

MISSION OF  
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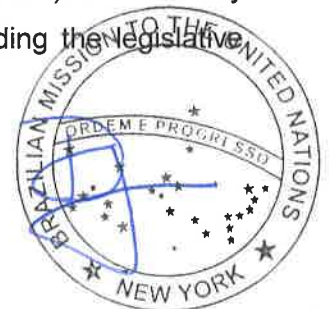
The Permanent Mission of Brazil to the United Nations has the honor to refer to the letter by the Secretary-General of the United Nations regarding the "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims in armed conflicts" (LA/COD/2/1) and, in accordance with General Assembly Resolution 71/144 of 13 December 2016, has the honor of submitting the following information:

**1. Participation in Treaties related to International Humanitarian Law (IHL)**

Brazil is a party to all the main instruments in international humanitarian law, including the four Geneva Conventions and the Additional Protocols.

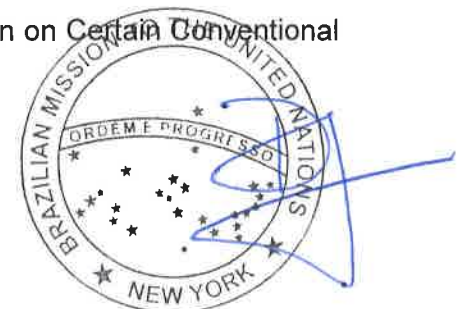
Brazil was one of the proponents of the General Assembly resolution that culminated in the adoption of the Treaty on the Prohibition of Nuclear Weapons. It has participated actively in the negotiation of the treaty, being the first state to sign it, in September 2017. It has also initiated its internal procedures for ratification.

Brazil has taken significant steps in the ratification of the Arms Trade Treaty (ATT). On February 8th 2018, the Brazilian Senate approved the Bill on the ATT, thus concluding the legislative procedures for its ratification.



List of treaties related to IHL to which Brazil is a party:

- I-IV Geneva Conventions of 1949 (since 29/06/1957);
- Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of International Armed Conflicts (since 05/05/1992);
- Declaration recognizing the competence of the International Fact-Finding Commission provided for in Article 90 AP I (since 23/11/1993);
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977 (since 05/05/1992);
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (since 28/08/2009);
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (since 08/03/2004);
- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (since 12/09/1958);
- Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict (since 12/09/1958);
- Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (23.09.2005);
- Convention on the prohibition of military or any hostile use of environmental modification techniques (since 12/10/1984);
- Rome Statute of the International Criminal Court (since 20/06/2002);
- Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva (since 28/08/1970);
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (since 27/02/1973);
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (with Protocols I, II and III) (since 03/10/1995);
- Protocol IV on Blinding Laser Weapons of the 1980 Convention on Certain Conventional Weapons (since 04/10/1999);



- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (since 04/10/1999);
- Protocol V to the Convention of 1980 on Weapons and Explosive Remnants of War (since 30/11/2010);
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (since 13/03/1996);
- Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (since 30/04/1999);
- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – Treaty of Tlatelolco (since 29/01/1968).

## **2. International support**

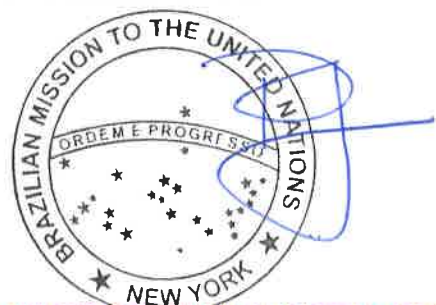
Brazil participated actively in the 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent in 2015. Since then, it has engaged constructively in the intergovernmental process aimed at strengthening compliance with IHL.

## **3. National Implementation**

### **3.1 Dissemination**

The Brazilian government has endeavored to disseminate and implement IHL related instruments through the activities of its National Committee on International Humanitarian Law.

Founded by a decree of 27 November 2003, the Brazilian National Committee has representatives of the Ministries of Foreign Affairs, Defense, Justice, Health, Education, Culture and Human Rights, as well as a member from the Office of the President. Representatives from the Federal Senate, the Chamber of Deputies, the International Committee of the Red Cross and the Brazilian Red Cross are also invited to participate in the Committee. The Ministry of Foreign Affairs coordinates the activities of the Brazilian National Committee on IHL.



The Ministry of Foreign Affairs convenes the meetings of the National Committee, generally every three or four months. The meetings cover issues related to education on IHL, protection of cultural property in armed conflicts, monitoring of pending draft bills on IHL matters, health and IHL, protection of the emblems, among others.

The National Committee has been very active, with the creation of several subcommittees aimed at implementing specific areas of IHL. More recently (March 2018), it created the "Subcommittee on New Technologies of War", whose objective is to gather and disseminate information that may contribute to internal and international debates on the compatibility of new technologies with international law, particularly IHL and international human rights law.

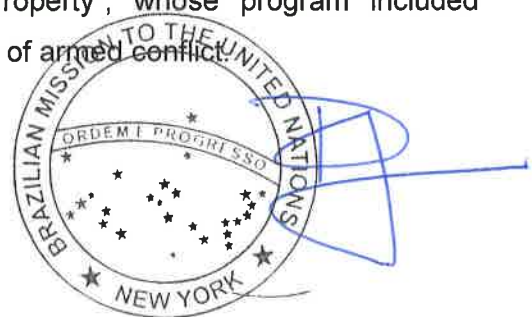
Representatives from the National Committee participated in several international events organized by the ICRC, including the Universal Meeting of National Committees, the Conference of States on IHL Compliance and Detention in NIAC in Geneva, and the meetings "IHL and Weapons" and "Forum of the Montreux document ", in San José, Costa Rica.

### **3.2 Protection of the emblems**

On December 8, 2017, the Commission on Foreign Relations and National Defense and the Commission on the Constitution, Justice and Citizenship of the Brazilian Chamber of Deputies approved a Bill on the use and protection of the emblem of the Red Cross, Red Crescent and Red Crystal. The text will now proceed to the Plenary of the Chamber of Deputies before moving to the Brazilian Senate. The draft law benefited from inputs from the International Committee of the Red Cross, and is fully in compliance with international law, particularly IHL norms.

### **3.3. Protection of cultural property**

There has been a fruitful cooperation between the National Committee on IHL and the Ministry of Culture, with frequent exchange of information about measures taken on the protection of cultural property and its relation to IHL. - In September 2017, the Ministry of Culture organized the workshop "Fighting the Illicit Traffic of Cultural Property", whose program included presentations on protection of cultural property in situations of armed conflict.



The National Committee also created a Subcommittee aimed at developing further measures to implement The Hague Convention for the Protection of Cultural Property (1954) and related instruments.

### 3.4 Penal repression

Following the ratification of the Rome Statute of the International Criminal Court, Brazil has initiated the process for its implementation. An expert working group prepared a draft bill that, among others, incorporates into Brazilian penal legislation the definitions of genocide, crimes against humanity and war crimes. The Bill, which is currently under consideration in Congress, defines war crimes as presented in the Geneva Conventions of 1949, its Additional Protocol I and Article 8 of the Rome Statute. The Brazilian National Committee on IHL has been monitoring the legislative procedures to adopt the implementing law.

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