

INTERNATIONAL TREATIES

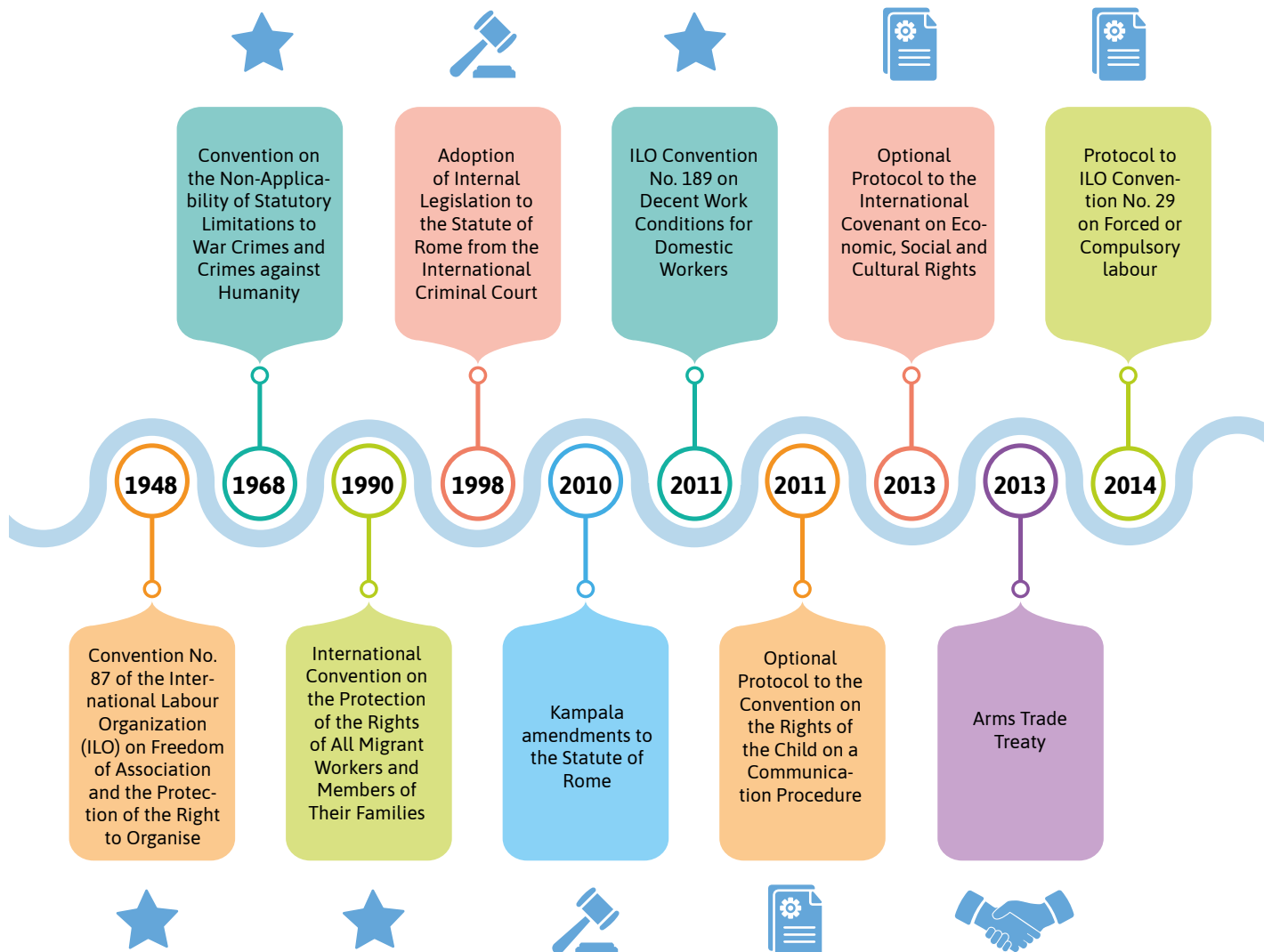
PARLIAMENTARY OBSERVATORY OF THE UNIVERSAL PERIODIC REVIEW¹

23 RECOMMENDATIONS ON INTERNATIONAL TREATIES AND BRAZIL'S RELATIONSHIP WITH THE INTERNATIONAL HUMAN RIGHTS COMMUNITY



Note: some recommendations were divided into two parts, and each may have different progress levels.

10 INSTRUMENTS ENCOMPASS THESE RECOMMENDATIONS



¹ The Observatory is a government mechanism to monitor the effectiveness of the recommendations made to Brazil in order to improve our human rights situation. It is a partnership between the House of Representatives and the United Nations High Commissioner for Human Rights.



 Adoção	 Situação	 Observações
---	---	--

1

Convention 87 of the International Labour Organization (ILO) on Freedom of Association and Protection of the Right to Organise	1948 ILO General Conference	The matter is being processed in the Federal Senate – Legislative Bill No. 16/1984. Latest significant development: presentation of a report in 2015, positioning itself in rejection to the convention. In 2019, there was a request for a public hearing to further discuss the matter.	The topic divides unions and trade union centers and finds bottlenecks in item II of art. 8 of the Federal Constitution, which establishes union unity based on territory.
---	--------------------------------	---	--

2

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	1968 UN General Assembly in the context of impacts from World War II	The treaty entered into force internationally on 11 November 1970. Brazil has not yet ratified it and is not even a signatory.	The treaty has 55 State Parties.
---	---	--	----------------------------------

3

International Convention on the Protection of Rights of All Migrant Workers and Members of their Families	1990 General Assembly of the United Nations	In 2015, the presidency of the House of Representatives created a Special Committee to analyse the matter, but the legislature ended without its installation. In 2019, the Executive Branch declared that, with the new Migration Law (Law No. 13.445/2017), the full content of the treaty had already been incorporated into the Brazilian legal system. In 2021, after the public hearing with the Observatory to address the issue, Congressman Carlos Veras, (PT-PE) again requested that a Special Committee be created.	The matters addressed by the Law constitute a scope of protection related to – but do not include the entirety of– the provisions of the international agreement. This means that the whole content of the treaty was not included in the Brazilian legal system, therefore, the need for ratification remains.
--	--	--	---

4

Adoption of Internal Legislation On the Statute of Rome the international Criminal Court

1998
United Nations Organization

Brazil ratified and internalized the statute through Decree No. 4.388/2002, but internal legislation was not adapted. The Executive Branch, in 2008, sent to Congress Bill No. 4,038/2008, which has been ready to be voted on in the Plenary of the House of Representatives since 2012, however no progress in this sense has been made.

The Statute of Rome of the International Criminal Court has 123 State Parties.

5

Kampala amendments to the Statute of Rome

2010
Conference to revise the Statute of Rome (Kampala/Uganda)

Brazil has ratified it. The Explanatory Memorandum on the subject is "under analysis" by the Ministry of Foreign Affairs.

39 States Parties have ratified the Kampala Amendments.

6

Convention N°. 189 of the ILO on the Decent Work Conditions for Domestic Workers

2011
International Conference on International Labour Organization (ILO)

It was signed by the Brazilian State and sent to the National Congress in 2016. At the end of 2017, the National Congress approved the Convention through Legislative Decree No. 172/2017. However, the Executive Branch has not yet enacted and published the decree.

According to the Chief of Staff, there are no obstacles of merit for the approval of the Decree of Enactment. However, according to him, after the end of the mandate of the former president Michel Temer, "the Exhibition of Reasons has been returned to the proposing body", the Ministry of Foreign Affairs said that "since then It has not been resubmitted To the discretion of the President of Brazil".

7

Protocol to the Convention on the Rights of the Child on a Communication Procedure

2011
Assembleia geral das Nações Unidas

O Congresso Nacional aprovou o texto do Protocolo, convertendo-o no Decreto Legislativo no 85/2017. Até o momento, o Executivo não efetivou os atos de promulgação e de publicação do referido decreto.

Consideram-se em progresso as recomendações relativas a esse protocolo, diante da aprovação do texto e da não efetivação da promulgação e publicação do Decreto.

8

Protocol Facultative to the Covenant International on Rights Economic Social and Cultural Rights

2013
Assembleia geral das Nações Unidas

According to the Minister of Foreign Affairs, "the signing of the aforementioned international instrument continues to be discussed internally between the competent bodies and will be subject to a ratification process in due course."

Article 11 of the Optional Protocol also urges States to recognize the competence of the Committee for the investigation of complaints about serious and systematic violations of economic, social and cultural rights in the State Parties.

9

Arms Trade Treaty

2013
UN General
Assembly

The instrument of ratification of the Brazilian State was deposited at the UN General Secretariat in August 2018. In November of the same year, the agreement came into force for Brazil and internationally.

After ratification, there was progress in national legislation on the subject with the replacement of the National Export Policy for Military Use Material by the National Policy for the Export and Import of Defense Products (regulated in Decree No. 9,607/2018), which contemplates several principles of the treaty.

10

Protocol to Convention No. 29 of the International Labour Organization (ILO) on Forced or Compulsory Labour

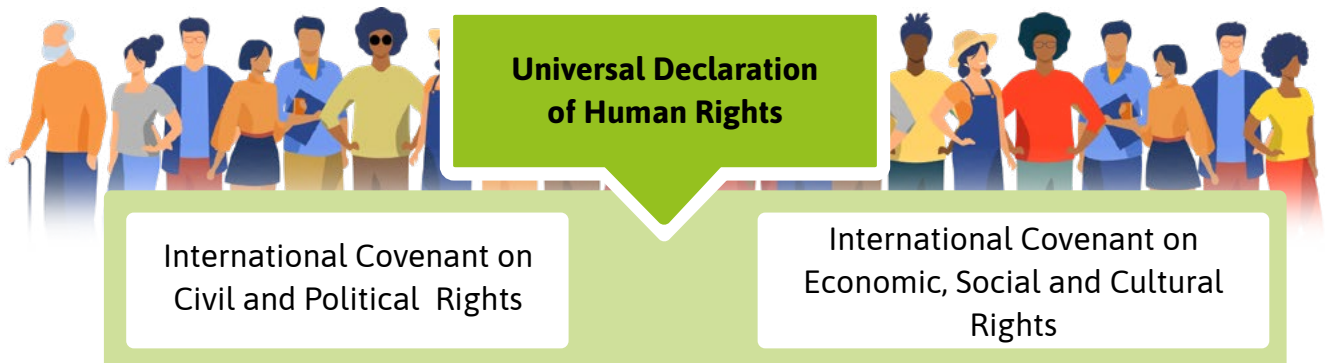
2014
International
Labour Conference

The protocol has not yet been signed by the Brazilian State.

The Minister of Foreign Affairs informed that the subject is under analysis by the ministries involved (Ric No. 1.570/2020).

Note: the information in this table was confirmed until the publication of the final report of the Parliamentary Observatory of the Universal Periodic Review on International Treaties.

OVERVIEW OF INTERNATIONAL HUMAN RIGHTS TREATIES



SPECIFIC PHENOMENA

International Convention on the Elimination of All Forms of Racial Discrimination

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on Forced Disappearance

SPECIFIC GROUPS

International Convention on the Elimination of All Forms of Discrimination against Women

Convention on the Rights of Children

Convention on the Rights of Migrant Workers and Members of Their Families

Convention on the Rights of Persons with Disabilities



LEARN MORE

Full report - International Treaties

- [Public hearing on 28/5/2021](#)
- [Report on the hearing](#)
- [Parliamentary Observatory of the Universal Periodic Review](#)