Open Letter to the President of the Chamber of Deputies of the Brazilian National Congress Mr. Henrique Eduardo Alves

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Dear Mr. Henrique Eduardo Alves;

We write to express our strong concern regarding the election of Mr. Marco Feliciano as president of the Human Rights and Minorities Commission (HRMC) of the Brazilian Chamber of Deputies (Chamber of Deputies) on March 7, 2013. The HRMC performs activities that are essential for the protection of human rights and the equality of minorities in Brazil. Mr. Feliciano, however, has frequently made public anti-gay and racist declarations that conflict with those vital activities. For this reason, we respectfully request you to verify that Mr. Feliciano’s personal beliefs will not endanger human rights and equality for minorities in Brazil.

The HRMC, as part of one of the highest legislative authorities in Brazil, has the power to safeguard human rights and ensure equal treatment of minorities in the country. In so doing, the HRMC helps ensure that Brazil honors its international human rights commitments, in particular the Joint Statement on Ending Acts of Violence Related Human Rights Violations Based on Sexual Orientation and Gender Identity and the International Convention on the Elimination of all Forms of Racial Discrimination.

In light of the great importance of the HRMC, we are disappointed that its recently elected President appears not to share the dedication to human rights that the Brazilian government has so often demonstrated. Brazil was, for example, one of the first countries to encourage the debate regarding sexual orientation matters in the United Nations, when it presented the Brazilian Resolution to the Economic and Social Council of the United Nations in 2003.

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1 Sections 44 and 45 of the Constitution of the Federative Republic of Brazil, dated October 5, 1988, establish the Chamber of Deputies as the house representing the Brazilian people in the Brazilian Congress—the other house, the Brazilian Senate, represents the Brazilian states.
2 Section 32 (VII) of the Internal Rules of the Chamber of Deputies, approved by Resolution No. 17, dated September 21, 1989.
That being said, Brazilian and international media have reported that Mr. Feliciano has regularly made public anti-gay and racist declarations. For example, it was reported that Mr. Feliciano declared that “the degradation of homosexual feelings lead to hate, crime and rejection” and that “Africans descend from cursed ancestors,” among other prejudiced declarations. We cannot comprehend how the HRMC will properly protect the rights of lesbian, gay, bisexual, and transgender (LGBT) Brazilian individuals and Brazilians of African descent if led by a president with such a prejudiced viewpoint.

Moreover, Mr. Feliciano has decided to conduct the meetings of the HRMC behind closed doors—a step unprecedented since Brazil’s move to democracy—which threatens the fairness and transparency of the human rights and minority legislative process in Brazil. The São Paulo Office of the Brazilian Bar Association has affirmed that “[t]his restriction indicates obscure and arbitrary times of our political history, when human rights could only be discussed behind closed doors.” The São Paulo Brazilian Bar Association also stated that it is not clear “the reasons that lead the Federal Chamber to defend a congressman with no involvement in the human rights field.”

Further, the selection of a biased president for the HRMC sends the wrong message to the international community, particularly at the moment in which Brazil has recently been elected for the United Nations Human Rights Council. That election carries serious obligations: “members elected to the Council shall uphold the highest standards in the promotion and protection of human rights . . . and be reviewed under the universal periodic review mechanism.”

Consistent with this idea, the United Nations High Commissioner for Human Rights has affirmed that “failure by State authorities to investigate and punish . . . [hate-motivated violence against LGBT people] . . . is a breach of States’ obligation to protect everyone’s right to life, liberty and security of person, as guaranteed by article 3 of the Universal Declaration of Human Rights and articles 6 and 9 of the International Covenant on Civil and Political Rights.”

Additionally, the Organization of American States “encourage[s] the member states to consider . . . adopting public policies against discrimination by reason of sexual orientation and gender identity” and, as a member state, Brazil should be attentive to such recommendation.
It appears, however, that Mr. Feliciano’s role in the HRMC is specifically to jeopardize certain human rights and minority laws, particularly in regard to LGBT rights. Mr. Feliciano’s position is especially troubling given the fact that Brazil has made laudable progress in recent years towards protecting human rights and ensuring equality for minorities, including LGBT individuals. This remarkable movement is threatened by the election of a President of HRMC who has publicly made such prejudiced statements.

The world is witnessing a historic moment with regard to the human rights of LGBT people. As Brazil’s neighbors move forward against discrimination on the basis of sexual orientation and gender identity—for example, by considering the legalization of same-sex marriage—Brazil should not move backwards. Brazilian authorities should not tolerate even the slightest suspicion that the figure it has tasked with protecting human rights and minorities actually holds the very beliefs he is supposed to protect against. We are concerned that a country as tolerant as Brazil has positioned itself to take a step back on human rights and minority issues.

In light of the potential adverse implications of the election of Mr. Feliciano, we respectfully urge you to direct the Brazilian National Congress to initiate an in-depth investigation of all activities performed by him as HRMC President and to supervise any future conduct by him in this capacity to ensure that his personal beliefs will not impair human rights or minority safeguards in Brazil. Further, we urge you to assure transparency in the protection of human rights and minorities in Brazil by making any conclusion on such investigations and/or monitoring available to the public, as well as by not permitting meetings of HRMC to be held behind closed doors. Finally, we urge you to take any additional legislative steps necessary to ensure adequate protection for human rights and minorities in Brazil.

Sincerely,

Columbia Law School
Sexuality and Gender Law Clinic

Cornell Law School
Advocacy for LGBT Communities Clinic

University of Miami School of Law
Human Rights Clinic