

International Human Rights Treaties - Brazil

UN Treaties¹

Ratification status for Brazil

Treaty	Signature date	Ratification date, Accession (a) date
CAT – Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	9/23/1985	9/28/1989
CAT-OP – Optional Protocol of the Convention against Torture	10/13/2003	1/12/2007
CCPR – International Covenant on Civil and Political Rights		1/24/1992 (a)
CCPR-OP2-DP – Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		9/25/2009 (a)
CED – Convention for the Protection of All Persons from Enforced Disappearance	2/6/2007	11/29/2010
CEDAW – Convention on the Elimination of All Forms of Discrimination against Women	3/31/1981	2/1/1984
CERD – International Convention on the Elimination of All Forms of Racial Discrimination	3/7/1966	3/27/1968
CESCR – International Covenant on Economic, Social and Cultural Rights		1/24/1992 (a)
CMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		
CRC – Convention on the Rights of the Child	1/26/1990	9/24/1990
CRC-OP-AC – Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	9/6/2000	1/27/2004
CRC-OP-SC – Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	9/6/2000	1/27/2004
CRPD – Convention on the Rights of Persons with Disabilities	3/30/2007	8/1/2008

Reservations

CCPR-OP2-DP²

Reservation:

... with an express reservation to article 2.

¹ Information taken from

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=24&Lang=EN.

² See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&clang=en.

CEDAW³

Upon signature and ratification, the Government of Brazil made, and confirmed, respectively, the following reservation:

"The Government of the Federative Republic of Brazil hereby expresses its reservations to article 15, paragraph 4 and to article 16, paragraphs 1 (a), (c), (g) and (h) of the Convention on the Elimination of All Forms of Discrimination Against Women.

"Furthermore, Brazil does not consider itself bound by article 29, paragraph 1, of the above-mentioned Convention."

On 20 December 1994, the Government of Brazil notified the Secretary-General that it had decided to withdraw the following reservation made upon signature and confirmed upon ratification:

"The Government of the Federative Republic of Brazil hereby expresses its reservations to article 15, paragraph 4 and to article 16, paragraphs 1 (a), (c), (g) and (h) of the Convention on the Elimination of All Forms of Discrimination Against Women."

OP-CRC-AC⁴

Declaration:

"With regard to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Brazilian Government declares that, according to article 143 of the Federal Constitution, military service is compulsory, as set forth by law. The Constitution also provides that it is within the competence of the Armed Forces, according to the law, to assign an alternative service to those who, in times of peace, after being enlisted, claim imperative of conscience. Women and clergymen are exempt from compulsory military service in times of peace, but are subject to other duties assigned by law.

According to the Military Service Act (Law no 4.375, of 17 August 1964), the obligation to military service, in times of peace, begins the 1st January of the year the citizen becomes 18 years old (article 5). Pursuant to the Regulation of the Military Service (Decree no 57.654, of 20 January 1966), citizens may freely present themselves to voluntary military service provided they have the minimum age of 16 years (article 41, paragraph 1 and article 49, paragraph 4).

However, their acceptance to voluntary military service is only possible from the 1st January of the year they become 17 years old (article 127). The acceptance of voluntaries to Military Service requires special authorization from the Armed Forces (Military Service Act, article 27).

Pursuant to the Regulation of the Military Service, the civil incapacity to act, to the purposes of military service, ends on the date the citizen becomes 17 years old. Voluntaries who, upon

³ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en.

⁴ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=en.

the act of incorporation or enrollment to the military service, have not yet completed 17 years old, must present written consent from parents or guardians (article 239)."

Acceptance of individual complaints procedures for Brazil

Treaty	Acceptance of individual complaints procedure	Date of acceptance
CAT, Art. 22 – Individual complaints procedure under the Convention against Torture	YES	6/26/2006
CCPR-OP1 – Optional Protocol to the International Covenant on Civil and Political Rights	YES	9/25/2009
CED, Art. 31 – Individual complaints procedure under the International Convention for the Protection of All Persons from Enforced Disappearance	NO	
CEDAW-OP – Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	YES	6/28/2002
CERD, Art. 14 – Individual complaints procedure under the International Convention on the Elimination of All Forms of Racial Discrimination	YES	6/17/2002
CESCR-OP – Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights	NO	
CMW, Art. 77 – Individual complaints procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	NO	
CRC-OP-IC – Optional Protocol to the Convention on the Rights of the Child	NO	
CRPD-OP – Optional Protocol to the Convention on the Rights of Persons with Disabilities	YES	8/1/2008

Regional Treaties

Ratification Status for Brazil⁵

Treaty	Signature date	Ratification date, Accession (a) date
American Convention on Human Rights (B-32)		7/9/1992 (a)
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (A-52)		8/8/1996 (a)
Protocol to the American Convention on Human Rights to Abolish the Death Penalty (A-53)	6/7/1994	7/31/1996
Inter-American Convention on the Forced Disappearance of Persons (A-60)	6/10/1994	7/26/2013
Inter-American Convention to Prevent and Punish Torture (A-51)	1/24/1986	6/9/1989
Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance (A-68)	6/6/2013	
Inter-American Convention Against All Forms of Discrimination and Intolerance (A-69)	6/6/2013	
Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities (A-65)	6/8/1999	7/17/2001
Inter-American Convention on the Granting of Civil Rights to Women (A-45)	5/2/1948	1/29/1952
Inter-American Convention on the Granting of Political Rights to Women (A-44)	5/2/1948	2/15/1950
Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (A-61)	6/9/1994	11/16/1995
Inter-American Convention on Protecting the Rights of Older Persons (A-70)	6/15/2015	

Recognition of jurisdiction

Court	Date of recognition	Applicable treaties
Inter-American Court of Human Rights	12/10/1998 ⁶	B-32, A-52, A-60

Applicable treaties indicate ones that contain an option for individuals to file petitions alleging violation of rights protected in the treaty.

⁵ See http://www.oas.org/dil/treaties_signatories_ratifications_subject.htm under "Human Rights" for links to all of the treaties mentioned here.

⁶ See http://www.oas.org/dil/treaties/B-32_American_Convention_on_Human_Rights_sign.htm.