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## TERMO ADITIVO

IOM office-specific Ref. No.:	
IOM Project Code:	BRA/LCOO/MB0093/2023 (Amendment)

### **1<sup>st</sup> Amendment to the Technical Cooperation Agreement between the International Organization for Migration and the National Council of Justice**

The **International Organization for Migration** (“**IOM**”), a related organization of the United Nations, and **the National Council of Justice** (“**CNJ**”) (also individually referred to as a “**Party**” and collectively as the “**Parties**”) have entered into a Technical Cooperation Agreement signed on September 14<sup>th</sup>, 2021 (hereinafter the “**Agreement**”).

The Parties now seek to amend the Agreement as follows:

1. Annex I.A (Revised Annex for areas of cooperation related to Amendment No. 1) is added to the Agreement. Annex I.A shall enter into force from the date of this Amendment. Annex I.A is an integral part of the Agreement.
2. The last paragraph of Article XV of the Agreement is deleted and replaced with the following:  
“This Agreement will remain in force for 60 months from the date of its entry into force.”
3. This Amendment Agreement is valid on the date of the last signature of the Parties.
4. The extract of this instrument will be published in the Official Gazette of the Union, by the CNJ, in accordance with the understanding of the Federal Court of Accounts expressed in Judgment No. 911/2019 – Plenary.
5. The Parties recognize that in case of discrepancies between the terms and conditions of the Agreement, as amended through the present Amendment No. 1, and the terms and conditions of the Annex of the Agreement and/or its Amendment, the terms and conditions of the Agreement, as amended by the present Amendment No. 1, shall prevail.
6. The remaining clauses of the Technical Cooperation Agreement remain unchanged to the

extent that they do not conflict with the present provision.

7. Nothing in or relating to this Amendment or the Agreement shall be deemed a waiver, express or implied, of any of the privileges and immunities of the International Organization for Migration as an intergovernmental organization.

Both parties, in full agreement, hereby sign this Addendum for all intents and purposes.

*For and on behalf of*  
The International Organization for  
Migration

Signature

*For and on behalf of*  
The National Council of Justice

Signature

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Stéphane Rostiaux  
Chief of Mission  
Date: 13 September 2023  
Brasília, DF, Brazil

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Name: Rosa Weber  
Position: President of CNJ  
Date: 13 September 2023  
Place: Brasília, DF, Brazil

## **ANNEX I.A**

### **REVISED ANNEX FOR AREAS OF COOPERATION RELATED TO AMENDMENT No. 1**

COOPERATION AGREEMENT BETWEEN THE NATIONAL COUNCIL OF JUSTICE (CNJ) AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM) IN BRAZIL.

#### **1.OBJECT OF THE WORKING PLAN**

Contribute to strengthening the capacity of the justice system to prevent and prosecute situations of human trafficking and related crimes in Brazil, guaranteeing and protecting the rights of victims of trafficking of vulnerable people, through the expansion of knowledge, the consolidation of capacities and the expansion of coordination between the actors in the justice system on the issue of combating trafficking and related crimes. Additionally, it aims to strengthen cooperation actions between IOM and CNJ in areas of mutual interest.

#### **2.DIAGNOSTIC**

Brazil has made significant efforts to tackle human trafficking. In 2016, Law 13,344 was passed, defining the term “human trafficking” according to international standards

established by the Palermo Protocol. The new Migration Law, Law 13.345, of May 24, 2017, included the smuggling of migrants for the first time in Brazilian law and in the penal code.

Nevertheless, cases of human trafficking, both in Brazil and abroad, as well as trafficking of migrants in Brazil, remain underreported and are often mistakenly classified as other crimes.

Law enforcement authorities generally do not have enough budget, experience or human resources to identify, investigate and prosecute cases of trafficking and smuggling of migrants, especially compared to the resources provided for other transnational crimes. Therefore, despite the relevant legal changes in recent years, human trafficking and related crimes are still topics that are little explored by the legal system in Brazil.

Consistent data on these crimes are difficult to collect due to the use of different databases at the federal and state levels that makes it difficult to obtain a comprehensive assessment. Many human trafficking crimes remain underreported, without trial or prosecuted under different legal rules. Trafficking situations are often not reported or, in some situations, classified by the police as other related crimes.

### 3. COVERAGE

The cooperation resulting from this Agreement will cover the federal, state and labour courts of the Judiciary.

### 4. JUSTIFICATION

IOM promotes capacity building activities of governments, civil society organizations, international organizations and the private sector to combat human trafficking. This includes support to train actors, strengthen policies and procedures to facilitate the identification, referral, protection and assistance to victims of trafficking in persons.

The CNJ's mission is to develop judicial policies that promote the effectiveness and unity of the Judiciary, oriented towards the values of justice and social peace. It is also responsible for developing and coordinating legal programs in areas of national interest, including human rights.

The action and articulation by the judicial system in combating human trafficking is, therefore, fundamental to prevent and prosecute human trafficking and related crimes successfully. The main actors in these areas include the Federal Prosecution Service, Office of the Public Defender, the federal, state and local police, local and state authorities and NGOs that provide direct assistance to victims.

That said, the key to strengthening the Government of Brazil's capacity to deal with human trafficking and related crimes is increasing knowledge and coordination among relevant actors. IOM Brazil has led local efforts to establish reference protocols. The articulation between local actors, who know the specific needs and the existing capacity of the actors in the field, is essential to identify issues that require central authorities to mobilize resources to improve the processes of crime prevention, protection of victims and penalization of criminals.

Furthermore, IOM and CNJ have already established a fruitful agreement in 2021 that resulted in several concrete results such as: needs assessment on the ruling of cases on international trafficking in persons, compilation of international and national legislation on trafficking in persons and related crimes, trainings for federal, state and labour judges and a national

prevention campaign. Hence, aiming to perpetuate the achieved results, the parties seek to amend the existing cooperation agreement to an extended period of time.

The project is in line with the current policy of the CNJ to disseminate the SDG Agenda 2030 in the Judiciary. The CNJ launched an ambitious plan to integrate the SDGs into the daily work of the Justice System. Supporting the strengthening of the Justice System would leverage the implementation of the following SDGs: Goal 5.2 (eliminate violence against women, including trafficking and sexual exploitation); Goal 8.7 (take immediate action to eradicate forced labor and end modern slavery and human trafficking); and Goal 16.2 (end of trafficking, violence and torture against children). In addition, it contributes to the application of the Palermo Protocol on TIP.

## 5.MAIN GOAL

Strengthen cooperation between the IOM and the CNJ in areas of common interest, especially in the production of knowledge and capacity building on issues related to tackling trafficking and related issues.

## 6.SPECIFIC GOALS

Without prejudice to cooperation in additional areas, within their respective mandates and depending on the availability of resources, IOM and CNJ agree to consider the following areas for cooperation:

Implementation of capacity building initiatives aimed at improving knowledge, by federal, labour and state judges, on laws and policies on human trafficking, smuggling of migrants, labour exploitation and other related topics;

Initiatives to combat trafficking, focusing on members of the judiciary and their beneficiaries;

Promotion of consultations between CNJ and IOM on matters of common interest;

Promotion of research, generation and sharing of data and preparation of guides for specific situations to combat trafficking;

Sharing relevant information for the development of activities in partnership between IOM and CNJ;

## 7.INTERVENTION METHODOLOGY

Articulated action between the CNJ and the IOM in order to enable more efficient and effective strategies and actions through:

- a) Periodic meetings to coordinate joint interventions;
- b) Promotion and periodic sharing of information and data between the IOM and the CNJ, respecting the principles of data confidentiality and protection of victims;
- c) Training activities and information dissemination actions;
- d) Active participation in the implementation of the project “Strengthening the capacities of the justice system” in coordination with others participating actors.

## 7.1. PERIODIC MEETINGS FOR THE COORDINATION OF JOINT INTERVENTIONS

Participation in periodic meetings with the purpose of planning and monitoring the execution of the actions object of this agreement, as well as accompanying each other in meetings with other actors on the matters pertinent to this Agreement, with the purpose of producing consensus on the performance of IOM and the CNJ, in relation to the issue of fighting human trafficking.

## 7.2 INFORMATION PRODUCTION AND SHARING

Activities aimed at expanding and reducing bureaucratization of access to information available in the CNJ and IOM systems, specifically those focused on policies and actions that involve the protection of victims of trafficking, allowing greater agility in obtaining information that can be shared. To this end, representatives will be appointed to discuss the operationalization and the flows and mechanisms to be used for the exchange of information between the bodies.

## 7.3. TRAINING ACTIVITIES AND DISSEMINATION ACTIONS

Carry out activities aimed at training actors in the justice system and other actors dealing with the fight against human trafficking, such as defining training topics, surveying related content, disseminating technical materials, among others.

### WORKING PLAN

<b>Goals</b>	<b>Stage</b>	<b>Responsible</b>	<b>Timeline</b>
Enhance capacity of judges on prosecuting cases of human trafficking	Organize training for judges on human trafficking cases	IOM/CNJ	06 months after the Amendment approval
Presentation of the results from the workshop on evidence production in human trafficking cases	Present the results from the workshop in a document and in a debate for relevant stakeholders	IOM/CNJ	06 months after the Amendment approval

## 8.EXPECTED RESULTS

The Technical Cooperation Agreement is expected to reach the following goals:

- a) Better integration between CNJ's policies and actions and IOM's programs and projects;
- b) Development and implementation of capacity building activities for actors in the judicial system;

- c ) Generation and sharing of qualitative and quantitative data related to criminal prosecutions of human trafficking;
- d) Development of mechanisms and technical guidelines for actors in the judicial system to combat human trafficking and related crimes.



Documento assinado eletronicamente por **ROSA MARIA PIRES WEBER, PRESIDENTE**, em 27/09/2023, às 10:58, conforme art. 1º, §2º, III, "b", da Lei 11.419/2006.



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