

BRAZIL

CCPR SECOND OPTIONAL PROTOCOL

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

Reservation:

... with an express reservation to article 2.

OBJECTIONS MADE TO STATES PARTY'S RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the objections were made upon ratification, accession or succession)

Finland, 27 September 2010

With regard to the reservation made by Brazil upon accession:

“The Government of Finland welcomes the accession of Brazil to the Second Optional Protocol to the International Covenant on Civil and Political Rights, and has taken note of the reservation made by Brazil to Article 2 thereof upon accession.

The Government of Finland recalls that it is the object and purpose of the Second Optional Protocol to abolish the death penalty in all circumstances and reservations are, as a main rule, not admissible. This object of aiming at the complete abolition of the death penalty enjoys the full support of Finland. However, the Government observes that, in the light of the wording of Article 2(1), a reservation to the Protocol is allowed to the extent it concerns the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime. The acceptability of such a reservation requires that the State Party making the reservation communicates, at the time of ratification or accession, to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.

Accordingly, the Government of Finland would find the reservation made by Brazil acceptable, provided it meets the requirements set out in Article 2(1) and (2). According to information available to the Government, the applicable provisions of the national legislation of Brazil were not communicated to the Secretary-General at the time of accession. Therefore, the Government of Finland objects to the reservation. Should, to the contrary, Brazil have communicated the provisions to the Secretary-General pursuant to Article 2(2), this objection may be considered null and void.

This objection shall not preclude the entry into force of the Protocol between Brazil and Finland.

The Protocol will thus become operative between the two states without Brazil benefiting from its reservation."