international and regional levels. According to its Article 1, a refugee is any individual who:

I - due to well-founded fear of persecution for reasons of race, religion, nationality, social group or political opinions lie outside their country of nationality and is unable or unwilling to avail himself to the protection of that country;

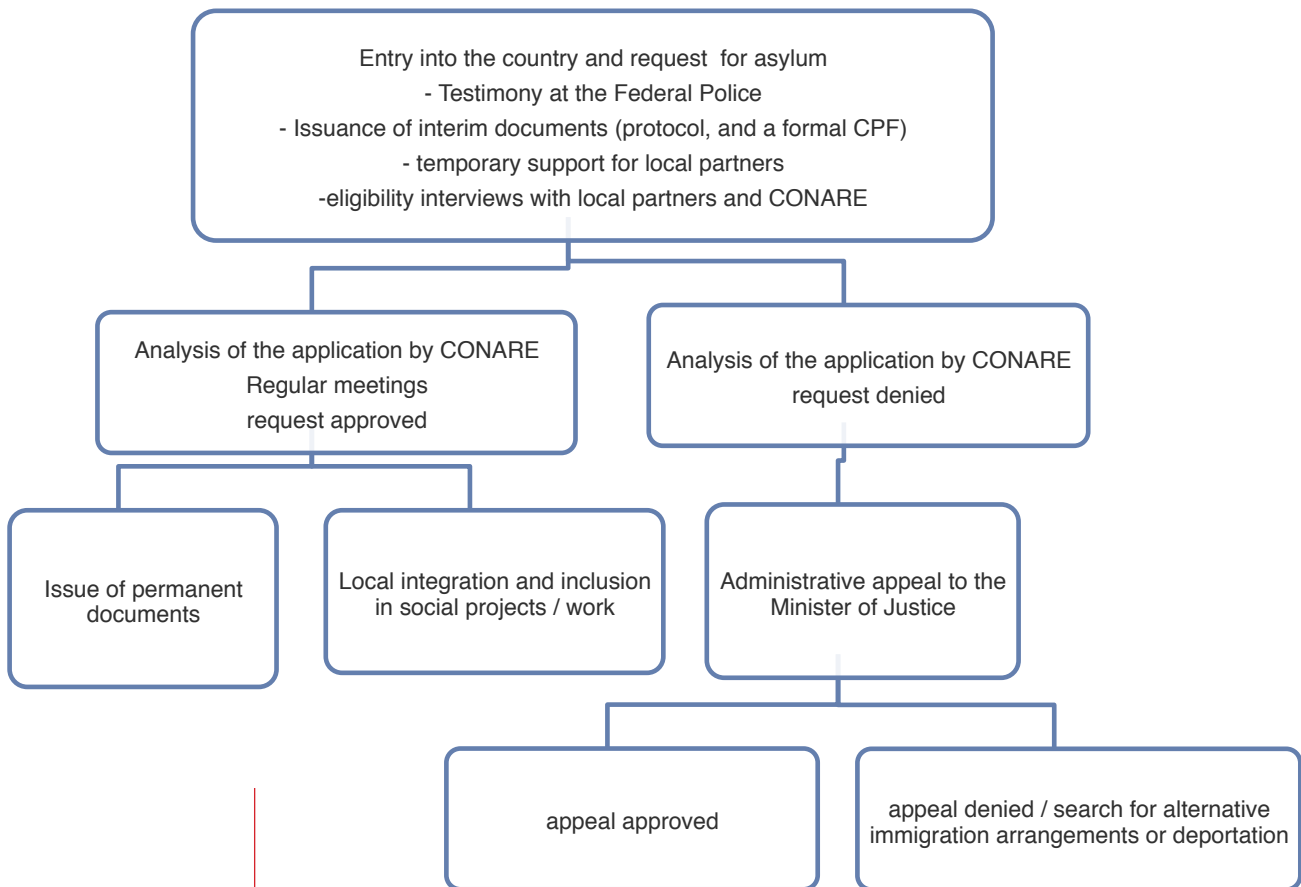
II - not having a nationality and being outside the country where once had his habitual residence, is unable or does not want to return to it, according to the circumstances described in the preceding item;

III - due to serious and widespread human rights violations, is forced to leave her country of nationality to seek refuge in another country.

The items I and II reflect the definition of the 1951 Convention, while section III repeats the provision of the Cartagena Declaration of 1984. Thus, while not innovative when it comes to the refugee definition, the Act strengthens the commitment of the country and its implementation becomes compulsory in Brazil. The Act also reaffirms the principle of non-refoulement and includes the possibility of extending refugee status to family members (principle of family reunification). The legislation also contains important institutional innovations such as the creation of guidelines for the process of determining refugee status (see table) and the creation of the National Committee for Refugees (CONARE), the body responsible for refugee policy and its implementation at the federal level.

The CONARE, inspired by the historical experience of the country, is a tripartite body. In it are represented the federal government, civil society and international organizations. For the Government, the right to speak and vote is accorded to representatives of the Ministries of Justice (which coordinates and chairs the Committee), Foreign Affairs, Health, Sports, Labor, and representatives of the Federal Police Department. Civil society organizations, also with voice and vote, have a representative (usually rotating among the partner institutions) and, finally, without voting rights, UNHCR also participates. Among the main functions of the Committee are the judging of individuals' eligibility for asylum (refugee status determination) and coordination of assistance and legal support granted to refugees. The effectiveness of the work of CONARE depends, to a large extent, on the support provided by UNHCR, and especially by the grassroots organizations, responsible for receiving, assisting and integrating refugees and applicants to their host communities.

Figure 5. Refugee Status Determination (simplified flowchart)

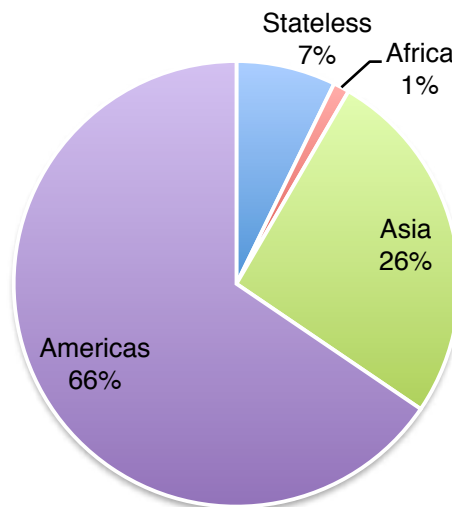


The process of institutionalization and implementation of the standards established by Law 9474/97 were consolidated in the Luiz Inacio Lula da Silva Government (Bertino, 2010). It was during that period that Brazil led the negotiation and adoption of the Declaration and Plan of Action of Mexico (2004), and strengthened the country's commitment to resettlement policies. In 1999, the government with UNHCR and local partners adopted a pilot resettlement program, initially committed to host 30 families in Brazil. In 2001, they selected the cities of Porto Alegre / RS, Mogi das Cruzes / SP, Santa Maria Madalena / RJ and Natal / RN for the start of the program (Jubilut, 2006; Bertino, 2010). The pilot project was, however, frustrated by the difficulties brought by changes in international politics in the post-September 11 period. Only Porto Alegre received in 2002 23 Afghan refugees, of whom 18 were voluntarily repatriated in the following years (Jubilut, 2006, p.38).

The resettlement program was resumed as part of the commitments made in 2004 in Mexico. In that year, the country approved the resettlement of nearly 100 people, mostly Colombian. The group of cities chosen for the reception of those resettled was expanded, and began to include other cities in Rio Grande do Sul, Rio Grande do Norte, São Paulo and Espírito Santo (Jubilut, 2006). In 2010, of the nearly 600 Colombian refugees recognized in the country, about 250 had arrived through the resettlement

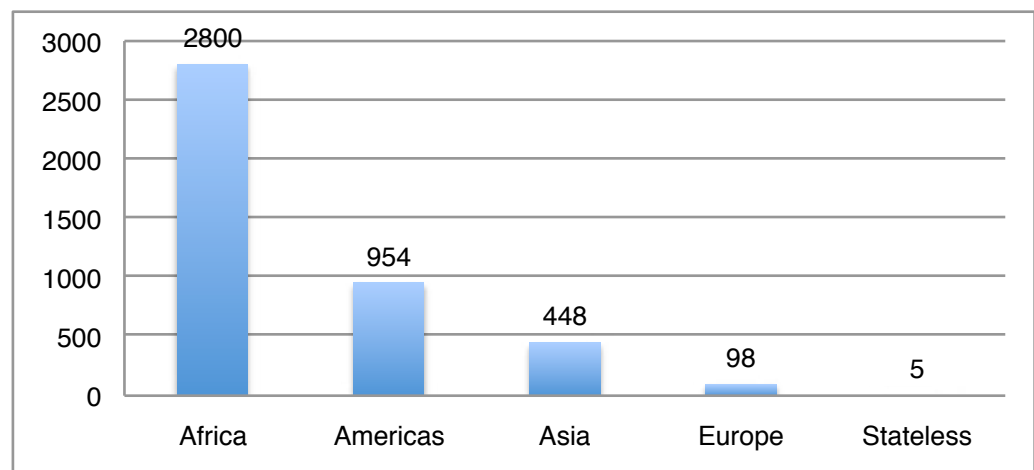
program. Refugees from other nationalities were also part of nearly 400 resettled in the country. The Solidary Resettlement Program was responsible for about 10% of the total population of refugees. It should be noted, however, the small (though significant) contribution of these numbers against total demand for resettlement globally. UNHCR (2010) estimates at 747 000 the number of people who need to be resettled. This projection reached 800.000 in 2011. The United States lead the volume resettled in 2009, with 40% of the nearly 190,000 people resettled.

Figure 6. Distribution of the resettled population in Brazil by continent (2010)



The refugee population in Brazil, according to data from CONARE (updated July 2010), is 4305 people. Of these, 3908 were recognized by the traditional routes of eligibility - i.e., requesting refuge at points of entry (ports, airports, land borders) or Federal Police Offices - and 397 were recognized by the Resettlement Program. Data in the table below show that the large majority of refugees in the country is of African origin, with a total of 2800 people, followed by the Latin Americans who are 954 people, Asians, 448; Europeans, 98 and persons without nationality and / or country of origin undetermined, 5.

Figure 7. Distribution of Refugee Population in Brazil, by region of origin



Two important trends can be highlighted. The first indicates the small number of refugees accepted and, thus, the very low representation of this group compared to the total Brazilian population - estimated at about 195 million, according to data from the 2010 Census. This is due, among other reasons, the distance of the Brazilian territory from areas of conflict. The exception is the case of Colombia, a country with which Brazil shares a border. However, in this case, access to the Brazilian territory through land is hampered by geographical features and infrastructure in the Amazon region (areas of dense jungle, few roads and difficult access). Even so, the vast majority of Latin American refugees in the country are of Colombian origin, having entered Brazil through the region of the Solimões River in Tabatinga (AM), Corumbá (MS) and Foz do Iguaçu (PR), for example. The second trend is the concentration of refugees from Africa and Latin America. Although there are refugees in Brazil of over seventy different nationalities, data indicates that the distribution is concentrated in five countries. Angola accounts for 40% of the refugee population in the country (1688 people)³, Colombia for approximately 14% with 589 people and the Democratic Republic of Congo for 10% of the total (431 people). Liberia (259 people) and Iraq (201 individuals) make up another 10%. Alone, these five nations cover more than 70% of the entire refugee population in Brazil.

Refugee movement tends to be concentrated regionally.

The regional profile of refugee contingents is common because, for reasons such as easy access, linguistic proximity and cultural, racial and / or religious affinity, most refugees seek refuge in neighboring or nearby countries. Thus, refugee movement tends to be concentrated regionally. In this sense, the participation of Latin Americans in the general data is not surprising. On the other hand, we might highlight the significant presence of Africans, mainly Angolans and Congolese. Angolans arrived in the country in the early 1990s, as clandestine immigrants, mainly on ships or on commercial flights. They arrived in Rio de Janeiro and São Paulo, displaced by violent conflicts that ravaged their country. One reason that explains their presence is the cultural and linguistic proximity, which, in the minds of refugees is a key to the choice of the country of refuge. Several Brazilian soap operas are broadcasted in Angola; Portuguese is the national language and there is a strong and historic African presence in Brazil. Many also claim that the image of Brazil as a hospitable country served as an incentive for coming. In the last decades, important routes of informal trade have developed and there are daily departures of direct flights from Luanda to Rio de Janeiro and São Paulo.

It is important to note that while the first group of Angolan refugees - and Congolese - dates back to the early 1990s, they continue to arrive in Brazil today. This fact is justified

³ As of 2012, many Angolans in protracted refugee situations in Brazil will have their refugee status revoked, according to a resolution by CONARE and the National Council of Immigration (CNIg). These individuals will receive a permanent resident permit, allowing for rights of residence and all guarantees established by law, but no longer participating in UNHCR and civil society programs devoted to refugee populations.

by the importance of social networks in shaping refugees' lives and survival strategies. Refugees who adapt to the country build affective, economic, religious and cultural relations locally, making their precarious presence more stable. In the process, family and friends, left behind in their home countries, arrive and, as a consequence, new circuits and dynamic interactions are formed. These social networks are fundamental for understanding the mobility patterns of the refugee population in Brazil and also their survival strategies. Many live off the sale of goods between the two countries, especially consumer goods such as clothing and footwear, and social networks also act as nodes of this informal exchange economy. In addition, social networks are significant for the process of initial acceptance and integration, particularly in urban areas where housing costs and the intensity of social interactions are high. Newcomers stay at the home of fellow refugees and compatriots serve as linguistic and cultural translators of applicants in various occasions, including in official encounters, such as during interviews for the refugee status determination process.

Other important factors in the dynamics of refugee populations residing in Brazil are its concentration in urban areas, following the worldwide trend observed since 2009, and its inclusion in precarious socioeconomic local spaces. The vast majority of refugees are concentrated in the regions of Greater Rio de Janeiro and São Paulo. Exception is made to resettled refugees who are allocated in targeted cities, previously agreed by governmental and non-governmental actors involved in the resettlement program. As we shall see in the case of Rio, the difficulties experienced by refugee groups are similar to the many challenges routinely faced by those living in large metropolises.

The Province of Rio de Janeiro, and in particular the Greater Rio Area (comprising the city of Rio de Janeiro and the municipalities of the lowland surroundings, known as Baixada Fluminense), are responsible for receiving more than half of the refugee population of Brazil.

Figure 8. Integrated Vision of the instruments for Protection of Refugees



Challenges of humanitarian protection of refugees in Rio de Janeiro

The Province of Rio de Janeiro, and in particular the Greater Rio Area (comprising the city of Rio de Janeiro and the municipalities of the lowland surroundings, known as *Baixada Fluminense*), are responsible for receiving more than half of the refugee population of Brazil. This fact is justified by the centrality of Rio de Janeiro on the national scene, as an important pole of economic production, and on the world stage, as a pole of tourist attraction and representative of the Brazilian imaginary abroad. Both factors are central to the attraction of refugees to the state, combined with the historical presence and ever growing social networks of immigrants from different countries and legal status. Recent research has shown that about 25% of the refugees had at least one parent and 23% had a friend or acquaintance residing in Brazil (Baeninger and Bertino, 2010), data that proves the strong impact of networks in the attraction and retention of refugee populations in Brazil and in Rio de Janeiro.

Late 2010 data shows that Rio de Janeiro hosts 2537 refugees in regular situation. Of these 1812 are men and 725 women, and 175 people in total are under 17. As seen in the table below, over 70% of the refugee population in Rio de Janeiro is coming from Angola (which accounts for half of the total population), Democratic Republic of Congo and Colombia. Other countries of origin present strong variation, although the African continent remains largely responsible for the diversity of nationalities among the refugees in the state.

Figure 9. Distribution of refugee population in the State of Rio de Janeiro (by country of origin)

	COUNTRY	NUMBER OF REFUGEES
1	Angola	1300
2	DR Congo	316
3	Colombia	252
4	Haiti	190
5	Bolivia	126
6	Liberia	96
7	Cuba	43
8	Iraq	19
9	Somalia	18
10	Sierra Leone	17
11	Guinea-Bissau	16
12	Nigeria	13
	Other countries	131
	TOTAL	2537

Source: Caritas Archdiocese of Rio de Janeiro, November/2010

The refugee population in the province of Rio de Janeiro is heavily concentrated in urban areas. This is also a national and global trend: according to 2009 data, more than 50% of the world's refugees live in cities. Urban areas present opportunities (better chances of getting resources and services, the possibility of anonymity and sense of security) and also risks to refugee communities, such as increased vulnerability to exploitation, arbitrary detentions and competition with the poorest for the worst jobs, as highlighted by the UNHCR (2010). These difficulties are part of the daily lives of refugees in Rio de Janeiro.

Geographically, the refugee population is distributed at the provincial level mainly in the cities of Rio de Janeiro, in some municipalities in the Lowlands (particularly Duque de Caxias and Nilópolis) and, in smaller numbers, in the coastal region, especially in Macae. Macae concentrates refugees who have some experience in port and maritime

Aggregated data from Rio de Janeiro and São Paulo showed that 56.4% of working-age refugees were working, although more than half occupied informal jobs.

activities and, thus, who end up finding better employment opportunities in the city due to the expansion of the port, naval and oil exploration sectors. It can be said that, in general, refugees are usually allocated in the tertiary sector, especially in the sale of non-durables products, in local trade and the provision of routine services (construction helpers, loaders and informal activities). Most of them work in the informal sector and suffer from problems similar to those faced by the less privileged classes in urban centers. There are also cases of refugees working in the tourism industry as guides, interpreters and travel agents, as the knowledge of other languages can function as an element of differentiation desired by employers in the sector. Others work as private teachers (English and French) and, in rare cases, as teachers in the formal education sectors. Finally, there are still refugee artisans who sell their products at fairs and street markets.

In general terms, we can say that the employability of refugees is precarious in the province. Aggregated data from Rio de Janeiro and São Paulo showed that 56.4% of working-age refugees were working, although more than half occupied informal jobs (Baeninger and Bertino, 2010). Some of the factors that explain these issues are language difficulties and low educational qualification. Despite the availability of Portuguese courses and agreements and partnerships with training centers such as SENAI and SENAC, many fail to attend classes or are unable to afford the costs, even if subsidized, of professional courses and required material. The distance between place of residence and training centers increases transportation costs that many cannot afford. Normally, poor education and lack of perspective in the labor market serve as discouragement to a greater engagement of these groups. Even in situations where they have good educational and professional background (bachelor's degree, long work experience), refugees face problems of job placement. One of the factors that explain this difficulty is the cost, bureaucracy and slowness in the revalidation of diplomas obtained abroad. Many even fail to obtain the necessary documentation required for revalidation in Brazil, due to the loss of their property and the fact that they hurriedly left their places of residence. They thus find themselves obliged to obtain the documents from their home countries, even though refugee status implies the cessation of ties with their country of origin, even if temporarily.

There is also a cultural gap for some refugees. From countries ravaged by war and conflict, marked by the collapse of the institutions and structures of production, many refugees have never been formally inserted in the labor market and are thus accustomed to a less regulated and disciplined, though hard, routine. In addition, most of the refugees in the state are quite young and therefore have little or no work experience. Therefore, precarious employment and unemployment are a problem even more salient for the refugee population in Rio de Janeiro than for locals.

An equally important element that affects different groups is the perception of

Prejudice is thus an important factor explaining the difficulties of integration of refugees in the state, despite the image conventionally accepted that the people of Brazil in general, and of Rio in particular, are open and receptive to foreigners.

employers and the general public about who refugees are. There is a veiled tendency, but highly widespread, especially in municipalities of Greater Rio Area, that refugees are fugitives, criminals in their home countries, who have found sanctuary along with local outlaws. Thus, when informed that candidates are refugees, a mechanism of fear and suspicion is installed, imposing on the refugee a misleading stigma of banditry and turning them into social outcasts. Prejudice is compounded by the racial profile of the refugee population in Rio, mostly of African (black) or indigenous ascendancy and phenotype (Latin American). In this sense, the racial discrimination that affects groups of Brazilians also affects refugee groups, adding another level of socio-economic exclusion to the dynamics of integration. In the case of Angolan and Congolese refugees, there was, for many years, a common assertion that refugees were guerrilla fighters in their countries' civil war and that, in Rio, they were training drug dealers and militias in *favelas* on tactics of urban warfare. Obviously, these different readings and imaginaries on refugees help to shape an inhospitable and xenophobic atmosphere for these groups.

Prejudice is thus an important factor explaining the difficulties of integration of refugees in the state, despite the image conventionally accepted that the people of Brazil in general, and of Rio in particular, are open and receptive to foreigners. Recent research by the United Nations Program for Development (UNDP, 2009) showed that almost half of Brazilian respondents are contrary to an open immigration policy and advocate rigid forms of control over foreigners in national territory. According to UNDP, "43% of Brazilians are in favor of limiting or prohibiting immigration and another 45% say that Brazil must allow people to arrive as long as there are available jobs". In part, the prejudice against foreigners is due to the production of difference as a disruptive element of the social tissue, usually associated with the perception that they will usurp welfare systems and social welfare, steal jobs and stimulate local and transnational crime. Thus, for example, refugees and immigrants from Colombia are regularly associated with drug trafficking practices, especially as "mules" (people who are paid to cross the border with drugs, usually for little money and in conditions which endanger their physical safety). In the Greater Rio Area, these perceptions are encouraged by the climate of insecurity linked to the fight against drugs and weapons' trafficking, and the construction of slum areas as lawless zones under fragile state control. Thus, refugees become excluded by their status of aliens (and by the attributes derived therefrom), and because they inhabit, geographically and symbolically, the spaces of urban marginality. The social stigma attributed to the refugees defines their own identity and generate, as a consequence, the attempt to remove the legal status of these groups. Hence, there is pressure by refugee communities and institutions working with these groups to remove the word "refugee" from identification cards (National Registry of Foreigners - RNE).

A result of the precariousness of labor relations, a significant proportion of refugees in Rio de Janeiro ends up living in risk areas and slums. In the city of Rio de Janeiro, they are concentrated on Complex da Penha slums, Maré and Alemão; in Duque de Caxias, in the region of Gramacho.

A trend that is evident in the refugee community, as a reflection of wider social transformations, is the use of digital media both for communication/information purposes, as well as maintenance of affective and familiar bonds. Today, the digitization of everyday life that affects the vast majority of the population is also a common phenomenon in the lives of refugees in Rio de Janeiro. However, as is the case of the poorest classes, refugees have few resources to purchase their own computers and are not subjects of and / or are not considered in public policies and private initiatives for digital inclusion. The consequence is an additional expense with Internet access and online services that reduces even further their ability to support themselves. Another challenge faced by refugees refers to the issue of housing. As a result of the precariousness of labor relations, a significant proportion of refugees in Rio de Janeiro ends up living in risk areas and slums. In the city of Rio de Janeiro, they are concentrated on Complex da Penha slums, Maré and Alemão; in Duque de Caxias, in the region of Gramacho. They often inhabit shacks in unsanitary conditions, and many share small houses with dozens of other people. In follow-up visits, we reported cases of six, seven people sharing a single small room. Many still live in rented rooms in downtown Rio and surroundings. There are several cases of refugees who, evicted for nonpayment, live temporarily with compatriots and in constant apprehension about their future. The situation is particularly precarious for newly arrived refugees and asylum seekers, who can only count with the support of care institutions. In an attempt to minimize the problem, in 2005, Caritas of Rio de Janeiro created a house in the region of Penha to support the refugees. The house has just over a dozen beds to temporarily receive the neediest. To make matters worse, the house now has restrictions of gender, harboring only single men. Women and refugee families find themselves in even more desperate conditions and end up relying only on temporary subsidies granted by UNHCR and partner agencies. Demand for housing benefits greatly exceeds the current capacity. Unlike other cities (São Paulo, for instance, has a house of safe haven for migrants with hundreds of beds, psychological support services, integrated care and feeding), the city of Rio de Janeiro has no similar structure. The refugees are thus dependent on the meager support of Catholic organizations and the already scarce resources of members of the resident refugee community.

Another challenge refers to access to public services in many different levels. Education and health are a priority for the survival of these groups, but although the right of access is guaranteed by national and international laws, many find difficulties to be admitted in hospitals and clinics and to enroll and / or obtain their records in public schools. In part, the difficulties are explained by the lack of preparation of the staff that ignores the legal status of refugees and its peculiarities. Thus, apart from the problems also afflicting the Brazilians in this field, refugees often face additional problems arising from lack of information and training. The following case, reported by

It is necessary that the municipal and state authorities engage more actively in this process, decentralizing training services, integrating and institutionalizing new partnerships and contributing to improve the quality and access to services.

several refugees in Rio, illustrates some of these difficulties. Every refugee carries an identification document: the National Registry of Foreigners (RNE). The ID, issued by the Federal Police, is valid for two years and may be renewed. However, since there is a long delay in the issuance and delivery of RNE, most refugees live with a protocol, a small piece of paper, filled by hand and of rough appearance, as proof of their regular situation in the country. Many basic services, including health services, but also banking and notary services, require presentation of an identity document. Public and private institutions have systematically refused to provide service to refugees, arguing that the protocol does not constitute a valid identity document. The distance between legal rights and ordinary access to these rights, for reasons as menial as this, make refugee lives in Rio particularly difficult.

Some initiatives were developed by Caritas (CARJ) to establish partnerships with specific hospitals and close contact with, for example, school directors and bank managers to facilitate and improve service to refugees. Many of these partnerships are built based on the demands and difficulties reported when accessing daily services and are maintained through informal personal contacts. Therefore, it is necessary that the municipal and state authorities engage more actively in this process, decentralizing training services, integrating and institutionalizing new partnerships and contributing to improve the quality and access to services. Refugees still face difficulties in participating in government social programs. Research data on the living conditions of refugees in Brazil showed that only 2.8% of the population are included in government assistance programs (Bolsa Família) and 11% received some form of financial support from UNHCR (Baeninger and Bertino, 2010). These difficulties are due to the inability to present the documents required by the agencies (proof of income and residence, for example), compounded by the lack of knowledge about the support available and the rights and guarantees extended to refugees. Therefore, due to the difficulties encountered in relation to the issues of employment, housing and access to services cited above, many refugees live in conditions of dependency, either of family and friends or of the little assistance obtained from the UNHCR and its partner organizations.

Even facing all these difficulties, the refugee population in Rio de Janeiro keeps the hope for better days and continues to value their city and host society. Many refugees participate actively in their communities, in cultural, social and religious activities. The richness and diversity of their stories and traditions are often present in their artistic and cultural interventions. For example, refugee artists have set up partnerships with non-governmental organizations, such as *Ação Comunitária*. Many refugees have also added to the syncretic religious landscape of the city, through the establishment of cults and religions of African origin. A group of Congolese and Angolan refugees has also established a collective organization, known as CACB, whose main function

Protection has been interpreted restrictively, often subsumed into the idea of legal recognition and permanence of refugees in the country and the delimitation of their rights and obligations within the national legal framework. Although rights of residence are paramount, social, economic and cultural rights need to be incorporated into the larger debate on refugee protection.

is to organize meetings, set up a common political agenda and articulate proposals for improving refugee livelihoods in Rio. These forms of collective organization are the key to improving the articulation of refugees and to create spaces of conviviality and solidarity, to preserve and retrieve individual and social memories and to expand exchanges between refugees and the communities where they live (Petrus, 2010).

There are also relevant efforts to expand and strengthen the institutional networks of support and assistance to refugees at the provincial level. São Paulo was a pioneer in this direction with the creation of the Provincial Committee for Refugees. The Intersectoral Provincial Committee for Refugee Policies of Rio (*Comitê Intersetorial de Políticas de Atenção para os Refugiados*), created in 2009, has the mission to promote actions and policies that foster the local integration of refugees in Rio, in order to see their demands met in the areas of health, housing, job creation, education, access to services, among others. The Rio Committee developed, within the large scope of human rights protection, a Provincial Plan of Refugee Policies that includes several initiatives and programs in order to improve access to services and rights for the refugee community⁴.

Brazil has a centralized system at the federal level (CONARE) with regard to status determination and protection policies for refugees. To a large extent, protection has been interpreted restrictively, often subsumed into the idea of legal recognition and permanence of refugees in the country and the delimitation of their rights and obligations within the national legal framework. Although rights of residence are paramount, social, economic and cultural rights need to be incorporated into the larger debate on refugee protection. Accordingly, it is important to increase the decentralization of refugee protection administrative structures, as local governments and agencies are those closer and more aware of the reality of refugee communities. At the same time, refugees and their organized groups feel closer to these institutions, since they daily resort to them, know their staff and their intricacies. Often these relationships are tense and laden with anxieties, frustrations and distrust. But proximity and familiarity are important to promote a better dialogue between refugees, governments and civil society, so that policies may lead to the most efficient and suitable support for integration. The need for more equitable, transparent and democratic decision-making procedures regarding policies to and for refugees is essential. It seems that the local integration of refugees is largely dependent on making refugees themselves a central actor in the process of formulating and implementing protection policies. The active participation of civil society alongside the refugees themselves are necessary elements for an effective

⁴ The 2012 Plan was discussed by UNHCR, Provincial authorities and civil society groups. The draft of the Plan was heavily influenced by an earlier version of this paper and a shorter diagnosis commissioned by the Provincial Government regarding refugee livelihoods in Rio. A full version of the Plan can be found at: http://download.rj.gov.br/documentos/10112/556509/DLFE-47406.pdf/plano_estadual_politicas_atencao_refugiados_consulta_publica.pdf.pdf

democratization of the complex dynamics of local integration.

References

- ACNUR (2010). "ACNUR ressalta escassez de locais para reassentamento". Disponível em: <http://www.acnur.org/t3/portugues/noticias/noticia/acnur-ressalta-escassez-de-locais-para-reassentamento>. Acesso em: 10 Agosto 2010.
- ACNUR (2010). Países latino-americanos se comprometem a ampliar proteção para refugiados e apátridas. Disponível em: www.acnur.org. Acesso em 15 Novembro 2010.
- ANDRADE, J.H.F. Direito Internacional dos Refugiados: evolução histórica (1921-1952). Rio de Janeiro: Renovar, 1996.
- BAENINGER, R. & BERTINO, J. (2010). A integração local de refugiados no Brasil. *Forced Migration Review*. v.35
- BARRETO, L. P. Da diferença entre os institutos do refúgio e dos asilo, 2005 Available at: www.migrante.org.br. Accessed 17 Feb 2006.
- BARRETO, Luiz Paulo (2005). Das diferenças entre os institutos jurídicos do asilo e do refúgio. Disponível em: www.migrante.org.br/Asilo%20e%20Refugio%20diferencas.doc. Acesso em: 20 Novembro 2010.
- COMITÊ INTERNACIONAL DA CRUZ VERMELHA (ICRC). O que é o Direito Internacional Humanitário?. Disponível em: www.icrc.org. Acesso em: 20 Novembro 2010.
- CUNLIFFE, A. The Refugee Crisis: a study of UNHCR. *Political Studies*, v.43, n.2, p.278-290, jun.1995.
- DONNELLY, Jack (2003). *International Human Rights in Theory and in Practice*. Ithaca: Cornell University Press.
- DONNELLY, J. The social construction of international human rights. In: DUNNE, T.; WHEELER, N. (Eds.) *Human Rights in Global Politics*. Cambridge: Cambridge University Press, 2000, p.71-102.
- JUBILUT, Líliliana (2006). Refugee Law and Protection in Brazil: A Model in South America? *Journal of Refugee Studies*, 2006, v.19, n.1, pp.22-44.
- MOREIRA, Julia Bertino (2010). Redemocratização e Direitos Humanos: a política para Refugiados no Brasil. *Revista Brasileira de Política Internacional*. v.53, n.1.
- NYERS, P. *Rethinking Refugees*. New York: Routledge, 2005.
- PETRUS, M.R. Refugiados Congolezes no Rio de Janeiro e dinâmicas de integração local: das ações institucionais e políticas públicas aos recursos relacionais das redes sociais. PhD Dissertation, UFRJ, 2010. Available at: <http://objdig.ufrj.br/42/teses/758240.pdf> Accessed: 10 June 2012.
- PNUD (2009). "Brasileiro apoia restrições a imigração". Disponível em: <http://www.pnud.org.br/cidadania/reportagens/index.php?id01=3323&lay=cid>. Acesso em: 20 Novembro 2010.
- RAE, H. *State Identities and the Homogenisations of Peoples*. Port Chester: Cambridge University Press, 2002.
- SOGUK, N. *States and strangers: refugees and displacements of statecraft*. Minneapolis: University of Minnesota Press, 1999.
- UNDP. *Human Development Report Overcoming barriers: human mobility and development*. New York: Palgrave, 2009.
- UNHCR . *Progress Report on Resettlement 2010*. Available at: <http://www.unhcr.org/4c0526409.html>. Accessed 23 May 2011.
- UNHCR. *The State of the World's Refugees: fifty years of humanitarian action*. Oxford: Oxford University Press, 2000.

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